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Political and social/emotional competencies: new standards of mediator practice and professional development

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Research in mediation

Political and social/emotional competencies: new standards of mediator practice and professional development

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The task of mediating is complex. It demands of the practitioner: knowledge about people's behaviour in emotionally driven conflict situations; specific competencies to manage power relationships; and attributes which are conducive to handling stressful situations. This paper reports the findings from a qualitative and quantitative doctoral study which explored the stressors facing 43 Australian professional mediators and how they cope with role pressure and strain. The intrapersonal and interpersonal coping strategies and the social/emotional competencies reported by the mediators are discussed, as is another unexpected factor which emerged: the need for political competence. Mediators must be 'powerful' in managing the use of power, in order to achieve 'empowerment' of the disputants. Yet, the expertise of the mediator is demonstrated obliquely, and the influence is subtle, not overt. The paper discusses the implications for the selection, training, development and ongoing support of mediators. It presents a model which draws on the empirical evidence gleaned from the research project and which is in line with the new standards.

Rationale for the study

This paper arose from a PhD research project which examined the challenges facing mediators and how they coped. The new *Australian National Mediator Standards* reflect the competence required by mediators (in terms of knowledge, skills and ethical practice) which have emerged from both research and expert opinion on the subject. However, while it has been acknowledged that mediation can be a stressful activity,[1] the source of potential stressors and the ways they can be countered have not been studied previously in a systematic way. My study proposed that if we knew more about mediator stress and coping, we could delineate more clearly the competencies and attributes which mediators require in order not only to achieve mastery, but also to safeguard their own wellbeing.

Method

The 'mixed methods' study was underpinned by role theory and stress and coping theory, and conducted in two phases. The first phase involved 23 mediators in one of three focus groups, each with seven to nine participants, in order to identify the stressors in the role. From the mediators' responses to the key question, 'If you were to design the mediation from hell, what would it look like?', a list of

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10 potentially stressful scenarios was drawn up and presented in phase two to a further 20 mediators who were interviewed individually. As well, all 43 mediators completed two inventories, one on coping strategies in general (The Coping Scale for Adults), and one on social and emotional competencies (BarOn Emotional Quotient Inventory).

The sample

The two criteria for participation were that the mediators be experienced (that is, with more than five years in the field, or mediating on a weekly basis for three years) and that they practised facilitative mediation, a process which encourages communication between the parties in order to achieve consensual decision-making to satisfy their interests. This is a relatively low intervention style, in contrast with evaluative mediation where the mediator comments on the strengths and weaknesses of parties' cases or determines an outcome.[2]

All mediators had been trained by either universities such as The University of Melbourne, La Trobe or Bond University, or agencies such as Relationships Australia, the Family Mediation Centre or the Dispute Settlement Centre of Victoria. Most were from Melbourne, with one practising in Canberra and one in Albury, a regional centre. Of the 43, 22 were male, and 21 female; 19 were sole practitioners, and 24 worked in agencies or tribunals. There were: 9 lawyers, 13 from therapeutic domains, including psychology; seven from education; eight from business; and six from a combined group of scientists, engineers and builders. Their fields of mediation included: workplace, family, neighbourhood, environmental, anti-discrimination, organisational, retail and building disputes.

The findings — stress factors

In summary, the stressors related to the physical and emotional labour involved in managing not only the relationship between parties, but also the relationship between the mediator and parties or the mediator and other attending professionals — even a co-mediator. The mediators reported profound physical effort in maintaining intense concentration for a lengthy time period, listening carefully to every word and nuance, and observing body language.

Then, the nature of mediation as a 'one-off' event, for which little preparatory work can be undertaken, subjects the mediator to the uncertainty associated with the extreme emotion likely to be exhibited. One participant described the 'hand grenade' which might be hurled (15Fint3), shocking the mediator as well as the parties.[3] Another explained the reason for the high emotional content; in her experience, all parties have experienced some form of loss and are fearful of greater loss (13Fint1). Thus, mediation meetings involve the mediator in accountability to at least two adversarial parties whose expectations seem antagonistic, so that the climate ranges from cool civility to heated volatility.

