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# Making sense of mediation: The intersection of critical event narratives at a community conflict resolution center

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Making sense of mediation: The intersection of critical event narratives at a community  
conflict resolution center

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A thesis submitted to the Graduate Faculty of

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## Abstract

This research investigated the unique narratives of one community mediation center's stakeholders to illuminate the interconnectedness of the center's stakeholders and the role critical events play in their retrospective sensemaking. A qualitative study, employing an autoethnographic and narrative analysis, was conducted at a local mediation center over a period of six months to explore the communicative interactions involved in the stakeholders' tellings and retellings of stories of significant change. Results offered a rich understanding of the significant moments taking place at the community mediation center and the communicative triggers of these critical event experiences. Critical event triggers included: accelerated learning, cognitive dissonance and Dialogue, and reinforced conceptualizations of mediation. By highlighting critical events and their triggers, conceptual and practical implications include a set of best practices for mediation centers and for facilitating conflict resolution.

*Out beyond ideas of  
rightdoing and wrongdoing  
there is a field  
I'll meet you there  
When the soul lies down  
In the grass  
The world is too full to talk about.  
-Rumi*

## Introduction

It is my first day at the Pleasantville Mediation Center and I am standing by the door to the entrance. I pause for a second to take notice of an eight-by-six foot free standing blackboard to my left, words scrolling across the top in big, white block letters asking me, "What do you like about Pleasantville?" Under these words are dozens of different names, phrases, and drawings in different colors. I am drawn to one in the left hand corner in small green chalk. It says, "...because it's my home." For some reason, this resonates with me. I take a deep breath and open the door to my new home for the next six months.

To enter a mediation center is to enter a new world. Polarized conflict is generally not looked at fondly by the public eye, and walking into a location that not only houses, but celebrates conflict on a daily basis is a surreal experience. My journey into conflict central began a year ago when I began volunteering at the Pleasantville Mediation Center. Adjacent to rooms filled with disputing parties were rooms filled with eager mediation trainees. Next to volunteers gathering information from disputing parties were off-duty mediators happily going about their afternoons. The assortment of demeanors, appearances and goals were vast yet systematized, and it did not take long before my unique voice joined the fray.

Logging over 130 hours and taking on the majority of role available, I held conversations with the different types of center stakeholders. As a volunteer I made phone calls to distressed individuals, or disputants, who told me about their conflicts, earnestly expressing a desire to end the fighting and destructive communication. I spoke with the other volunteers during the few moments the phones were not ringing to learn more about their own lives, their interests, and what paved the way to their current work at the center. Throughout my training as a mediator, I discussed with other aspiring mediators their reasons and desires for assisting in conflict resolution. I shadowed current mediators who have worked for the center for over 20 years, and through our interactions was amazed to discover the amount of passion they continue to maintain in their work.

Each individual, whether volunteer, mediator, or disputant, discovered the mediation center in a different way, and each experienced moments of significant change in different contexts. However, there is no doubt that the mediation center influenced each one of the individuals' lives, including my own. This ethnographic study extends existing scholarship on mediation by focusing on the unique yet interwoven narratives evident at one community mediation center, capturing and highlighting the critical moments in the individuals' stories of experience and the impact these moments have on both the storytellers and the Pleasantville Mediation Center.

I begin Chapter 1 by detailing the notion of conflict and offering a background and development of current conflict resolution strategies before examining existing research on mediation to offer a rationale for conducting this research. Chapter 2 introduces existing research on mediation centers and offers a theoretical grounding for

my study. In Chapter 3, I provide a detailed description of the fieldsite, protocol, and research methodology as I describe my own experience. Chapter 4 presents the findings of my study including data excerpts from the stakeholders' narratives that are relevant to the research questions. In Chapter 5, I position the findings within relevant research, address the limitations of the current study, and offer direction for future mediation research.

## Chapter 1

### Introduction to Conflict Resolution

Our everyday lives are filled with interactions with others, and within these interactions conflict is unavoidable. Whether it is with friends, family, co-workers, or next-door neighbors, the potential for conflict is ripe as we navigate our relationships. Each one of us has experienced countless conflicts in our lives, but too frequently we simplify the notion of conflict to merely be a struggle or disagreement. In fact, conflict is when interdependent parties have perceived incompatible goals and are tasked with managing their conflict in some way (Wilmont & Hocker, 2011). Communicative choices determine to what degree conflicts are destructive or constructive, and the individuals' relationships are significantly impacted by how the conflict is managed. It is through our ability to productively engage in the perceived incompatibilities with another party that defines the relationship.

