

# Mediation Training Program

# Welcome!



# Welcome / Introduction of Trainers

- Timothy M. Linnehan, Esq.
  - ADR Coordinator for the Trial Court
  - Executive Office of the Trial Court
- Catarina Andrade, Chief Housing Specialist, Metro South Division
- Nnena Odim and Josh Hoch



# Housekeeping

- Start at 9:00 AM, end at 3:00 PM
- Stay hydrated and comfortable
- Break at 10:45 AM
- Lunch at 12:30 PM
- BIN
- Final Program Evaluation – Day 6
- [www.mwi.org/housing-resources](http://www.mwi.org/housing-resources)
  - Daily Agenda
  - Manuals
  - Role-Play



# Day 4: Mediation Training

- Welcome Introductions
- Review of Mid Training Evaluations
- Ladder of Inference
- The Art of Questions
- Mediation Skills Fishbowl: Positions to Interests to Options
- Best Practice Tips - Mediation Stories
- Role Play III
- Power and Culture in Mediation
- Bias in Mediation
- Neutrality - Poll
- Expert Remarks -Catarina Andrade, Chief Housing Specialist, Metro South Division



# Help

- Text Josh at 857-719-6642
- Doomsday, 712-775-8962, Conference Code: 681708



# Group Norms

- Confidentiality
- Nonjudgmental
- Participate
- Patience
- Try new (different) things
- Take risks
- Keep an open mind
- Learn from others
- Stay present
- Encourage others



# Introductions

- Name
- Something you love about your job?  
and/or
- One thing you want people to know about you?



# Coaches



Elise Ramos



Alnoor Maherali



Diana Chiang



Carol Kamm



# Mid Training Evals

## **What new knowledge and skills have you gained so far?**

- Mediating with intention. Slowing down.
- Useful phrases for difficult interactions
- Language to help put the parties at ease.
- I've become more self-aware
- To include engagement amongst the parties.
- Better opening/introduction
- How to constructively deal with pushback from parties.
- Note-taking ideas
- Role-plays helped me gain more confidence.
- Lots of mediation techniques - so many different styles I can use to adapt to my own personal style -



# Mid Training Evals

## **What new knowledge and skills have you gained so far?**

- Turn the question back to the parties
- Reality check when it's needed
- Rephrasing the negative feelings back to the parties but in a positive way.
- New language/phrases to use
- The idea of a BIN so that nothing gets forgotten.
- The importance of reframing and rephrasing
- Explaining confidentiality
- Allowing the parties to really drive the process
- Active listening



# Mid Training Evals

**Name 2-3 things you'd like to work on more during the rest of the training.**

- Being more informative during my opening statement.
- Solutions for difficult conversations or mediations
- Seeing/doing a non-housing mediation. Possibly talking about a large settlement mediation and what would be done differently.
- "Riding the Storm" working with difficult people.
- More tools to use for mediating
- Writing agreements
- Would like to work on removing the word "we" from my statements to put the mediation back on the parties
- how to navigate the mediation when it gets stuck.
- dealing with tense situations
- strengthen my open-ended questions used in mediation



# Mid Training Evals

## **What parts of the training have you enjoyed the most?**

- Role Playing / seeing other people style of mediating.
- Lectures from the different trainers
- Getting to interact with specialists from other divisions
- The Slides
- Meeting new people and communicating with them while gaining skills to help strengthen mediation.
- Keeping to schedule
- Seeing/hearing how others do the job and compare/contrast to my style