Reactions to these situations may lead mediators to 'get out of there totally wrecked' (11Mfgb7), because of the demand to 'contain and manage the intensity of emotion, and not be a bit intimidated or overwhelmed by it yourself' (16Fint2). Participants cited specifically: a wife verbally 'savaging' her husband (12Mfgc10); the threat of physical violence between two business owners and their wives (5Ffgb5); a situation where neighbours 'ganged up' on a young female neighbour, then 'brought the council down on her ears', and, finally, 'attacked each other and the mediators' (7Mfgb5-6). One mediator described being 'in fear of [his] life.' (5Mfga5), and a woman had been physically attacked (9Fint).

Attached to the task were both emotional labour and the need to resist emotional contagion. The first relates to the extent to which a worker conveys an emotion not genuinely felt.[4] For example, one mediator described her feeling of resentment when a party refused to budge over a mere $500 (scenario seven). She said that her first thought may be, 'I've been very empathic and understanding, but, oh, my God! — it's only $500! Get over it!' But she then described expending resources on overcoming the feeling of 'Get over it!' This involved a retreat to the agency kitchen to 'wash the thought down the sink' (12Fint8).

The emotional labour alluded to is considerable. First, there is the effort of showing empathy and understanding despite feeling frustrated. Then, there is the guilt induced by that thought, a meta-emotion, and finally, the expiation of the guilt by the figurative 'washing it down the sink'. The purpose of the final activity is to create a different attitude towards the party — an acceptance by the mediator that their reluctance is not about recalcitrance but about getting 'acknowledgment from the other party that it is hard for them'. The mediator is then able to return to the room and resume discussion 'on what it's really about' (12Fint9). But the shift in attitude requires a covering up of the real emotion of frustration, and replacing that with patience and understanding.

The phenomenon of emotional contagion refers to the possibility of emotion being 'caught' or transferred from one person to another.[5] Some mediators referred to the feelings of antagonism between the parties being 'contagious', so that when someone is being 'stubborn and belligerent, I find that very hard because then I want to behave really belligerently. That will trigger something in me' (9Fint2).

The stress attached to these situations, however, largely resided in the fact that the mediators perceived that they were required to balance power relationships, and still behave impartially, that is, not favouring one party over another, even when the behaviour of one party might offend the mediator's own values. In fact, many of the mediators' comments in response to the 10 scenarios reflected the disparity between the rhetoric of mediation and the reality of practice.[6] Mediators know that mediation involves the ideals of: self-determination by the parties; empowerment of the parties; and impartiality shown by the mediator towards the parties, ideals which the new *Australian Standards* have upheld.

However, the ideal of self-determination is challenged by the fact that mediators bring to the dispute their own professional and life experience. For example, one lawyer mediator described the frustration of having to restrain himself from correcting parties' misunderstanding about a point of law:

> I had to resist the temptation to tell them; I had to let them work it out for themselves. They were obviously, clearly wrong, so hopelessly wrong, but I would have been exceeding my role if I told them (12Mfgc10).

Then, empowerment of the parties relies to a large extent on the mediator's ability to build rapport with them before the mediation commences. Rapport, in turn, depends on the parties' experience of empathy shown by the mediator. Yet, from the moment the meeting begins, the mediator needs to 'disengage' from each party to prevent the possibility of perceived bias, for empowerment is not experienced if one party believes that the other is receiving partial treatment. One mediator expressed the dilemma in this way:

> I work really hard to engage people. They come on board; they are engaged. But there's a fine line between staying engaged and at the same time accepting that the other party might feel exactly the same way (8Fint2).

Impartiality is, of course, most severely challenged when self-determination results in a decision about which the mediator has concerns or doubts, so that:

> I know it's their decision, but I'm also a professional person. I don't want to be a party to something unless I've tested it. I'm here as a participant in this drama, however much I call myself neutral and impartial. I have professional concerns about how I behave (1Ffga4).