Managing conflict productively necessitates a level of self-reflexiveness to recognize what works and what does not. However, some individuals in deep-seeded conflict have difficulties recognizing not only their communicative techniques, but the situation and context of the conflict (Fisher & Adams, 1994). While a plethora of scholars offer advice for transforming conflict into productive discourse (see, e. g., Baxter & Montgomery, 1996; Dainton & Gross, 2008; DeChurch, Hamilton, & Haas, 2007; Forward, Czech, & Lee, 2011; Lulofs, 1994; Wilmont & Hocker, 2011), some conflicts may become so entrenched that the disputants are still unable to break their destructive habits and practices (Fisher & Adams, 1994). It is in these conflicts that the

interdependent parties may be unable to keep the productivity necessary to resolve the issue.

The more unproductive and destructive interpersonal conflicts are rooted in an individual's concern with the power another individual has over him or her instead of recognizing and seeking power that encourages voice and participation on a level playing field (Eisenberg, 2001; Lederach 1995). Power imbalances distort conflict management processes, because an individual who thinks he or she has little control of the situation will be less likely to participate in making progress towards a resolution (Canary, Cunningham, & Cody, 1988). To help manage real and perceived power imbalances, promote more internal locus of control, and encourage a more collaborative effort in the individuals' communication, alternate options featuring third parties exist to aid in the conflict management process.

The conflict management processes are known as alternative dispute resolution, or ADR, and have been researched from a legal perspective (Edwards, 1986; Hensler, 2003), a critical perspective (Delgado et al., 1985; Grillo, 1991) and from an organizational perspective (Edelman, Erlanger, & Lande, 1993; Stitt, 1998). ADR has also been studied from a communication perspective, where scholars explore what communication strategies promote or restrict positive outcomes within the various conflict resolution processes (see, e.g. Netzley & Davis, 2001; Szmania, Johnson, & Mulligan, 2008). Together, the different perspectives on ADR research have allowed for invaluable insight into conflict and the types of ADR best suited for such conflict. What follows is an introduction into the different types of conflict resolution processes before narrowing in on mediation as the basis of further inquiry.

## **The Social Context of Dispute Resolution Processes**

When faced with entrenched conflict, a variety of options are available to disputing parties. One of the most popularized options available is litigation. Litigation leaves conflict up to the lawyers and ultimately the judge to decide the resolution, resulting in an expensive and time consuming process that often yields dissatisfying results for one or both parties. In the event that litigation is not desired by the disputing parties, other options exist under the umbrella term of alternative dispute resolution that also assist in managing conflict. Types of ADR include: kitchen table negotiation, mediation, the collaborative process, and arbitration. Litigation falls outside the purview of other dispute resolution processes because of its position-based format and tendency to make competitive what other ADR processes make cooperative (Henry & Lieberman, 1985). Kitchen table negotiation is another dispute resolution option that is sometimes overlooked as a viable ADR process because of its frequent use as a standard conflict management strategy. Kitchen table negotiation is where the majority of conflicts begin and end.

Kitchen table negotiation is, as the name suggests, based on the idea of individuals sitting across the kitchen table and working through their conflict. The “kitchen table” is in reference to the idea of a safe setting where equals interact on a level plane to resolve issues, and kitchen table negotiation can take place in any location that has a neutral atmosphere (Lee & Van Den Berg, 2003). Considered the standard negotiation process and the one most commonly used in everyday life, kitchen table negotiation is typically the first attempt at conflict resolution. We experience kitchen table negotiations with family members, friends, and co-workers and work to resolve the

conflict in one of five ways: collaborating, accommodating, compromising, avoiding, or competing (DeChurch et al., 2007). Each communication style is contextual, meaning each may be appropriate given the situation (Wilmont & Hocker, 2011). However, DeChurch et al., (2007) note collaboration is likely to be the most effective and mutually beneficial conflict management strategy while competing is the least constructive. If the individuals' communication and conflict management strategies are unable to reach an agreement through kitchen table negotiation and cannot avoid the conflict, they are encouraged to seek outside assistance (De Girolamo, 2013; Folger & Bush, 1996; Moore, 2003).

