



Excellence: Using Reflective Debrief to Build Competence

By Michael Lang and Susanne Terry

"Do you know why you do the things you do—the choices you make?"

—Rick to Merle, *"The Walking Dead"*

As long-time mediators and mediation teachers, we are committed to an ongoing process of learning and improvement. To give effect to this commitment, we practice the discipline and methods of Reflective Practice. This enriches the quality of our mediation practices. A form of reflective practice we call Reflective Debrief helps our students become more effective mediators. In this article we describe and illustrate the central concepts, methods and techniques of Reflective Practice and Reflective Debrief—the foundation of our work.

We begin by asking you to consider the following situations:

- Sometimes your sessions generate unexpected but welcome victories, while at other times the same approach yields little if any progress.
- In the middle of a mediation session that is apparently going nowhere, you find yourself searching for an approach that will help the parties get out of the well-worn rut of their conflict
- In another mediation you are cruising along, working effortlessly with your clients, making clear progress, but uncertain why.

- You mediate an intense family conflict and wonder later whether your interventions may have been influenced by experiences in your own family.
- After concluding an apparently successful mediation, you realize that your clients could have found an outcome that would have accomplished even more of their goals.

Is there a common thread in these situations? We believe it is the desire to understand our experiences in the face of feeling surprised or puzzled and to explain our victories or frustrations.

To reach an understanding, we are motivated to ask a basic yet essential question: "As mediators, why do we do the things we do?" Making sense of the choices we make allows us to learn from our experiences and to elevate the quality of our practices. Gaining insight into the factors that shape our decisions leads us to choose interventions and strategies that are more likely to match the parties' needs. This results in greater satisfaction for them and a more professionally rewarding experience for us as mediators.

Reflective Practice

Reflective Practice is a commitment to learning from experience—an exploration of why we make the choices that we do. As part of that exploration, Reflective Practice often starts with situations where the usual rules and procedures of mediation are inadequate

to address a surprising and unfamiliar event or experience. We use these unsettling experiences as opportunities to bring together our rule-based knowledge with insight we gain through our practices. This integration yields a new understanding, new responses and new strategies.

Reflective Practice is both discipline and methods. The discipline is the intention to engage in an ongoing learning process by which we, as professionals, think about and attempt to make sense of the experiences, events and situations of practice. (See Lang and Taylor, *The Making of a Mediator: Developing Artistry in Practice*.) The methods include a number of practical steps that help us gain insight into, and improve the quality of, our practice.

The concept of Reflective Practice has deep historical roots with ancient values, practices and benefits.

The elders and prophets of old were revered for their wisdom and counsel. That wisdom was based not only on knowledge but also, more importantly, on the ability to analyze situations, to recognize the nuances of problems, to be able to think divergently. (Houston and Clift, 1990, p. 212)

Donald Schön notes in *The Reflective Practitioner* that "situations of uncertainty, instability, uniqueness, and conflict" are sources of learning. These are unexpected moments, when parties behave in a surprising manner. Perhaps an agreement on cooperative parenting emerges when impasse seemed certain, and you think, "Well, that was remarkably easy." Or, during a discussion of finances, one of the spouses inexplicably says, "I have no idea why we are getting divorced!" and you wonder, "Why did this happen, now or at all?" There may be subtle shifts in attitude or language, or the process may suddenly stop. Situations such as these cause us to look for an explanation. Through Reflective Practice, we can begin to make sense of these experiences—to reach an understanding forged by the integration of "rule-based" knowledge and experiential knowledge—that gives us new insights into mediation practice generally and different ideas about the tools and strategies needed for this type of situation. We learn how to respond with greater agility and confidence.

"The ability to think about what one does and why—assessing past actions, current situations, and intended outcomes—is vital to intelligent practice, practice that is reflective rather than routine." Hilda Borko, et al, 1997

What are the key concepts of Reflective Practice? The founding principle of Reflective Practice is a determination to learn from experience. Mediators who commit to Reflective Practice are prepared to discard both "rule-based" or self-serving explanations about these surprising and unsettling situations. Instead, they adopt an attitude of curiosity about their own state of "unknowing." They seldom make statements such as "I always have the parties in separate rooms" or "I never use caucuses." Rigid adherence to rules, even self-imposed ones, indicates a lack of fresh thinking about each situation.

A second principle of Reflective Practice is to hold tightly to a mind-set of curiosity. Diagnoses of parties' motivations and emotions do not form part of the practice of curiosity. Rather than a judgment that a parent is trying to control a parenting plan in

order to reduce the other parent's time, the curious family mediator might ask "What is important to you about being a parent?" This question is designed to explore how that client understands the parenting experience and what underlies this particular client's needs and concerns.