Thus, the principle of self-determination, while vigorously adhered to, can run counter to the professional's 'duty of care'. This dilemma was expressed by another mediator, who said, 'I have to deal with the contradiction about following the parties when it is clear that I'm being suspicious that they could be endangering themselves' (2Mfga7). Further, mediators experienced as stressful the situation where their sense of justice was awakened by observing 'the unreasonable person to whom everyone has to pander' (9Fint10).

I have tried to depict the clash of the ideal and the practical by the use of two metaphors. Most mediators would like ideally to be 'the pivot', or the balance — balancing power, expectations, parties' resources, and their own reactions and behaviour towards the parties. In reality, however, they find themselves to be 'the holder of the reins' — holding in check their own reactions, keeping a lid on the 'unreasonable' behaviour of the parties, maintaining control in the face of extreme anger and hostility, and even withstanding what they perceive to be the objectionable conduct of other professionals, including a co-mediator!

Interestingly, 12 of the 20 interviewees chose as most stressful the situation, 'Your co-mediator is cutting across your line of questions which you thought were getting somewhere', making this the one most strongly identified with. The stress lay partly in the mediators operating from such 'different paradigms' (21Mint2) that the co-mediator appeared 'almost like another party' (14Fint2). There was also a sense of unfairness because 'mediation is about respect' (10Fint2). But, most tellingly, there was the creation of another conflict — this time with one's colleague, and 'that's not straightforward' to deal with (18Mint3).

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The findings

Coping strategies

The interviews provided a clear picture of the ways in which these mediators handle the stress of the role. For one thing, nearly all spoke about physical exercise, usually walking, but also bike-riding and swimming. Such leisure activity has been found to be not only an important reaction to stress but a proactive measure to prevent stress.[7] They were definite about the utility of social support, but, in the first instance this should not be functional, or instrumental, such as advice about how a problem could be handled. Instead, they wanted the opportunity to 'offload' to a listener who heard them without judgment and with empathy, who, in fact, acted as they expected a mediator to act. They were all adamant that the optimal number of mediations that should be conducted over a week was three or, at the most, four. For their wellbeing they believed other activities should be interspersed, such as a change of role, or attending to administrative duties. Indeed, pacing, or adjusting to an optimal work load, has been found to be important in the management of workplace stress,[8] particularly given the propensity of human service workers to experience burnout.[9]

The participants also completed the inventory The Coping Scale for Adults.[10] Of statistical significance when compared with a general Australian population and also a sample of Australian managers,[11] was their reported reliance on the productive coping strategies of: a focus on solving the problem and on the positive; seeking professional help and social support; and utilising relaxing diversions, including humour. Such strategies are 'productive', or functional, because they avoid the deleterious effects associated with strategies such as excessive self-blame, worry, or reliance on substances. Of course, linked with reliance on social support are interpersonal and relational skills,[12] and these reflect social emotional competencies.

Social/emotional competencies

From the considerable literature on mediator attributes, I anticipated that experienced mediators might show advanced skills in many of the sub-scales of the instrument, the BarOn Emotional Quotient Inventory (EQ-i). This scale provides a self-reported measure of: emotional self-awareness; assertiveness; independence; self-actualisation; self-regard; empathy; interpersonal relations; flexibility; problem-solving; stress tolerance; impulse control; reality testing; optimism; and happiness. To a certain extent, the proposition proved to be correct, although only some competencies emerged to be statistically significant when compared with other samples.[13] These were the intrapersonal competencies of: emotional self-awareness (the ability to know what one is feeling and why); independence (the ability to function autonomously versus needing protection and support); and assertiveness (the ability to express feelings, beliefs and thoughts without being aggressive or abusive); and the interpersonal competencies of: interpersonal relations (the ability to feel at ease and comfortable [showing] sensitivity towards others); and empathy (the ability to be aware of, understand, and appreciate the feelings of others). It should also be noted that there were main effects for gender, with female scores higher than those of the males in: self-regard ($p=0.02$); emotional self-awareness ($p=0.03$); independence ($p=0.02$); interpersonal relations ($p=0.04$); reality testing ($p=0.04$); flexibility ($p=0.006$); problem-solving ($p=0.05$); optimism ($p=0.04$); and total EQ ($p=0.004$). Differences in the sample due to work situation (sole practitioners or agency workers) or primary profession were minimal, although independent practitioners were more likely to report assertiveness ($p=0.01$).