Mediation is one outside assistance option, and the individuals in conflict, or disputants, can seek mediation help in two different ways. A court can refer the parties to the mediation center, or the parties can schedule a mediation session themselves. Either way, mediation introduces a neutral, third party to help facilitate the negotiation in a respectful manner. The mediator guides the parties through information sharing, problem-solving, and pulling arrangements together into a resolution. Mediation has many strengths, but one potential shortcoming is that the neutral, third party does not have a legal knowledge that some conflicts might require (Folberg & Taylor, 1984).

The collaborative process is a second option and the next rung up on the ADR ladder. The collaborative process arose as an alternative conflict resolution process after lawyers and families began seeking alternatives to family law litigation and conventional mediation. Lawyers and families found many benefits in the mediation process, mainly they recognized a power in collaboration that was not evident in family law litigation (Tesler, 1999). After all, families who embrace alternatives to litigation are more

involved in their children's lives, more likely to maintain contact with their children, and generally have greater long term satisfaction with their agreement (Emery et al., 2001). While recognized as beneficial, many parents would still find themselves with questions about the mediation agreement, legal next steps, and whether or not they made a good decision. They found themselves leaving mediation with a continued lack of legal knowledge about the issue and a desire for third party recommendations about what they should do next.

The collaborative process has been politely described as mediation on steroids and essentially involves the foundational principles of mediation combined with each party having an attorney to guide them through the legal matters (Tesler, 2001). At the onset of the collaborative process, the disputing parties sign an agreement stating that they will be open with all information and will make every attempt to resolve the conflict out of court. The lawyers support their respective disputing parties, yet they also sign an agreement to keep all information open and maintain a collaborative atmosphere throughout the entire process. Lawyers may be required to withdraw if they are dishonest during the process or if a mutual resolution is not reached. Mental health professionals and financial professionals may also be called in to provide support as necessary. The process is inexpensive in comparison to litigation yet provides the legal guidance necessary to work through some aspects not fully supported in mediation (Tesler, 2001).

Arbitration is the final and most frequently used alternative to litigation. Like litigation, arbitration features lawyers who are position-based and argue in front of an impartial third party to end a dispute. Unlike litigation, however, the third party in arbitration is known as an arbitrator, and the arbitrator is typically an attorney or other

professional who has gone through extensive training. Because of the agreement to accept the arbitrator's decision, the disputing parties receive a faster and cheaper verdict than if they went to the judge for a verdict. Arbitration does not offer as much emphasis on collaboration as other methods, and limitations include questions of dishonesty and a limited respect for contractual obligations (Kantor, 2002).

### **Mediation's Social Context**

Mediation, as stated previously, is used in a variety of settings to resolve conflict, but the structures of the mediation differ according to different schools of thought. It began to be commonly utilized in the 1960s, though mediation was not uncommon in resolving labor disputes during the second world war (Smith, 1977). Mediation practices today can be found in schools, businesses, community forums, court-ordered settings, and even prisons. There are three different types of mediation: facilitative, evaluative, and transformative. Each differs in both structure and in the role of the mediator.

The facilitative approach to mediation has been the primary tool for nonlawyer mediators since the 1960s, and it has appealed to mediators and disputing parties because of its emphasis on supporting each parties' point of view without the mediator making recommendations or giving advice (Zumeta, 2000). The primary reason facilitative mediation has remained successful outside of the legal sphere is frequently believed to be because nonlawyer mediators hold different and less confrontational perspectives than their legal counterparts (Stempel, 2000).

Facilitative mediation empowers disputing parties in mediation by offering them direct power and granting the mediators and lawyers only indirect power (Zumeta, 2000). The facilitative mediation process encourages the parties to discover and analyze their

own options for resolving the conflict, and the mediators are there to ensure the parties are listening and understanding each other. In sum, the mediator is in control throughout the process in facilitative mediation, while the disputing parties are in control of the results.