A third principle of Reflective Practice is adherence to the following set of values:

- Self-determination is the essence of mediation. The parties are the experts in their situation and the mediator can only know a fraction of what each of the parties knows and experiences. By adhering to this concept and practice, mediators acknowledge the limitations of their own expertise.
- Clients are able to manage and resolve their own disputes, with assistance. As part of this commitment, mediators encourage clients to make use of the mediator's knowledge and experience without substituting it for their own.
- Mediators don't own the problem and it is not their charge to "get" a settlement. The basis of this principle is the notion of mediator humility—acknowledging the mediator's limits and respecting the capacity of the clients.
- As humans, mediators are in a process themselves and are continuously being given an opportunity to examine their own beliefs, thinking and practices. Just as mediators invite clients to explore their biases and blind spots, they do the same. Both have knowledge and expertise. Bringing both sources of knowledge to the task of resolving the conflict produces results that are practical, satisfying and enduring.

With these principles in mind, we turn to the methods—the implementation of Reflective Practice.

Reflecting on Practice—the Reflective Debrief

If asked, most of us would say we already reflect on our mediator experiences. At times we talk with colleagues about events and experiences or we engage in quiet contemplation. In these moments, with colleagues or alone, the questions that generally frame our reflection include: "What worked? What didn't help? How might I do it differently?" We celebrate successes and mourn failures. We take note of interventions that seem to have been effective as well as those that were disappointing. Merely thinking about our experiences without an organized process and a commitment to learning produces simplistic results such as renewing our commitment to use interventions that seemed to have worked and avoiding those that were problematic. This is essentially a trial and error method that has limited value because it relies on a superficial analysis of what occurred. We add more "rules"—what to do and what to steer clear of. This method seldom leads to meaningful insights that improve mediator agility and quality practice.

Reflective Practice, however, turns observations into insights and insights into learning. It is a focused and more rigorous approach that calls on us to:

Making sense of the choices we make allows us to learn from our experiences and to elevate the quality of our practices. Gaining insight into the factors that shape our decisions leads us to choose interventions and strategies that are more likely to match the parties' needs.

- a. Identify our assumptions and how they shape our view of mediation, the parties and their conflict;
- b. Become aware of the link between our assumptions and our actions;
- c. Understand how our assumptions narrow our perspective and limit our responses; and
- d. Learn to integrate our theoretical and experiential knowledge.

The self-assessment we refer to as Reflective Debrief is the discipline of examining our personal and professional experiences in order to use those situations to become more resourceful and effective mediators. As we noted above, merely berating ourselves for choices we should or could have made, or celebrating choices that “got results,” is not helpful if we don’t understand the assumptions that led to our view of the situation and caused us to act in a particular way.

How Reflective Debrief works

The Reflective Debrief explores a key moment or choice point in a mediation when the mediator had an opportunity to act in response to the parties' behavior or comments. During the Reflective Debrief, the debriefer (a colleague or peer group) assists the mediator to consider how the mediator's understanding of the parties and the conflict influenced his decisions. (This role is sometimes called a coach. We have deliberately avoided using this term because coaching is often seen as telling the mediator what he should or should not do. We use a single gender simply for ease of writing and reading.)

The Reflective Debrief begins with the mediator identifying one or more moments during a mediation session that left him unsettled or surprised. Essential to the success of the Reflective Debrief is that it is the mediator, not the debriefer, who defines the focus. The mediator examines a moment that has left him confused, taken aback or even pleased. The role of the debriefer is to ask questions and make observations that encourage the mediator to consider a variety of possible explanations for or interpretations of that moment. Such questions do not challenge, make judgments or offer solutions. Instead, the mediator is encouraged to identify the link between the mediator's understanding of the parties and their conflict, on one hand, and the technique or strategy used on the other.

The debriefer's questions develop the mediator's facility for self-discovery and continued learning from experience. The debriefer serves the mediator in much the same way as the mediator assists parties. The debriefer may be an experienced and resourceful mediator and teacher and may have ideas about how to resolve the mediator's dilemma, but the debriefer relies instead on questions that help the mediator uncover the answers for himself. As a result, the lessons are firmly anchored in the mediator's experience and are not merely some tips, tools or additional rules of mediation practice to be remembered.

The work of the debriefer is to listen, through the often scrambled reflections of the mediator, for the key questions or concerns of the mediator, and reflect them back so the mediator can identify what he was thinking and how he chose to act. Just as we hold the belief that parties in mediation are capable of making the best choices they can (self-determination), so the success of the Reflective Debrief relies on the belief in the mediator's own ability to make sense of and learn from the unsettling situation in the mediation.