These results have been explained elsewhere[14] and possible associations between the social/emotional competencies and the coping strategies reported by the mediators have been explored through regression analyses.[15] For this paper, it is sufficient to say that the results suggest that:

- The competencies of emotional self-awareness, independence, assertiveness, empathy and interpersonal relations are important for mediators to achieve mastery and to safeguard their own well-being.
- The female results in this sample, when taken as a whole, indicate that they may find it easier to access these competencies. The results do not, however, suggest that females make 'better' mediators because efficacy was not explored in the study.
- Stress tolerance might be increased by the proactive coping strategies previously discussed. Stress might also be assuaged by the sense of excitement provoked by working through a conflict that has previously proved intractable — 'getting off on the adrenaline' (as reported by a psychologist in my preliminary study). Seven mediators referred specifically to the frisson in the role — the 'buzz' (21Fint4) that comes 'when they say you can't settle and you do!' (12Mfgc2).

The emergence of another key resource — political competence

Another theme emerged unexpectedly from the study which I have termed 'political competence' because it relates specifically to the management of power relationships, the heart of the mediator role. For example, one mediator described using oblique methods to address what she saw as her co-mediator's bias. She explained, 'I came at it in an indirect way and said, "I think it's going to be difficult in the joint session because *they* (the parties) might feel they have aligned themselves with us." So I guess I mutualised it a bit' (19Fint5).

Careful reading of the transcripts found other instances of this competence. For example, another described her method of getting lawyers on side — 'I do that very delicately' (9Fint3), and, in a situation where both parties are steering away from the topic, 'I'll tread carefully' (p 4). Her approach when a party is changing the story is to check it out 'subtly' (p 4). Her use of the adverbs, 'delicately', 'carefully', and 'subtly' suggested finesse in tact and diplomacy.

A similarly oblique approach was identified by another mediator who used the technique of creating an hypothesis and testing this with parties, always 'tentative' (13Fint4) in allowing for correction of the hypothesis. For example, she would preface her hypothesis with, 'I am just wondering if …?' Tact, or diplomacy, was evident, too, in the approach to humour reported by yet another mediator who claimed, 'You have to have the capacity to see what's going on, to see if the joke has fallen flat and make it right' (6Ffgc8). Face-saving seemed to be an objective, with strategies to be used in a way 'that makes no one look bad' (22Mint6). And the mediator needs to be able to use an apology, such as 'Look, I'm sorry I misread that. My apologies. What's your view of it?' (20Mint8).

Such obliqueness, however, needs to be coupled with the willingness to 'push the envelope' when necessary. One mediator referred to dealing with a 'misogynist' Union representative who 'sat directly opposite me … winking at me to the point that I said to him, "Do you have a problem with your eye?"' (11Fint10). Another explained how, in the workplace situations she deals with, 'you can speak to their job security almost, but not in a manipulative way'. However, she prefaced this suggestion with the strategy of preparing people well before the mediation so that they could 'put their best foot forward' (15Fint7).

The judgments referred to in these examples pointed to a resource which might be described as 'political' because it refers to the way the mediator uses his or her influence, yet with an obliqueness which takes it into the realm of diplomacy rather than control.[16] Indeed, 15 of the 20 individual interviewees referred, unsolicited, to their ability to develop rapport within a very short time frame to be an essential skill. This even exceeded the importance of careful listening, to which nine referred (258). The building of rapport is an aspect of political skill. Political 'savvy' relates to 'the ability to read, understand, and exert influence and control in social situations in a way that is not seen as overt and controlling'.[17]

The quantitative data supported the findings gleaned through the interviews. Among the 10 interviewees who referred specifically to the subtlety of their craft (eight women and two men), all reported high skill in the interpersonal relations sub-scale of the EQ-i, suggesting a relationship between this competence and the subtle, more oblique form of influence.[18] It is political judgment that provides the sensitivity to realise when too much empathy is being offered to one party, or when there is a need for healthy scepticism, rather than exaggerated optimism, which might result in disappointment.

