

The Heart of Mediation

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Speaker's Notes

Each person's emotions, personality, and beliefs underlie their behavior, reactions, and interactions and are at the heart of a meaningful mediation experience. This session will explore the skills, techniques, and approaches that are available to the mediator for working with these dynamics.

I. Opening

A. What is the heart of mediation?

- Underneath the surface
- How do we go there?
- **My own journey down through the layers**
- Use what you can
- Discard the rest

B. Surface

- Stages & process parts
- Tools & techniques
- Heart is not there - It is deeper

C. Presentation

1. **What is Underneath**
2. **Tools**
3. **Summary**
4. **Speaking Notes & Slides**
5. **Your thoughts – What is the heart for you?**

II. My Evolution – *A Never Ending Journey*

A. Sitting Outside the Heart – Private Practice

1. 40-hour basic mediation training
2. Sandia Mediation
3. Family Mediation Limited
4. Solo practice in Granda Square office

B. Watch & Learn - Finding my way to the heart

1. Observe myself
2. Co-mediating debriefs with Laura Bassein in court
3. Co-training learning with Laura, Philip Crump, Susan Barnes Anderson, Sally Margolin, help from Anne Lightsey
4. ADR Symposium
5. Tim Reed

C. Heritage - Next Layer Down

- Settlement Facilitation (Evaluative) - reality check
- Community Mediation (Facilitative) - Needs, Interests, Emotions

D. Deeper - People in a Room

- John, Montgomery, *Great from the Start*
 - "Secrets of Silicon Valley"
 - "How Conscious Corporations Attract Success"
- Collective Organism
- **Keys**
 1. **Presence**
 2. **Behavior**
 3. **Interactions**

III. People in a Room Reframe

A. Mediation

- People in a room
- A collective organism

B. People Gathering in a Room

- Gathered to work on a conflict
- Strangers & the other side
- A newly formed group
- A new process

C. Individual Organisms

- Mental & physical state
- Emotions & mood
- thoughts & beliefs
- Culture
- Values
- Physiology
- Temperament & demeanor
- Outward appearance
- Inner world
- Manner of speaking & acting
- Personality
- Style of thinking & reasoning

D. What Will Happen in the Room

- Interactions with others
- Reactions within oneself

E. Collective Organism

- Group dynamics
- Group personality
- Group hierarchy & roles
- Group decision making style
- Group values
- **You are part of the group - a player just like everyone else**

F. Deeper - Individual Inner Worlds

- Sea of Emotions
- Whirlwind of Thoughts

G. Inner World of Isolation

- **Demonstrate Gesture**
- Alone with self only
- Most information is self-generated
- Assuming the worst
- Confirmation bias
- Self-justification
- A negative world view

IV. Connecting

A. What Has Happened Before

- No one listens to me
- I am discounted
- I am treated as the enemy
- I have to protect myself from a hostile environment

B. Reach Out to Their Inner World

- With interest, concern, and wanting to understand
- Offer safety, respect, non-judgement, acceptance
- Connect with their inner world
- Do not be fooled by how they appear to you
- **You have no idea**

C. Build Bridge of Safety, Interest & Respect -> Trust

- Safe enough to venture out
- Accepted enough to feel safe enough to be open
- To trust mediator enough
- Feel accepted with authentic empathy & interest

D. Aspiration

- Someone who is actually interested in their world
- What they feel, think, believe
- Maybe – safe enough to peak out from their closed world

IV. Tools

A. Intention

- To build safety & connection

B. What You Can Work With

- Presence
- Behavior
- Interactions
- Tools

C. KEY Presence in the Room

- Tone & temperament
- Body language & posture
- Energy & mood
- Facial expression & gestures
- Tone & pace of speaking voice
- Attitude
- **NEW -> Co-regulate**

D. KEY Behavior in the Room

- Words
- Gestures & body Language
- Verbal Interactions
- Writing (flip chart, blackboard, paper)

E. KEY Interactions in the Room

- Questions & comments
- Reactions & responses
- How lead conversation
- How lead process
- How react to each party
- How to balance parties

F. Tools - To Build Safety & Connection

1. Art of Listening
2. Looping
3. Tell More

G. Art of Listening

H. Looping

- What is it?
- **Slides**

VI. Summary

A. Open Yourself

- Your Presence, Behavior, Interactions
- Your open mind - assume nothing
- Your open heart - find a place for everyone
- Your comfort working with heat
- Your calm patience
- Your authentic interest to understand with acceptance, respect & without-judgment

B. Reach Out to Others

- Offer
 - Authentic Interest to Understand
 - Acceptance & Respect
 - Safety, not fear
 - A safe working environment
- An Opportunity for an Open Discussion, based upon
 - Being Heard by Others
 - Listening to Understand Others
 - An open, flexible, creative state of mind

C. Being In the Heart of Mediation

- Intentional Awareness of Multiple Layers of Mediation
- You are:
 - A member of the collective organism
 - As well as the mediator
- The multi-layered dynamics are always changing.

D. Words from Susan Barnes-Anderson SLIDE

Be yourself. Be authentic.

Your job is to support them throughout the process.

Don't be afraid of making mistakes. Be mindful and present. Own 'em when they happen.

Adjust your style of communication for who is in the room and what is happening.

If you're practicing items 1, 2 and 3, #4 will come more naturally with practice.