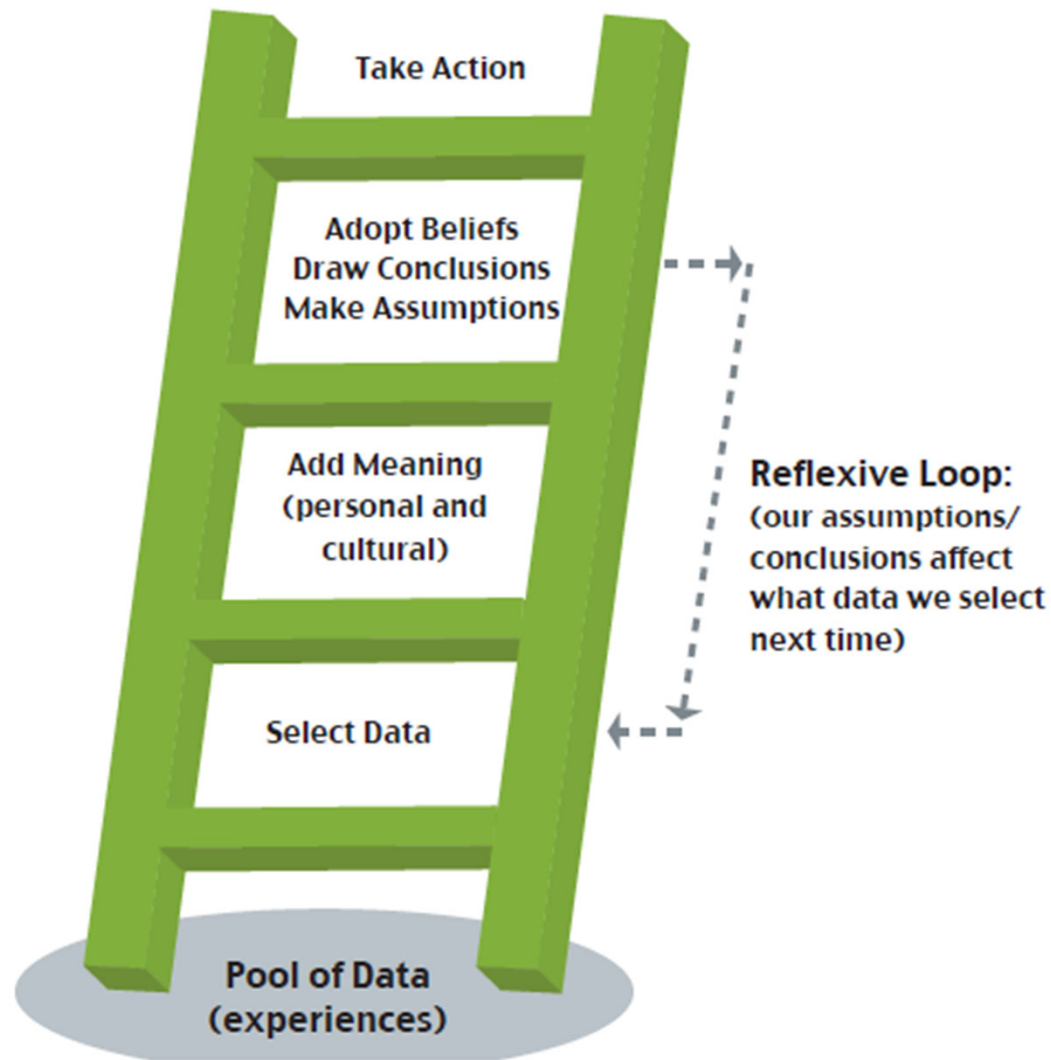
# Mid Training Evals

## **What would you change to improve the second half of the training?**

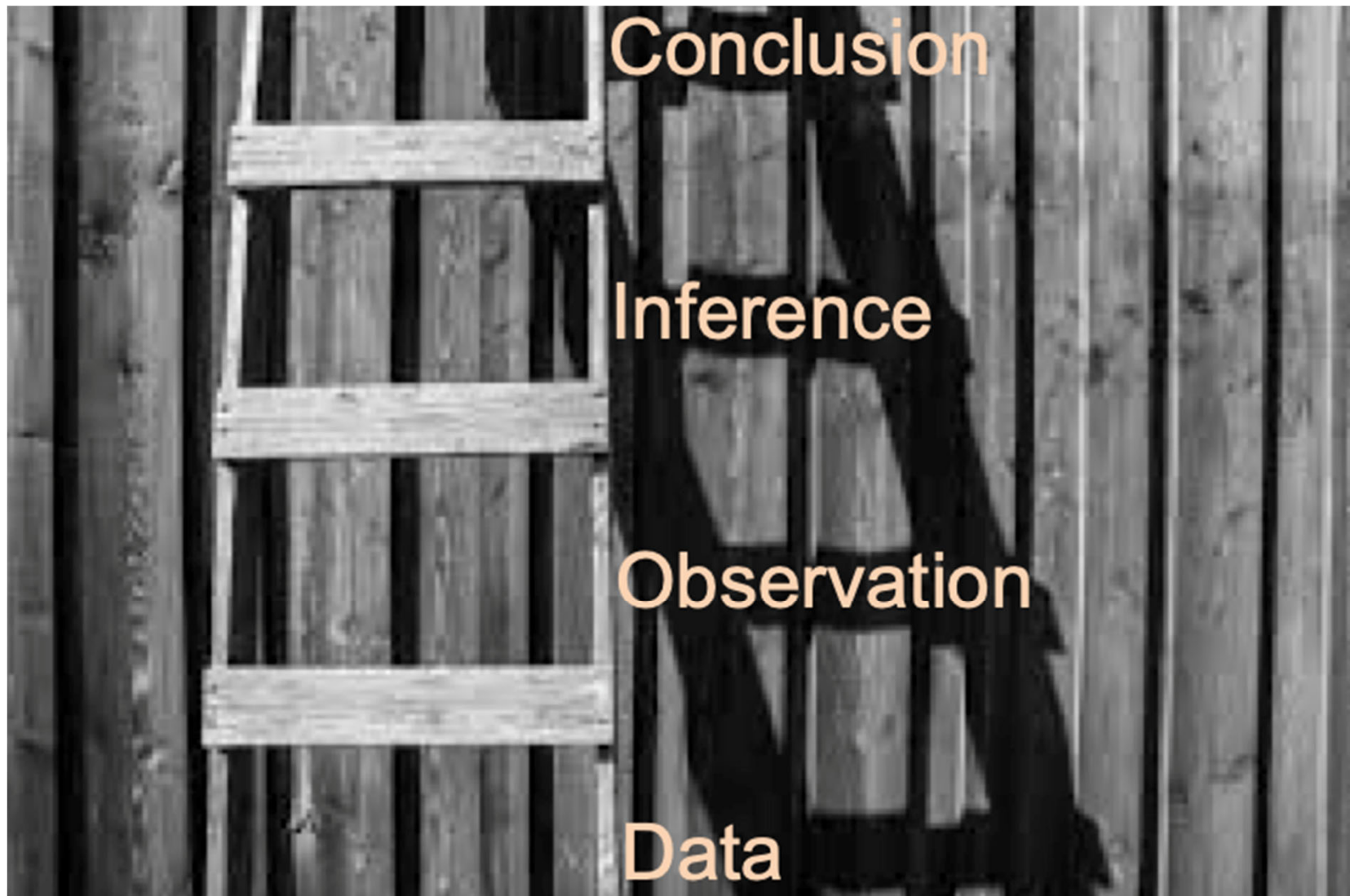
- Nothing / The training has been great
- A little more engagement / hear from others
- More time for feedback in and after roleplays
- Speaking a bit louder.
- Being a bit more direct with feedback
- I would like a daily agenda
- You are doing amazing



# Ladder of Inference



# Ladder of Inference



# Mediation Stories from the Field

- When have you seen mediation be a success?
- Do you recall an agreement that was “outside the box”?
- Share a memorable, and positive, mediation experience.



# The Art of Questions – Open-ended

- Begin with words such as:
  - “How...”, “Why...”, “What...”, “Could you tell me about...?”
- Can be verbal prompts that function like questions (“Tell me more about that”)
- Invite full discussion
- Produce more information
- Encourage discussion
- Allow free expression
- Are ideal for drawing out interests, generating options, addressing other elements of negotiation



# The Art of Questions – Open-ended

- Draw out background or basic issues
- Identify interests
- Brainstorm options
- Define objective standards
- Reality test
- Encourage perspective-taking
- Weigh alternatives
- Address barriers to agreement



# The Art of Questions – Closed ended

## Examples of closed questions:

- Do you want to give mediation a try?
- Did you communicate with them since you sent the notice to quit?
- How long were you out of work?
- When did you stop paying rent?
- How long have you been a landlord ?
- Do you need to contact your attorney?
- Would you like to take a break?
- Is one month enough time for you?



