

PARTY-DIRECTED MEDIATION: FACILITATING DIALOGUE BETWEEN INDIVIDUALS GREGORIO BILLIKOPF, University of California (gebillikopf@ucdavis.edu, 209.525-6800) © 2014 Regents of the University of California

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Nora's Second Pre-Caucus

The mediator opens with a general question about how things are going and then asks if Nora has any feelings about the mediation process in which she has been participating.

Nora:	Things are fine The process is fine. Uh, Rebecca
	was nice to me the other day. [Laughing.] I was
	floored. It was wonderful!
MEDIATOR:	So, maybe there have been
Nora:	I think so.
MEDIATOR:	some changes already.
NORA:	I think so. Yeah.

This type of improvement is typical in PDM, when there is more than one set of pre-caucuses, or when there is a lapse of time between these meetings and the joint session. The PDM process allows the parties to take some definitive steps toward reconciliation on their own.

MEDIATOR:	That has been the goal, but we haven't brought you
	together, so hopefully those steps can be
	taken
NORA:	Yeah. We've had some pleasant exchanges, and
	that's excellent.
MEDIATOR:	Yes, well, good. If you don't have anything else, I
	just want to go back, because it's been a little over a

month since we met, and review a few things with you.

The mediator summarizes Nora's comments from her first precaucus. Nora corrects a few notions but mostly agrees with the mediator's understanding of the situation. She thanks the mediator for the summary.

MEDIATOR:	And you want to right the relationship—improve the relationship—but your concern is the emotions that
	Rebecca exhibits.
NORA:	Yes.
MEDIATOR:	Which, it sounds, maybe are
NORA:	Maybe things are simmering down.
MEDIATOR:	Right. And we shared with Rebecca the positive
	things you said about her. And asked her if there was anything we could share with you.
NORA:	OK.
MEDIATOR:	She also wanted to share the positive things. She
	brought these up before I had a chance to ask her.
NORA:	Oh, good!

The mediator shares the positive things Rebecca said about Nora: that she has a strong belief system, treats people well, and possesses an excellent understanding of lab equipment. The mediator goes on to explain some of Rebecca's concerns. These include the fact that Rebecca sometimes feels like "a cop" when she tries to get information from the staff—not just when dealing with Nora—for the year-end report. Nora acknowledges this might be so. We pick up the conversation as the mediator proceeds from these general comments to more specific ones.

MEDIATOR:	Now, this is something you have already alluded to.
	Rebecca gets the impression, at times, that you think
	your work is more important than hers.
Nora:	And I can understand how someone might feel like
	that, but that doesn't mean it's true. I'm just
	expecting others to tell me what their needs are, and
	we'll get it done.



Disputants often fail to recognize how tone of voice can give meaning to messages.

Mediator: Nora: Mediator:	Talking things through with each other Right. I told you there was a problem there. Finally, Rebecca feels you sometimes treat her differently than other people in the lab. She is not sure if it's something she's done or the way she responds. And the example Rebecca gave was that she's heard you raise your voice at her but at no one else.
Nora: Mediator: Nora: Mediator: Nora:	[Nodding.] Uh yeah IThose are the areas she wanted to share.OK. Can I give you my responses?Yes.OK. Repeat them one by one, and I'll respond to them.

MEDIATOR: The cop issue.

NORA: [Laughing.] I think I gave the example of the drill sergeant getting to be the crossing guard. I think she's mellowed out some on that. Some people can take their jobs a *liiiiiittle* bit too seriously. I don't know if I would share that with her.

Individuals can express their feelings any way they wish during the pre-caucus, with the idea of later examining possible ways of presenting the material for better impact.



Nora is able to express her feelings but realizes that the wording will have to be changed in order not to offend. This is a valuable aspect of the pre-caucus.

MEDIATOR: The responses you're giving me right now will get refined later. NORA. [Laughing, followed by silence.] We'll decide on how we want to respond . . . the official response. Yes, I understand that she's got that task. People take on obligations, and I sometimes wonder why they take these on. Actually, the best boss I've ever had is our present boss, who has the job despite the fact that he didn't want it. Everybody I've ever worked for before who wanted that job has been a very difficult boss to have. There was a reason why they wanted to be the boss. While I understand that it's something that needs to be done, people take on different things because they have a reason, their own reason for needing to take those things on. I think she's getting better. If it's truly something that needs to get done, I'm as interested as the next person to make sure it's taken care of. Anything more about that? MEDIATOR · NORA: No. No. I'm part of the team. We'll make it work if it's really important.

During the joint session we shall see this issue develop further. Nora admits there may be a need for change on her part. The mediator does not need to moralize.

MEDIATOR:	Rebecca was concerned that it was implied, as well as directly stated, that your work was more
	important than hers.
NORA:	Well, we'll have to get that straightened out.
MEDIATOR:	OK.
NORA:	We'll have to I think I know how that came
	about, so let's get it fixed.
MEDIATOR:	Is that back to the Larry ?

Back to the Larry thing. And if that's not the issue, NORA: then let's find out what the issue is and get it fixed. Also, Rebecca actually heard it from others that you MEDIATOR. stated your work was more important than hers. [Nora, who has been guite cheerful until this NORA. moment, pauses, begins to shake her head, raises her evebrows, and shrugs her shoulders as if searching. She then continues in a more serious tone of voice.] I don't know how to respond to that. I don't remember saying something like that . . . although maybe . . . maybe taken out of context . . . I don't know . . . But that's not how I feel, sooo we'll just have to get that fixed . . . get that straightened out . . . Sorry if . . . Now, she's saying that I said that to somebody else, and they said that to her? MEDIATOR. Yes NORA *Weeell*, I'll have to think if there is anything I've ever said that could have been misconstrued that way. I might have said at one point, when I had three people working for me, that I had more things going on than other people, but it doesn't mean my

The mediator continues to listen. Nora expands a bit on what she has said. Her usual smile returns.

work was more important.

