

Some differences between basic and advanced mediators are:

Basic mediators give *literal* summaries. Advanced mediators summarize for *themes*, using the summary statements to find new words, new metaphors to capture the issues.

Basic mediators tend to regard mediation as a bag of tricks which they employ to extract agreements from participants. They may feel comfortable doing the same thing each time out. Advanced mediators show more respect for the conflict and the issues. They feel that the circumstances of each mediation are different and require different responses from them. They put a lot of energy into figuring out what is uniquely required by the situation and each party. They recognize that part of their role is to bring a human and common touch to the proceedings, adding a humanity back into the process which has been a hostage taken by the conflict.

Basic mediators may think that it is all about them. They conduct mediator-centered conferences. I once counted how many times a mediator said "I" in an introduction and lost track after 93 times. They may be tempted by the authority available to mediators to *preside* over a case rather than providing a *vessel* for the parties' use. More skilled mediators conduct client-centered sessions, lifting up the participants and eliciting the best from them. Their strength comes from their humility and genuine respect for the parties.

Basic mediators are a little too impressed with their role. They make the judicial assumption that it automatically accords them respect. Skilled mediators recognize that they must earn the parties' respect and trust and are exquisitely attentive to their own conduct and to the clarity of their own speaking and listening.

Basic mediators may push parties too hard toward agreement. They may have no sense of touch or timing. This is especially not helpful in dealing with non-professional negotiators. An exquisite sense of timing and lightness of touch are hallmarks of more skilled mediators.

Basic mediators may spend a lot of time on the concrete aspects of the case. More skilled mediators realize that part of their task is eliciting parties' motives and working on the imponderables of the relationship. This is done by seeing part of your task as getting to know them and then reinforcing everything they say and do which moves them away from combatant poses and away from their framing of the conflict as if it were insoluble. The interventions which a mediator makes are often subtle and help people move from being cast as having flawed social identities and holding illegitimate positions to people who are legitimate with legitimate points of view.

Basic mediators often run a linear and literal process. More skilled mediators are attuned to shifts in tone and emphasis. They listen to what is unsaid. They shine a light on parties' best thinking. They open space for the participants to breathe and reexamine their stances toward each other and the issues rather than running them along a well worn track, the track being the mediator's preconceived idea of the way this mediation should develop.

Basic mediators bring their skills and analytical thinking to the table. Advanced mediators bring their whole selves to the table, including their hearts, spirit, intuition and humor.

Basic mediators may regard themselves as belonging to a school of thought regarding their mediation practice. Unfortunately this is encouraged by the VA Supreme Court at present. ACR has polled practitioners on this issue. The consensus of experienced mediators, with which I agree, is that there are unique circumstances in each mediation, requiring flexibility of approach from the mediator.

Basic mediators think they're doing well if they follow the messages they were given in their initial training. More skilled mediators have become reflective practitioners, who spend a lot of time trying to identify and learn from their errors.

Basic mediators are often conflict avoidant and consequently rush people too early toward agreement. More skilled mediators recognize that their ability to be comfortable with a full discussion and acknowledgement of the conflict is essentially part of the added value of mediation. It builds understanding, motivation and respect for everyone and the conflict itself.