Implications for the selection of mediators

This study, by using both qualitative and quantitative methods of collecting data, has teased out the competencies required by mediators to handle the task and role. These are summarised in Table 1.[19] No mediator in this study suggested that mediating was easy; indeed we can discount the belief that mediators are mere 'process experts'.[20] While the structured process was found to be a valued resource, the situations the mediator must deal with prevent reliance solely on the process. There are, therefore, certain attributes and competencies which mediators seem to require, and which may not be developed through training, however effective the training.

Although it could not be argued that the two inventories used in this study are sufficient for the selection of mediators, they may be used to provide indicators of the dispositions and behaviours that might cause stress for an individual. For example, the BarOn EQ-i could be used to discuss how an individual might need to develop greater emotional self-awareness, or assertiveness, or tolerance of stress. Similarly, if the Coping Scale for Adults showed a propensity towards self-blame, for example, this would be a concern if the mitigating strategies of relaxation and self-care were absent.[21]

Implications for the training and development of mediators

Simulations which mirror the potentially stressful situations faced by mediators are essential in preparing for the task and role, and also need to reflect certain aspects of the role which this study has found contribute to role strain. For one thing, the confusion about neutrality and impartiality persists. Some mediators in this study appeared anxious about *possessing* biases and opinions (that is, lack of neutrality) rather than about *revealing* them (that is, showing bias). And the confusion persists even though mediators disclaim the possibility of neutrality. Preparing prospective mediators for the reality of accepting one's own biases and handling them, but not revealing them, is an important aspect of training.

Then there is the demand that mediators will not show bias, yet still show empathy. This balance is not achieved easily. Mediators feel obligated to promise impartiality, and parties have the right to demand it. Yet impartiality is tested in every encounter by the behaviour of parties and even of fellow professionals.[22] Empathic responses which encourage rapport and communication are easier to achieve if a professional is dealing with only one client; they are challenging when the cost of getting them wrong is that the other party experiences bias. There is a subtle difference between developing relational competence and building a relationship, which is not the mediator's role.[23]

Equally important is the need to prepare novices for the role pressure involved in the paradox of achieving parties' self-determination through 'empowering' them. When taken to their logical conclusion, one of these ideals has to 'give', or be compromised, at different stages in the mediation process; the two cannot be achieved simultaneously.

Because lack of role clarity is a well-known precipitator of workplace stress,[24] a way through the seeming contradictions may be to clarify the purpose of mediation. The new

Table 1: The attributes and competencies mediators require

Social–emotional competence: the mediator needs to be:	
Emotionally self-aware	In order to resist attempts at emotional contagion, but not hyper-sensitive to emotional stimuli.
Independent in thought and action	In order not to have to rely on others for the next move, but not pursuing one's own agenda towards an outcome.
Empathic to parties	In order to convey understanding about their behaviours in conflict, and their difficulties, while retaining the perception of equity for all involved.
Sufficiently robust in tolerating stress	In order to avoid self-doubt and the other outcomes of stress, while remaining sensitive to another's stress levels.
Self-protective: not holding a problem unnecessarily or engaging in self-blame; ready to seek help; consciously distancing self from the event through leisure activity.	In order to withstand the rigours of the intervention and to avoid unhelpful rumination.

Political competence: the mediator needs to be able to:	
Use interpersonal relations wisely	In order to build rapport within a short time span, engage parties in the process, and negotiate with their supporters.
Employ subtle and oblique methods of influence	In order to move the meeting towards settlement, but not impose solutions or enforce one's own opinion.
Maintain the delicate balance between equilibrium and control	In order to achieve the ideal of equity and the pragmatism of settlement.
Act assertively	In order to control the meeting so that it is perceived to be fair to all, but not over-riding parties' input.