MEDIATOR:	The last issue is the fact that Rebecca feels she's
	sometimes treated differently than others in the lab.
	She wonders if she does something or has done
	something to cause that. She feels that you have
	raised your voice at her when you haven't
	necessarily at other people.
Nora:	[With a smile, nodding her head when she speaks.]
	OK, I have several responses to that.
Mediator:	OK.
Nora:	I'll respond to the example first.
MEDIATOR:	OK.

NORA: Uh, first of all, let's define "raising my voice." I can think of two incidents where I was irritated with her . . . where she interpreted it as "raising my voice." I wouldn't call what I did raising my voice. She said I was yelling at her? [Nora pauses, raises both of her hands, and, still smiling, continues.]
Believe me, if I want to yell at somebody, *I'll yell at somebody*. It's not what I did. I don't do it to anyone who is not my child. But . . . that wasn't yelling at her. Yes, there was some annoyance in my voice when after the third time . . .

Nora goes on to recount a situation in which there had been a miscommunication between the two women. She explains that Rebecca wanted to discard an old piece of lab equipment against her wishes. As Nora tells the story, she speaks quite a bit louder when she describes the incident in which she is accused of raising her voice.

NORA: Yeah, I guess I did raise my voice but that wasn't what I call yelling at her. I was annoyed and irritated.

Next, Nora explains how the same piece of lab equipment was needed by another lab employee a short while after Rebecca attempted to discard it. Nora speaks of another situation in which she became irritated, but she again claims she would not call what happened "raising her voice."

Nora:	I would not say that I'm treating her differently, but I seldom have occasion to get annoyed at anybody
	else at the lab. We'll, no Occasionally, I have
	gotten annoyed at people working for me when
	they've done something really stupid.
MEDIATOR:	Yeah.
NORA:	I'm not a yeller. But I am capable of being annoyed.

So, I go around yelling at *her* and not at anybody else? That would be an odd thing to think.

Up to now, Nora has been trying to show a positive self-image for the mediator. As she speaks and is heard, she will be in a better position to recognize that even a moderate level of "raising her voice" can be a problem in her troubled relationship with Rebecca.

NORA It sounds a little paranoid to me. Now, on the other hand, where I feel a little paranoid, I sense she treats me differently than the rest of the people in the lab. The specific example is that, besides me, there are five other professional women in the lab. [More serious, Nora continues.] And, somehow, they all seem to know what the others are doing on the weekend, and where they went, and who went hiking or to the beach, and who is seeing whom. If I walk up, and two people-say Rebecca and Adriana-are talking, not only do I not know what they are talking about, but no one includes me in the conversation. So, I don't know exactly how that all works. I don't think I've been unfriendly to anybody. I certainly don't think I've been in the loop.

Ostensibly, the conflict between Nora and Rebecca was about a year-end report, but this conversation demonstrates the importance of uncovering other underlying interpersonal issues.

NORA: When I try to bust into the loop, I don't feel particularly welcome, especially when Rebecca is part of the conversation. You know, I'm fine with everyone individually, but I get the impression that everybody else is doing things with other people, with each other, and I'm not. Which . . . since I tend to be busy it's not a huge thing. I'm not expecting people at the lab to be my friends [Begins to smile again.], but on the other hand . . . I do feel a little bit left out.



Time lapse between pre-caucuses can permit parties to begin the process of mutual validation while on their own.

The mediator briefly summarizes and asks if there is anything Nora wishes to add.

Nora:	Mmm I don't think so. I'm looking forward to
	things getting resolved especially if there have
	been misunderstandings. I really want to get those
	taken care of. I may not be able to meet all the
	expectations, but we can be clear as to which ones I
	can meet and which ones I can't.
Mediator:	That leads into the next question. Do you feel
	comfortable with the idea of a joint session next time
	we meet—bringing you and Rebecca together?
Nora:	Sure, we can do that. We can do that. I'd like to
	know ahead of time the list of topics, whatever
	we're going to be discussing. Realizing, of course,
	that life does not always follow a list.

MEDIATOR: OK. Of course.

The time lapse between the pre-caucuses has permitted the parties to begin the process of mutual validation. The mediator now asks Nora to come up with two or three expectations for the joint session. Nora expresses her hopes in a sincere, touching way.

- NORA My personal goals would be, foremost, to communicate to Rebecca, somehow, that she's important to me; that her work is important to me; and that she, as a person, is important to me. And as an outpour of that, I want to have the air clear between us, so that the number one goal is not interfered with. Do you know what I mean? So there's no miscommunication. I want to have some sort of understanding that I'm not doing things to deliberately make her life difficult. Maybe then she will cut me some slack in terms of thinking the worst of my intentions. And I would like her to understand that if she has a need in her work, or otherwise, if somehow that can be communicated to me, then we can work it into the priority list. MEDIATOR: You would like to be able to talk about work or what
- happens over the weekend. At this time, both of you are hesitant to speak to each other, not knowing how the other will react. NORA: Right.

NEXT STEPS

Nora and Rebecca will have a chance to converse with each other directly and begin to resolve their differences. Much progress has been achieved already. For instance, each woman has recognized that she might be doing something to merit the other's negative reactions. Even though they have not met in a joint session, Rebecca and Nora are beginning to validate each other during their brief encounters at work.