Lawyers more frequently use evaluative mediation than facilitative mediation, and this is largely due to the fact that evaluative mediation is shaped similarly to the settlement process in the judicial system (Stempel, 2000). The evaluative mediator is encouraged to offer advice or recommendations to the parties in order to aid in the dispute resolution process, and issues of legal rights are frequently addressed. This is significant because the mediator may suggest that one disputant may be better suited to cease participating in mediation. While not frequent, the mediator may also explicitly reject neutrality when suggesting one party has more grounds for the complaint. Questions about the mediator's ethics and agenda come in to play in evaluative mediation. Ultimately when compared with facilitative mediation, evaluative mediation gives direct power to the mediator and lawyers while giving only indirect power to the individual parties (Zumeta, 2000).

When considering the evaluative-facilitative distinction in mediation, some scholars argue that the difference is not dichotomous but instead exists on a continuum (Lande, 1997). From this perspective, evaluative mediators are not disrupting the mediation process by introducing their own opinion. Instead, the information given is based on the desires of the parties and to encourage a settlement the best option available at that time. Opponents to evaluative mediation view any opinions or evaluative critique from the mediators as a disruption to the process's legitimacy because of the inherent

influence of the mediator (Moberly, 1997). There is no consensus surrounding the evaluative-facilitative debate in the legal field or communication discipline, nor is there a widespread agreement on the boundaries of what keeps facilitative mediation from becoming evaluative mediation.

The final form of mediation, transformational mediation, focuses on the empowerment of the parties rather than the outcome (Bush & Folger, 1994). Transformative mediation was developed because of the recognition that power dynamics remain prevalent in mediation regardless of the circumstances, and the structure constrains the transformational nature of mediation rather than cultivating it (1994). The uniqueness of transformative mediation as a technique stems from how it allows parties to develop the process and reach the outcome on their own terms. The mediator follows the lead of the parties to aid in whatever structure the parties have established. Transformative mediation is not as widespread of an approach as facilitative or evaluative mediation because of its somewhat unorthodox nature (Bush & Pope, 2002). With its emphasis on connection over autonomy, there is more potential for transformative mediation to thrive in a society where the primary culture maintains a more collective worldview than an individualistic worldview (Bush & Folger, 1994). Culturally, the Anglo-Saxon western citizen maintains a highly individualist worldview and struggles to work within a transformative mediation framework, while those of a more collective cultural background such as Ecuador or Guatemala are able to embrace transformative mediation (Hofstede, 2011).

Each type of mediation has its strengths and weaknesses, yet practitioners generally agree that the collaborative environment is ultimately what enables each

mediation technique to have success (Stemple, 2000). As I detail my experience at one mediation center, no explicit conversation of mediation types took place. Mediation training suggested we as mediators avoid making any suggestions or opinions, mirroring facilitative mediation's tenets. However, observing mediators and volunteers in action indicated that evaluative mediation techniques were employed occasionally throughout the dispute resolution process. Most of the time, however, the mediators expressed a desire to act more evaluative than they actually were in the mediation. The mediators resisted temptations to tell the disputants how to resolve conflicts in an effort to let the disputants develop their own plan. When mediators refrain from advice giving, disputants are more likely to support and follow their own plan (Krivis, 2006). The evaluative moments varied according to the individual, but I was able to recognize how the mediators used their prior experiences to shape their current interactions with disputing disputants.

### **Rationale**

With the exploration of dispute resolution techniques continuing to be valuable as individuals seek alternatives to traditional adversarial conflict structures, mediation centers provide ripe ground for further study because of their increasing presence in local communities and their impressive success rates. An abundance of mediation scholarship does exist, yet the current field has continued to remain focused on either the disputant's or mediator's perspective. Research on the disputant's perspective of managing conflict includes emphasis on topics such as intrapersonal conflict management (see, DeChurch et al., 2007; Wilmont & Hocker, 2011), negotiation techniques (among others, see Beer & Stief, 1997; Brett et al., 1996; Carnevale, 1992; O'Leary & Bingham, 2003; Fisher &

Ury, 1991), and interpersonal relationship building (see Baxter & Erbert, 1999; Baxter & Montgomery, 1996). Research from a mediator's perspective includes conflict management (see Daniels & Walker, 2001; Moore, 2003), mediation ethics (see Bingham, 2004; Folger & Bush, 1996), and conflict-specific mediation strategies (see Krivis, 2006; Moore, 2003; Phillips, 1999).