Fundamental to the role of debriefer in the Reflective Debrief is a commitment to withhold judgment, direction and advice, allowing the mediator to search for solutions to the dilemmas encountered in practice.

Guidelines for Reflective Debrief

In the true spirit of Reflective Debrief, the debriefer's questions emerge out of genuine curiosity and pleasure at giving the mediator the opportunity to think something through. How do mediators begin using this process with one another to elevate practice to a more elegant level? Let's explore some of the guidelines for a reflective session.

In the Reflective Debrief:

- The mediator commits to exploring how his thinking affects his choices. The debriefer is responsible for keeping the focus on the mediator's thinking and the richness of the insights that will emerge from this thinking.
- The debriefer refrains from offering suggestions like: “here's what I've done in a similar circumstance”. While well intentioned, this is often timed poorly and limits the mediator's ability to explore his experience of the mediation. The companion phrase, “did you consider...?” is simply another way of introducing an opinion about what could, or should, have been done.
- No judgments are made about the mediator's choices during the mediation. Any opinion about the mediator's choices, good or bad, is unhelpful because it blocks the mediator's investigation of the experience. Similarly, there is no judgment on how the mediator chooses to use his debrief time. The mediator is doing what he is able to do for now and it is not the job of the debriefer to “get” the mediator to see or understand something.
- The debriefer does not reassure the mediator about his choices or attempt to protect the mediator's ego. Reassurance without reflection doesn't help the learning. It usually leaves a mediator with the feeling that whatever went wrong last time might happen again. The purpose of the Reflective Debrief is to learn from our experiences and expand our thinking. Trying to make the mediator feel better shortcuts that process.
- The debriefer never asks, “why did you decide to do...?”, as that type of question invites an explanation or defense of the mediator's behavior.
- The debriefer sheds any responsibility to get the mediator to do or understand anything. In the same way that Reflective Practice is not about achieving some pre-identified result or even “getting it right”, so too is there no sure right in the Reflective Debrief. The goal of the Reflective Debrief is to help the mediator gain insight into the actions and decisions that were puzzling or frustrating and then learn new ways of responding to similar situations.

What Difference the Reflective Debrief Can Make in Our Practice

It is not unusual for us as mediators to be stumped by the same challenges over and over again. When Anne, a family mediator, met with a group of skilled debriefing colleagues, she chose to focus on her recurring frustration in divorce mediation sessions when the wife would react emotionally, explaining how hard she had tried to please her husband and do what he requested, only to be met with

a request for divorce. In the debrief Anne initially stated that she is always attentive to the possibility that such comments may suggest power issues or domestic violence. She wondered aloud whether these concerns might be the source of her internal agitation. In response to the question, "When you have these reactions are you thinking about possible danger to any of these women?" Anne said that when the parties' behavior raises questions about safety, she speaks with them separately in order to assess the possibility of abusive behavior. "In this instance," Anne reported, "I met with them separately and it appeared they were a normal couple, mostly getting along, when suddenly the husband wanted a divorce." When one of the debriefers asked: "Can you remember a moment in this particular mediation session when you began to have the reaction you've described?" Anne thought for a bit and a light bulb went on. She burst out, "It was the sound of the woman's voice as she spoke about how hard she had tried in the marriage. I hate whining!" After a few moments of laughter, Anne settled into an exploration of her reaction.

As the debrief continued, Anne revealed that she had a fear of being a "whiner" in her own life in part, because she had strong reactions to members of her family who saw themselves as victims. She also dreaded the thought of being responsible for someone who thought of herself as a victim. Her father and mother divorced when Anne was seven. From then on, she felt that she was expected to "make it better" for her mother who spoke frequently about how hard her life was and how difficult it was to be a single mother. Now Anne interprets her clients' whining as an expectation that she do something about their situation. "I understand my role as a mediator, to help them sort out and resolve their own issues, but when I hear whining I just want them to get away from me!" This realization allowed Anne to realign her thinking about her clients and her own role. As the debrief continued, she was also able to find some helpful techniques for identifying when her reactions to clients were based on her own experiences, as well as strategies for responding constructively with "whiney" clients.