# Mediation Skill Building - Fishbowl

- Practice:
  - Positions – Interests
  - Interests – Options



# About Role Playing

- 1 Coach
- 1 Observer
- 2 Parties – will rotate
- Mediator – will rotate
- About 30 minutes for each mediator, including a small group debrief
- Start mediation over each time; mini or fast opening is fine.
- Try not to embellish facts
- **Practice, try new things, take risks, make mistakes, give helpful feedback.**



# Role Play 3

11:00 AM to 12:30 PM

Day 4, Role Play 3

<https://www.mwi.org/housing-resources/>



# Role Play 3 – Debrief



# Power and Culture

## What is Power?

- Small Groups – 5 minutes
- Create a definition

## Self Reflection

- Think of a situation when you felt powerful – identify situation
- How did you know you had power?
- How did it feel to be powerful?

## Self-reflection

- Think of a situation when you didn't have power – identify situation
- How did you know you didn't have power?
- How did it feel to lack power?



# Power and Mediation

How does this relate to mediation?

What can mediators do?

How does this relate to your work as a housing specialist?



# Implicit Association Test (IAT)

<https://implicit.harvard.edu/implicit/takeatest.html>

IAT – Harvard. Most Americans (75%) react positively to white Americans and less toward African Americans. 65% more positive to straight vs. gay. Less favorable to old, more to young.

Conclusions from research:

1. Variance between implicit and explicit cognition
2. Favor our own social group or socially valued groups
3. Implicit cognitions can predict behavior
4. Implicit cognition can be changed

Mediators are likely to favor their own social group and may be biased against other groups, especially those less valued.

Nonverbal behavior is also shaped by unconscious biases and stereotypes.



# Impartiality

- Rule 8(b) of the Uniform Rules on Dispute Resolution:
- A neutral shall provide dispute resolution services in an impartial manner. Impartiality means freedom from favoritism and bias in conduct as well as appearance.
- A neutral shall provide dispute resolution services only for those disputes where she or he can be impartial with respect to all of the parties and subject matter of the dispute.
- If at any time prior or during the dispute resolution process the neutral is unable to conduct the process in an impartial manner, the neutral shall so inform the parties and shall withdraw from providing services, even if the parties express no objection to the neutral continuing to provide services.



# Beyond Neutrality

- Neutrality is affected by implicit or unconscious bias.
- Implicit Bias is an automatic association of stereotypes and attitudes toward social groups.
- Research shows stereotypes are automatically activated by encountering a member of a social group, which influences our judgments, actions, and decisions.
- Despite our intentions and explicit beliefs, implicit biases can produce behavior different from our principles.



# Implicit Bias

Implicit bias is . . . and can affect

- Behavior of mediators
- Behavior of the parties in mediation

Eye contact – more blinking, less eye contact with others when biased.

Example – Interviewers interviewing black individuals for jobs unconsciously sat further back, leaned away and interviews were shorter.

Bias can affect parties' willingness to tell their story and the mediator's ability to connect with the individual.



# Bias and Mediation – Heart Surgery

You are surgeons at a large hospital.

Your committee must make a very important decision.

Six patients need a heart transplant.

There is only one heart donor at this time.

All the patients would be good recipients.

Which patient would you choose to receive the heart?

Why???

Your committee must agree on the choice.

You may not choose by lottery.



# Bias and Mediation – Patients

- 25-year-old homeless man with two young children and no other family.
- 35-year-old minister, a well-respected role model, runs a group for young fathers.
- 40-year-old male teacher, very popular, single parent of a child with learning disabilities.
- 15-year-old girl who is four months pregnant.
- 18-year-old girl, a high school dropout and sole support of her three siblings, functioning alcoholic.
- 50-year-old scientist close to a cure for COVID, gay man, no children.



# Have you been or are you now . . . ?

Zoom Poll



BIAS

# What words first come to mind:

Landlord

Tenant



# Remarks from Chief

- Catarina Andrade, Chief Housing Specialist, Metro South Division



# Lessons Learned



REVIEW

# Wrap Up

- Day 5: Wednesday, September 20, 2023, from 9:00 AM to 3:00 PM
- Same Zoom Link
- Joseph Lepore, Asst. Chief Housing Specialist, Central Division
- Class picture on Wednesday 😊



PREPARATION