However, little scholarship considers the mediation process in its entirety, considering the mediators, disputants, and volunteers together. Volunteers are especially absent in scholarship, yet they hold a unique and invaluable role in the mediation process. Volunteers have the first interactions with disputants and are tasked with doing intakes, recording information about the conflict for the mediator to consult when preparing for the mediation. The few studies that have explored mediation centers holistically are focused on success rates (see Lewicki, Weiss, & Lewin, 1992; Regan & Stam, 2000), mediator experience (see Krivis, 2006; Moore, 2003), or on identifying outside influences on mediation centers (see Bolinski, 1994). The dearth of studies on the diverse yet connected stakeholders and their moments of significant change at a mediation center provides fertile ground for further exploration.

The purpose of this research study is to explore the Pleasantville Mediation Center, where volunteers, mediators, and disputants interact on a daily basis in an effort to reduce conflict. Webster and Mertova (2007) define critical events as something "told in a story that reveals a change of understanding or worldview by the storyteller" (p. 73), and this study focuses on the critical events of the mediation center individuals' narratives to show both what and where the stakeholders are experiencing their moments of significant change. Moreover, the change experiences expressed by the storytellers

show the type of impact and effects the specific moments have on the mediation environment (Webster & Mertova, 2007).

In order to consider the critical events of the stakeholders, I use dialogue and narrative inquiry as my primary theoretical lenses. Dialogue allows me to situate myself in the unique environment of mediation because of mediation's reliance on dialogue to transform destructive conflict into mutual resolution. In addition, narrative inquiry's lens focuses my analysis on the stories of volunteers, mediators, and disputants and their moments of significant change, recognizing dialogue's utilization in the various interactions taking place. By using an ethnographic methodology rooted in dialogue and narrative inquiry, this project ultimately seeks to offer insight into how the change moments of varied stakeholders at a community mediation center influence the experiences of disputants, the meaning of work for the volunteers and the mediators, and the mediation center's work in the community. The research is guided by the following research questions.

RQ 1: *What critical events exist in the volunteers, mediators, and disputants' experiences at the Pleasantville Mediation Center?*

RQ 2: *What are the triggers of the volunteers, mediators, and disputants' critical events at the Pleasantville Mediation Center?*

## Chapter 2

### Theoretical Foundations of Mediation

Each one of the dispute resolution processes, from litigation to kitchen table negotiation, has a place in resolving conflict. However, mediation and its strengthened version, the collaborative process, are unique because of their emphasis on speaking from one's own individual perspective, listening actively to others, and working together on the problem. Before furthering discussions about mediation centers, it is beneficial to consider the theoretical foundations that ground ADR and mediation. Theories supporting mediation begin with a metatheoretical foundation in the social construction of reality. From there, dialogic theory and narrative inquiry explicate the core principles of the mediation process.

#### **Social Constructionism**

Inherent in social constructionism is the assumption that there is both an objective and subjective reality and that a dialectical process of externalization, objectivation, and internalization characterizes our social world (Berger & Luckmann, 1966). Externalization refers to the institutionalized world that already exists and the way the individual experiences this "external" world as an objective reality. Objectification is the process in which social interactions produce the objectivity that the individual experiences. Internalization is when the individual, having experienced the objective reality, ascribes his or her own meaning to the event. All three components exist concurrently in our social interactions, where an individual member of society "simultaneously externalizes his own being into the social world and internalizes it as an objective reality" (Berger & Luckmann, 1966, p. 130).

Important to the following conversation, a social constructionism lens views mediation as constructed not only through communication, but also in the individuals' perception of themselves in relation to others and their perception of others in relation to themselves (Druckman, 1993). When individuals construct messages in social interaction, they are sharing their view of life and correcting or altering their views based on the other's response. Moreover, social constructionism considers human interaction as a fundamental process that constructs our reality, and it is by understanding human language and symbolism that one can understand the reality of everyday life (Berger & Luckmann, 1966). With language's capacity of abstraction, we are able to communicate meanings about matters that we have not and will never experience, and these meanings and experiences are passed on to others, becoming instruments for others as they gain knowledge about the social world

Shotter (1993) refers to Berger and Luckmann's (1966) notion of the construction of language as intertextuality; already agreed upon meanings shape conversation and make new meanings allowing for new, shared outcomes. Berger and Luckmann (1966) further their notion of socially constructed reality by discussing the need for humans to socialize and to be in the company of others. It is here that mediation as a conflict resolution process is able to grow because of how fundamental it is to mediation that communicative interaction has the potential to create new, shared outcomes.