Australian Practice Standards emphasise that the mediator acts 'as a third party to support two or more individuals or entities to manage, settle, or resolve disputes'.[25] Therefore, the primary purpose of mediation is for parties to be able to settle a dispute. While this may sound obvious, it has not proved to be the case in either the literature or in practice. For example, findings from the current study have indicated that stress in the form of role conflict may be attached to the term 'transformative' mediation because the epithet implies that transformation is the aim. A mediator may feel obliged to work towards a 'transformation' of the moral perspective of the party, even though the term refers simply to the strategies of 'empowerment and recognition'[26] that the practitioner adopts in order to move the matter to settlement.

There is a further difficulty in the value-laden term, 'transformative', because the 'ideal' not only sets a standard but appears to dictate an outcome, namely to transform the relationship between the parties. When the event fails to accomplish this outcome, and merely completes a transaction, it may then contribute to mediator role strain. There is not, for example, the same danger in a term such as 'narrative' mediation which clearly refers to the strategy of encouraging individual story telling,[27] without the semantic suggestion of an outcome.[28]

The study has revealed the importance of another competence: how to negotiate with other professionals, including a co-mediator. This will

involve political skill: building rapport, but not a relationship; negotiating clear boundaries; knowing when to apply subtle reference to guidelines or more overt requests for compliance; and establishing common goals.

All of the strategies above require the role to be enlarged, that is, for the mediator to be both a pivot and a holder of the reins. But different skills are required to handle both aspects. Social/emotional competence equips the mediator to be aware of, and respond to, the emotional states of their parties, and their own emotional state. But it is through political skill that the mediator determines the best strategy. In fact, role enlargement has been found to ameliorate role conflict because it 'increases energy supplies'.[29] So, if it is clearly stated that the mediator role involves seemingly contradictory demands, it may be a source of challenge rather than of stress.[30]

Supporting this enlarged role there needs to be a more specific and defined theoretical base, for which I have argued elsewhere.[31] This study, however, has demonstrated that mediators may alleviate stress when they are familiar with, and utilise, the theoretical principles outlined in Table 2.[32]

Table 2: Basic theoretical perspectives important for practice

Theories associated with social/ emotionalcompetence	Theories associated with political competence
The nature of emotion,[i] and how emotion is a 'public display' of feeling.[ii]	The process of change and what it means to be an 'agent of change';[iii] the factors that produce attitudinal change.[iv]
The importance of setting a cooperative climate and the value of positive affect.[v]	The nature of influence, and how the mediator might use this without appearing manipulative.[vi]
The self-efficacy of parties[vii] and how this may be assessed and encouraged.	Understanding motivation and, particularly, the expectancy theory of motivation[viii] in order to assess parties' expectations of 'success'.
Attribution theory[ix] and understanding how parties' perceptions of each other have prompted long-standing conflict. The application of attribution theory to the release of emotion, and the inherent dangers of 'venting'.[x]	The sources of power,[xi] and how they may be resources to be harnessed rather than a threat.

Table notes

i. T Jones and A Bodkter, 'Mediating with heart in mind: Addressing emotion in mediation practice' (2001) *Negotiation Journal,* 217–244.

ii. S Fineman (ed) *Emotion in Organizations* (1993).

iii. K Lewin, 'Group decision and social change' in E Maccoby, T Newcomb and E Hartley (eds), *Readings in Social Psychology* (1947).

iv. D Katz, 'The functional approach to the study of attitudes' in H Tosi (ed), *Organizational Behaviour and Management: A Contingency Approach* (1990).

v. M Deutsch, *The Resolution of Conflict: Constructive and Destructive Processes* (1973); B Fredrickson, 'The role of positive emotions in positive psychology: The broaden-and-build theory of positive emotions' (2001) 56 *American Psychologist* 3, 218–226.