E. Story from Mark Bennett by David Foster Wallace

Old Fish swimming in the Ocean

Approaches two young fish

- How is the water, boys?

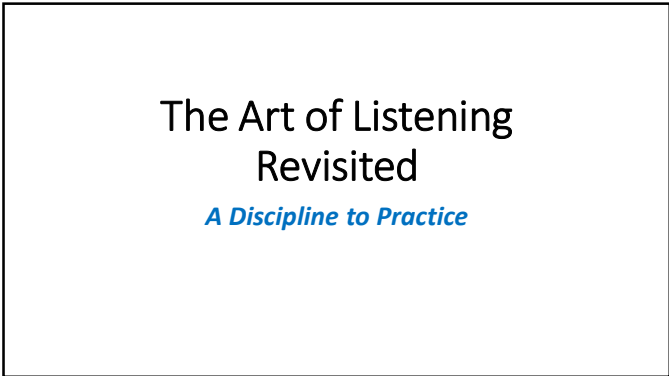
Youngsters silent

Youngsters swim by

- What water?

F. Acknowledgements – People in the Heart

❖ Mary Jo



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What Happened?

1. What reaction did you have?

2. What factual content did you hear?

3. What tone did you hear?

4. What emotion(s) did you hear?

5. What non-verbals did you observe?

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How to Listen

• Focus only on her.

• Empty your mind.

• Drop everything else.

• Stop thinking.

• Make your mind only listen.

• Listen as if you will have to repeat everything.

➤ Practice the discipline of only listening.

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What Did She Say?

Write down
key words
and phrases.

I forgot!

Redo!

A photograph of a piece of lined paper with handwritten notes in cursive. The notes are organized into a list with underlined headings: 'Depends on who you are', 'gender', 'background', 'location - time', 'history', 'discovery', 'recent', 'what', 'top in a region', and 'bright eye about'.

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What She Said!

She said,

- ❖ "it depends... on people... on atmosphere... sometimes joyous... sometimes torment...
- ❖ godforsaken locations... let me out... what am I doing here... do shot any way... because in despair...
- ❖ people who really control themselves and can deliver whenever are brilliant...
- ❖ hardest thing to – trapped in trailer – come out all bright eyed and bushy tailed...
- ❖ it depends... whether jolly or not..."

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What Do I Listen For

1. Words
2. Tone
3. Emotions
4. Facts
5. Nonverbals
6. Essence - the heart of it

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I Try to Assume Nothing!

- ❖ I work to set aside my own biases, feelings, and thoughts, because
- ❖ My assumptions block my listening.

Be humble, own your ignorance - Kyle Harwood
Follow your curiosity - JoEllen Ransom
Slow it down - JoEllen Ransom

➤ Assume that you do not know anything!
➤ You have no idea!

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Bob Jahner

"...we cannot even completely know ourselves, much less completely know the person before us. We all play out our lives astride a fair amount of mystery.

We can offer human dignity to other persons by acknowledging that while we see them, we don't and can't know them entirely.

It is the awareness of 'not knowing' the other that allows room for respect and mutual dignity in our relationships.

This not knowing allows curiosity about the stranger and to know more about the stranger it is essential you ask questions and share life narrative.

The alternative to curiosity is the imposition of stereotype."

<https://thegooddecision.org/2022/08/22/the-feeling-of-being-object/>

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How Do I Check It Out?

Loop of Understanding
& Connection

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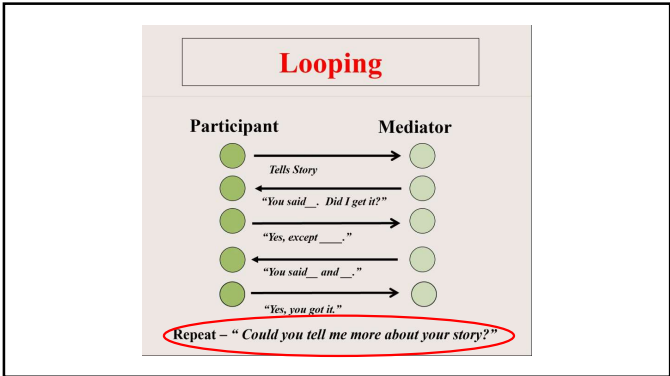
What Is Looping?

“You said X. Did I get it? Did I miss something?”

“Could you tell me more about X?”

“Tell me more” takes you deeper!

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How Long Do I Loop?

- ❖ Until I tune it in.
- ❖ Until I get it right.
- ❖ Until they experience my hard work to understand.
- ❖ Until they experience being heard.
- ❖ Until I become connected.

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Impact of Looping

I get it
They feel heard
We all feel connected

Understanding is clarified

Defenses can lower
Thinking can become **more open, creative & flexible**
Listening to another can become easier
Collaboration can happen

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Benefits of Parroting

- ❖ **Focuses** you on what actually said
- ❖ Repeating back **solidifies in your mind**
- ❖ **People hear you trying** and can help you
- ❖ **People hear themselves** and can correct
- ❖ **Bond of understanding**

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Discipline of Listening

Two Activities

- 1. To listen as if I will have to repeat everything, focuses the mind on only what is being said.
- 2. To repeat what is being said will lock it in my mind.

➤ Practice!

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Susan Barnes-Anderson

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