

Mediation with the Focus on Communication

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Leaders should lead. Right? Communication delays action. Right? We meet just to meet. Right?

Mediation, with a focus on relational in balance with the transactional, can make both the mediator and the participants tinged with nervousness, uncertainty, resentment or fear. Digging one shade deeper, the participants may feel unprepared to speak on the topics, may be uncomfortable with, or resentful of, some of the individuals at the mediation, or believe that the mediation is a required formality until they get their day in court.

However, to continue to evolve to our true selves, we need to be fed and feed others with new ideas, inputs and insight. And therefore, the times we communicate – as listener and as talker – should be times to have this need met. Mediation is not a time to ‘get the other guy’ but a time for learning and evolving to a place where shared, positive, sustainable solutions can arise.

Communication needs to be a value at the center of all mediations. Participants have the right to be heard, to be part of the decisions that impact them, to disagree, and to be treated by others the way they want to be treated. Approaching mediation from the relational perspective first, allows us to see humanity and to realize that everyone in the conflict is each other’s mirror and reflect on ourselves.

If you believe in our mutual humanity and the ability to see each other as a reflection of our shared selves, then communicate as a listener and as a talker by engaging with those parts of others which are reflections of us – our commonness and not our differences. Those aspects which we share connect us to each other as family, as co-workers, as neighbors. This time of engagement, of communication, becomes a time to engage our other selves when we can accept our commonality and not be compelled to agree with different points of view. We find we are better able to express our truths without being attacked because we are asking, from our shared place, that our thoughts be appreciated, not approved. These truth-filled thoughts lead to greater transparency with each other, help us gain collective insight and input, and thereby allow the eventual resolution to be stronger. We can have more calm, certain and hope-filled communication because we started from our commonness, our common needs, and our common wants.

I would also suggest that valuing communication, starting from the relational not the transactional side of the engagement, will make you, as a mediator and as an attorney, stronger and better fit to be who you want to be. By being attuned to how others react to you and how you react to them, by taking time to engage and seek out from others what you need or want will provide you with the opportunity to trust your feelings and thoughts more, to be more transparent about what you feel and think, and better able to tell the world who you are and what you need without reservation.