When studying mediation, the theoretical backdrop of social constructionism's core tenets allow for rich and diverse mediation scholarship about volunteers, disputants, mediators, and even mediation's societal change potential (Krivis, 2006). The communication discipline sees a social constructionist meta-theoretical lens as

complementary to other theoretical frameworks when exploring mediation. This includes theories such as relational dialectics (see, e.g., Aakhus, 2003; Bazerman & Neale, 1992, Baxter & Montgomery, 1996), social identity (see, e.g., Rubenfeld & Clement, 2012; Wade, 2002), dialogue/deliberation (see, e.g., Baxter, 2006; Gastil, 2006), and storytelling (see, e.g., Phillips, 1999; Moore, 2003; Rifkin, Miller, & Cobb, 1991). This project's theoretical grounding is in dialogue and storytelling (narrative) as they relate to mediation.

### **Dialogue**

Mediation derives its ability for resolving conflict from the notion of *Dialogue* (The D italicized for emphasis). While dialogue is frequently utilized to describe conversation between two or more individuals or towards exploration of a topic, Dialogue with a capital "D" refers to a much more complex and nuanced term. Mediation's goal is to facilitate Dialogue in practice and therefore grounding the term is necessary to this project. To begin with, the etymology of dialogue is rooted in the Greek words Dia and logos, Dia meaning "through" and logos meaning "words" or "meaning." Isaacs (1999) describes Dialogue with a capital D to mean "conversation in which people think together in relationship" (p. 19). This means one's own position is not final; instead the individual is willing to listen to the other and explore other possibilities.

Different scholars offer varied definitions of dialogue in their work. One foundational dialogue scholar, Martin Buber (1970), views dialogue as a way of relating with others where the other was no longer an object. The individual, "I" would let the other, "you", happen to the "I". For Buber, the I-You and the I-It are two ways of being. He suggests the I-It way of being is through social interaction where the individual is

attempting to influence the other. The other way of being, I-You, is where the person communicates with utter openness and meaning is created between the individuals (Stewart & Zediker, 2000). While Buber does not explicitly refer to dialogue in his work, his philosophy has served as the foundation for much of the subsequent dialogue scholarship.

Another prominent scholar, Bohm (1996), views dialogue as shared meaning and achievable only through the suspension of underlying values and assumptions. By this Bohm means that in order to recognize one's own internal motivations, opinions, and viewpoints, one must maintain a self-reflexive outlook on the situation. Isaacs (1999) adds that it is only through the observation of one's own self that the individual can truly change one's perspective. While *dialogue* is a form of discourse, *Dialogue* is a space where relational being can create openness, trust, and understanding (Hyde & Bineham, 2000).

From Pearce and Pearce's (2000) perspective, they contend that dialogue is a transmission of communication with no interruptions where there is no target goal or solution. In fact, dialogue is considered a success if the act of thinking together takes place. Isaacs (1999) also echoes the notion that the result of Dialogue should not be used as a resource to judge the communication's success. Instead Isaacs (1999) encourages a consideration for celebrating Dialogue because it is Dialogue. In other words, communication is a success if interpersonal relationship development and the act of Dialogue actually take place. While this concern for process over outcome is an important perspective in dialogue scholarship, Dialogue in mediation is faced with a goal. The goal in mediation is to reach a mutual resolution between the disputing parties, and

therefore Dialogue is inherently limited when it comes to decision-making. That being said, the spirit of Dialogue as multidimensional, dynamic, and emergent is still important in mediation. Cissna and Anderson (2002) identify this spirit and fleeting nature of Dialogue:

Dialogue is possible, but it is hard-won in the moment, actually achieved in moments of surprise made possible by open listening and contingent speaking. It does not sprout just anywhere, but grows where the soil of communication has been cleared and cultivated, without guarantees for it” (p. 250).