In our experience, it would not have been helpful for the debriefer to remind Anne that she needed to find ways to work with all types of clients, or to provide her with a set of tools for responding to clients who may appear to have been victimized, or to have commiserated with her. Anne's problem wasn't a failure of technique, nor a difficulty distinguishing an abused spouse from one who is emotionally distraught and it wasn't a misunderstanding of the role and responsibility of a mediator. The problem, as she discovered for herself, was the meaning she gave to a client's "whining" — a meaning that caused her to recoil from this behavior and thus limit her ability to work effectively with the clients. Realizing that her interpretation of the behavior was the source of her discomfort, Anne was able to identify ways to engage and successfully work with the "whiney" client. In this example, the Reflective Debrief helped Anne identify areas of her own thinking and acting that required attention and adjustment.

Dale's story is another example of insight gained through Reflective Debrief. Dale is an experienced family mediator who works with

many family businesses. In a case review with colleagues, he asked for help identifying other strategies he might have used in a family business mediation he felt he handled inelegantly. The situation involved the complicated restructuring of a family business partnership in order to buy out the interest of a partner who wanted to withdraw. A carefully drafted partnership agreement set out the precise terms and conditions for restructuring the partnership. Despite the unambiguous language in the agreement, the withdrawing partner was demanding more than the others believed she should receive. Dale was surprised there was any disagreement. The other partners, along with Dale, were confused by the rationale offered in support of the larger payment.

Dale realized that he became confused and stymied in the mediation when the solution he envisioned didn't materialize, but he didn't need to be told what he should have done or what options he could have considered. He needed, and clearly benefited from, the opportunity through the Reflective Debrief, to think for himself and realize he had the answers that eluded him during the mediation.

In the debrief, Dale told his colleagues that he didn't really understand how the leaving partner had arrived at her position. When he was asked, "How did you handle that?" Dale replied that he had encouraged the client to describe her thinking and had tried, numerous times, to help her clarify her position. Despite these efforts, her explanations were confusing and unresponsive given the explicit terms of the partnership agreement. "As you listened to the client, what were you thinking?" a colleague asked. "Frankly, I was in a dilemma; torn between two conflicting options. Out of frustration, I considered meeting privately with the withdrawing partner and ask her why the language of the partnership

shouldn't determine the outcome. I rejected that as being directive and inconsistent with my beliefs about my role. The other option, the one I chose, was suggesting it would be helpful to step back, rethink the options and reconvene the following week." A colleague asked, "As you considered the options and made your decision, what were you thinking?" Dale replied, "I was just stuck. This should have been so simple because the partnership agreement clearly defined the terms of a buy-out. I asked all the partners whether they understood the language of the agreement. They all said they did and then there was silence. Given the one partner's demands that were clearly inconsistent with the terms of the agreement, I didn't know what else to do. That partnership agreement is clear and binding on the parties."

A colleague then asked, "Thinking back, were there other options for you; ones that in your words would have been more elegant?" Dale looked startled, then confused and laughed. "Well, now that I'm not in the confusion of the moment, I can see several options, including a private session with the withdrawing partner to ask her to talk further about her interests and needs. When in doubt, you can always ask." Dale realized that he became confused and stymied in the mediation when the solution he envisioned didn't materialize. In the session, he couldn't decide how to pose the question without creating defensiveness on the part of the withdrawing partner. Dale didn't need to be told what he should have done or what options he could have considered. He needed, and clearly benefited from, the opportunity through the Reflective Debrief, to think for himself and realize he had the answers that eluded him during the mediation.

As with Anne and Dale, the reflective process can generate startling and puzzling reactions. When the debriefer's commitment to the

goals of the reflective process is married with the mediator's genuine curiosity, it leads to new ways of appreciating and responding to situations. The process may remind the mediator of a lesson already learned, giving it a fresh perspective and new applications. Sometimes the reflective process produces a blinding insight about a choice the mediator made in the mediation or a moment where he or she was stuck, confused or unsettled. The epiphanies produced by the Reflective Debrief are remarkable to observe and experience. The nature of the learning can reverberate for years. It is a step in an unfolding learning process. Reflective Debrief both helps us learn from the particular moment presented by the mediator and helps us learn how to learn from our experiences.

While every mediator can benefit from the Reflective Debrief, family mediators may be particularly well served by this type of debrief. We are all family members in some form or another; we have family relationships. Our lives are rich with our own experience of family – expectations, values, disappointments and losses. It is all too easy to conflate our situations with those of our clients. When this happens, we may react as Anne did by pushing away and blaming a party for their response to a difficult situation. With the assistance of wise and thoughtful colleagues we can learn to understand, experientially and not just in terms of mediation principles, to separate ourselves from our clients. With that insight, we can then identify strategies and techniques for responding more capably with our clients. When we know why we do the things we do, we are better able to do our work and more effectively serve our clients.



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