vi. M Follett, 'Constructive conflict' in H Metcalf and L Urwick (eds), *Dynamic Administration: The Collected Papers of Mary Parker Follett* (1941); R Cialdini, *Influence: How and Why People Agree to Things* (1984); B Mayer, *Beyond Neutrality: Confronting the Crisis in Conflict Resolution* (2004); T Fisher, 'Advice by any other name …'(2001) 19 *Conflict Resolution Quarterly* 2, 197–214; T Wakeen, Interview recorded on *The Mediators* Vol 1[videorecording]: *Views from the Eye of the Storm* (2005) Eugene, OR: Resourceful Internet Solutions Inc.

vii. A Bandura, *Social learning theory* (1977).

viii. V Vroom, *Work and Motivation* (1964).

ix. H Kelley, 'Attribution in social interaction' in E Jones (ed), *Attribution: Perceiving the Causes of Behaviour* (1972).

x. Allred, above note 31.

xi. J French and B Raven, 'The bases of social power' in D Cartwright (ed), *Studies in Social Power* (1959); B Mayer, *The Dynamics of Conflict Resolution* (2000).

Implications for the ongoing support of mediators

Consensus arose in this study about appropriate responses from both organisations employing mediators and personal supporters. Providing environments where people can safely reveal stressful situations without feeling failures is vital. These environments should encourage self-monitoring, but also train their people in offering the opportunity for emotional relief, with the wisdom to realise when angry feelings are just being 'rehearsed' unproductively.[33] Such wisdom also enables judgment about the right moment to offer instrumental support.

Of great assistance would be the adoption of the supervision model used in psychology and supported by the new Approval Standards. Ten mediators who worked in agencies identified this model to be a resource for them. Although sole practitioners may find it more challenging to access supervision, some of them regretted the dearth of support. An important resource created by a peak body of mediators, or an enterprising private consultancy, might be the provision of such supervision services.

Finally, the monitoring of workloads so that mediations are interspersed with other tasks is an aid to well-being. ●

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Endnotes

1. D Kolb et al, *When Talk Works: Profiles of Mediators* (1994).
2. The exceptions were three participants who worked in a State tribunal subject to parliamentary legislation. Even so, the three still practised the process of facilitative mediation. See also L Boulle, *Mediation: Principles, Process, Practice* (2nd ed, 2005).
3. The participants are identified by a code which protects their anonymity. The person and the words quoted here are identified as 15Fint3. The numbers and letters are determined by: the identity of the speaker in the data set (eg 15); the gender of the speaker (M or F); the type of their participation, focus group (fg) or interview (int); the number of the focus group where applicable (a, or b, or c); and the page in the transcript (eg 3). In this case, the participant is no.15 in the data set, a female interviewee, and the words appear on page 3 of her transcript.
4. A Hochschild, *The Managed Heart: Commercialization of Human Feeling* (1983).
5. E Hatfield, J Cacioppo and R Rapson, *Emotional Contagion* (1994).
6. P Marshall, *Stress and Coping Among Professional Mediators* (2008) unpublished PhD thesis, The University of Melbourne, Melbourne, Australia, 193.
7. W Ensel and N Lin, 'Physical fitness and the stress process' (2004) 32 *Journal of Community Psychology* 1, 81–100.
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9. C Maslach, W Scaufeli and M Leiter, 'Job burnout' (2001) 52 *Annual Review of Psychology,* 397–422.
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ADR DEVELOPMENTS

Ranking of UK mediators

Chambers and Partners, publishers of guides to the legal profession, have released what has turned out to be a controversial ranking of UK mediators. The list ranks mediators into four bands and provides a brief outline of the experience of the mediators and quotes from the profession on their skills.
The list can be accessed via <www.chambersandpartners.com>.

Mediation in China

With the rapidly growing number of civil disputes arising in China, the Supreme Court has asked that mediation be further promoted. In the period of 2002–2007 it was reported that in some areas of law the number of disputes increased by up to 150%. They have appealed that civil matters involving, marriage, family inheritance housing and neighbourhood disputes be encouraged to settle through mediation.

In 2007 approximately one-third of the 5 million civil cases were settled through non-mandatory judicial mediation. Since June 2008, mediation has been mandatory in a number of provinces. ●