In other words, the mediator understands that moments of Dialogue are something to strive towards instead of something that occurs frequently. The mediator’s task is to aid in the disputants’ path towards Dialogue understanding others’ goals may be purely to reach an agreement.

### **Facilitating Dialogue**

In mediation, disputants who are faced in an entrenched conflict often may be so intertwined with the conflict that they are not able to step back to acknowledge the basic perspectives of how they view the world, to be *self*-reflective. This core being, or *self*, is where Dialogue takes place, and the *self* is commonly considered to reside underneath an actor’s assumptions and beliefs (Ellinor & Gerard, 1998). Ellinor and Gerard offer a depiction of *self*, illustrating that each core being has a ladder of inferences built around it (1998). The inferences begin with the selection of personal and cultural data where meaning is added, and assumptions, conclusions, and beliefs create the rungs. It is only through the acknowledgement and suspension of these inferences that a person can successfully engage in Dialogue. Ellinor and Gerald (1998) express the problems with

individuals who lack self-reflexivity saying, “Individuals that are not aware of their assumptions are like planes on autopilot with no pilot in attendance” (p. 79). Self-reflexivity is required to recognize assumptions and beliefs, and it is only once the individuals are able to suspend those assumptions that they can reach a level of shared meaning.

Shared meaning is worth more than the sum of its parts, and mediation creates space for something more to be created when both parties come together in Dialogue (Bush & Folger, 1994). One individual’s creation of meaning with the other individual ideally leads to shared thoughts, emotions, and resulting actions (Pearce & Pearce, 2000), however it is important to note that Dialogue in mediation does not necessarily lead to a resolution in mediation. Indeed, the dissenting voices may remain in staunch disagreement throughout the mediation process and beyond. Instead, Dialogue makes it possible for the individuals to tolerate their disagreement with the other party and recognize the relationship beyond the disagreement (Eisenberg, 2001).

Shifting from an adversarial or positioned perspective to a collaborative or open perspective is necessary for engaging in mediation. As evidenced by the aforementioned scholarship, Dialogue theory offers a framework for creating space where shared meaning can take place thus offering the potential of mutual resolution. Therefore Dialogue is an appropriate lens for further analysis of mediation, but there also is valuable insight in the individuals’ unique narratives.

### **Narrative Inquiry**

The foundation of narrative inquiry is based on the interest in storytelling activities, what makes up stories, and how a researcher interprets what a particular story

means. Many theorists (Bruner, 1991, 1997; Clandinin & Connelly, 2004; Fisher, 1989) contend that narrative is how individuals make sense of and interpret the world, and it is through narrative that individuals ascribe meaning to their activity. Like dialogue, narrative has many different definitions, not to mention that it is seen as both a theory and methodology. Bruner (1991) contends that knowledge is never point-of-viewless and that narratives in fact are a mode of thought, while Fisher (1989) considers narrative as an alternate way to study human communication and being in the world. Narrative also has been considered as a mode of discourse that should solely revolve around storytelling rhetoric (Rowland, 1987). I use narrative as an organizing framework that emerges through the individuals' interactions, one that both shapes and is shaped by the individuals' change moments. The unique, individual narratives at the mediation center influence each other as the individuals continually interact with the narratives helping to guide future practices.

Stories begin when something ordinary in the world gives way to an unexpected sequence, and the individuals' reflections of these experiences constitute as narratives. Bruner (1991) indicates that narratives highlight the uniqueness of events, and that the narratives of individuals come together to offer distinct depictions of the same event or process. The disputants, when in mediation and discussing the issue at hand, utilize stories to describe their own experiences and motivations to ultimately express why their point of view is correct (Gergen & Gergen, 2006). The mediator listens to the stories and works to summarize, rephrase, and find common ground with the other disputant's narrative. The method of narrative mediation has been found to be successful in externalizing issues and separating the person from the problem (Winslade & Monk,

2000), demonstrating how the mediator helps support the co-construction of a new narrative. By co-construction, I mean recognizing moments of overlap between the unique stories and the acceptance of other's version as the mediation progresses.

### **Retrospective Sensemaking**

While the stories in mediation serve as a conflict management resource, stories about prior mediation experiences are also significant. Individuals' narratives of reflection indicate a form of retrospective sensemaking about their experiences. As Webster and Mertova (2007) state:

People make sense of their lives according to the narratives available to them. Stories are constantly being restructured in the light of new events, because stories do not exist in a vacuum but are shaped by lifelong personal and community narratives...Narrative illustrates the temporal notion of experience, recognizing that one's understanding of people and events changes (p. 2).

