

Bridging Alignments in Mediation



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by B. Kent Warner and Nova Reed

The Psychology of Mediation

Mediation interventions are carefully calculated efforts to alter the rigid, unworkable structure between two or more oppositional views. By joining the parties and developing an understanding of the problem, the mediator helps to

remove dysfunctional defenses and realign differing convictions to include a common ground position. Considering the psychology of conflict resolution increases the fluidity and effectiveness of the mediation process. During a dispute, each party has the natural tendency to hold solely their personal view and goals and reject or compete with any opposition. Adopting a humanistic stance within the mediation process through incorporating congruence, regard, and understanding will improve the outcome of reconciliation.

Alignments, Power, and Coalitions in Mediation

Alignments are defined by the way members join together or oppose one another within a system (Minuchin, 1974). The dynamic of mediation illustrates three central alignment patterns: The opposing parties, the parties and their attorneys, and the mediator's connection to each represented party. A positive alignment exists between each party and their attorney increasing strength and power on each side. The oppositional alignment produces a natural guarded response creating a rigid stance in position. The mediation process seeks to lower rigidity and diffuse hostility creating a forum to bridge alignments to a place of neutrality and negotiation. By joining together with the common neutral alignment of the mediator, the direction of power and authority shifts generating influence and flexibility.

Both authority and responsibility generates power. The mediator represents and creates an environment of decision making and the means to carry out the decision by way of reconciliation. While alignments refer to the emotional and psychological connections between the involved individuals, power refers to the relative influence each individual possesses on the desired outcome (Goldenberg & Goldenberg, 1980). Each party will look to his or her attorney to aid in their sense of power in articulating their position and upholding their interests creating a separate coalition.

Each transaction makes a statement about boundaries, alignments, and power. When alignments become attacking, the third person interjects a position diffusing the emotional and psychological focus. Detouring the coalition in which each party holds another aligned member responsible, decreases stress, and creates a unified coalition between all parties. Relinquishing power requires an environment of trust. The clients believe the neutral third member understands the complexities of the conflict, considers their best interest, and also projects the required skill set of expertise to assist in conflict resolution.

Establishing Empathy, Genuineness, and Regard

In order to lower rigid stances and build an environment of trust, clients need to feel cared for, attended to, and understood. A relationship forms between each member of the mediation coalition.

The relationship develops primarily to serve the needs of the participants protecting the interests of the clients within the boundaries of mediation. To reach resolution, each party must feel a sense of safety. Much the same as a therapeutic counselor would establish rapport; the mediator must quickly build a bond between each party, as well as, assist each attorney in projecting their own positive regard to the opposing party while protecting their client's welfare. When parties in conflict can receive and operate under conditions of genuineness, empathy, and caring, negative stereotypes of the opposition weaken and are replaced by personal, human feelings of relatedness (Raskin & Zuconci, 1984).

Empathy calls for each party to "understand what the other person is experiencing, thinking, and feeling, and how the other perceives his or her behavior" (Holdstock & Rogers, 1977, p. 139). Taking into account each person's experience and perspective broadens possible solutions and binds new positive alignments between all parties. While empathy may be considered a personal quality, the mediator must set aside any ego, build a forum of neutrality, and project an empathic stance to each side taking action on that empathetic experience. Watching for recognition of the level of understanding and identification of each member guides both the attorneys and the mediator to a place of negotiation and reconciliation. Clients will respond verbally with positive acknowledgment, lower defensive posturing, and create open body language when reflecting a sense of being understood and represented adequately in an argument. Empathy requires skillful listening to the subtle shadings of opinions, conveying support and acceptance, and demonstrating respect for each person's view. Establishing empathy assists in clarifying issues and the collection of client information.

The ability to remain genuine enhances client sharing, trust, and aids in negotiation and settlement. Genuineness refers to a state of mind. Ideally, both the attorneys and the mediator respond to each party as a whole human being, rather than solely focusing on their role in the oppositional alignment of the conflict. Genuine mediators are congruent, non-defensive, consistent, and comfortable with their abilities to aid in negotiation. The state of being genuine requires a level of self-comfort built upon life experience, confidence, and self-

knowledge (Egan 1994).

Mediators who are perceived by clients as genuine are more likely to elicit trust, safety, and an open-minded discussion of differing viewpoints.

Positive regard highlights the client as a person with dignity, regardless of any external factors or positions. When a climate of respect and trust is established, the tendency of humans to develop a positive and constructive manner improves (Rogers, 1987). In mediation, the client's views are embraced and reflected. The reflection of the client's position, opinions, and needs firms the positive alliance between the mediator and the parties. The mediator seeks to draw out positive regard from each party, mirroring the opposing viewpoint and requesting affirmative reflection. The incorporation and reflection of each client's position lays the platform necessary for a mutually defined reconciliation. Attending to each party with positive regard enables a feeling of mutual winning, salvages relationships, and maintains a workable future for all parties.

With psychological defenses lowered creating flexibility, the mediator serves to bridge alignments to reach a common ground. Identifying areas of agreement, and generating a new creative perspective facilitates mutual understanding and broadens a narrow mind set. In a successful mediation, everyone retains a sense of winning.



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