Post-conflict, the different parties have their own unique stories of experience that illuminate how the conflict unfolded, whether or not a resolution was reached, and the influence of the conflict on their daily lives. By considering different tellings of the unique narratives, the individuals' stories may offer critical moments that illustrate the impact and profound effect on the individual (Webster & Mertova, 2007). These critical events in story are events exceptional by "virtue of their criticality" (Woods, 1993, p. 356). This relates not so much to content, though it may be extraordinary, as to the profound effects it has on the individual telling the story (Woods, 1993). The identification of critical events in individual narratives indicates moments of profound significance, and how the individuals have been shaped by the significant experience.

A critical event approach is closely related to retrospective sensemaking because critical events reveal a significant change of understanding or worldview by the storyteller (Webster & Mertova, 2007). Examples of rich critical event research include air traffic controller trainees' experiences (Webster, 1998), academics' stories (Holzer, 2005), and clinical practices (Sacks, 1998) among others. In each of these critical events, the event becomes critical because of its impact on the performance of the storyteller, and its impact as a change experience can only be identified after the event has taken place (Webster & Mertova, 2007).

Surprisingly, a critical events approach to mediation narratives has not yet taken place in communication research, even though mediation narratives seemingly fit well with Webster and Mertova's (2007) criteria. Webster and Mertova (2007) posit:

Critical events exist in a particular context, such as formal organizational structures or communities in practice; impact the people involved; have life-changing consequences; are unplanned; may reveal patterns of well-defined stages; are only identified after the event; and are intensely personal with strong emotional involvement. (p. 83)

Existing scholarship on mediation suggests that there is overwhelming evidence to support a critical events approach to the mediation stakeholders' narratives. Beer and Stief (1997), Daniels and Walker (2001), and Krivis (2007) among others situate mediation in an organizational and communal setting. Bingham (2004), O'Leary and Bingham (2003), Brett, Barness and Goldberg (1996), and De Girolamo (2013) among others note the unintended life-changing consequences, well-defined stages, and the intensely personal experience of mediation.

Narrative inquiry provides a better understanding of how the participants make sense of their mediation center experiences, furthering the potential of identifying critical events (Weick, Sutcliff, & Obstfeld, 2005; Strauss & Corbin, 1998). Narratives of mediation centers have been explored (Gergen & Gergen, 2006; Burns, 2008), but not from a vantage point that considers the critical events that define the mediation center stakeholders' experiences. Gergen and Gergen (2006) focus on how mediators can encourage more narrative tellings from the disputants, while Burns (2008) comments on achieving balance through narrative. Other researchers (Krivis, 2006; Rubinson, 2004) have offered their own ethnographic experiences featuring emotion, self-consciousness, and introspection in their analysis of the mediation process. Krivis (2006) describes different key moments that influenced how he mediates, while Rubinson (2004) argues that different narratives about the different legal dispute processes exist and need to be explicitly expressed to the disputants before the disputants decide to mediate.

Krivis (2006) comes closest to identifying critical events in narratives through his telling of his own experience, but he neglects the narratives of the other individuals involved in the process. As a result, only a partial picture of a mediation center is evident in his work. From there, an identification of critical moments and the effects it has on the stakeholders will provide beneficial insight into the mediation center's broader social impact and the influence it has on the organization itself (Hedeem, 2004; Merry & Milner, 1995; Rotberg & Thompson, 2010).

### **Dialogue and Narrative in Mediation Research**

It is important to note that Dialogue theory and narrative inquiry are different but not mutually exclusive. The dialogic theoretical tradition is firmly rooted in social

constructionism, where communication constructs and defines our social world (Baxter, 2006). By studying mediation from a dialogic perspective, a researcher is able to explore how one's self is developed through interaction with others. Showing its roots in social constructionism, a dialogic perspective considers the self to be continuously changing and developing based on interaction (Baxter, 2006). When researching mediation practices, a researcher using a dialogic perspective can explore how individuals are changed as a result of the mediation. Because of Dialogue's notion of self, research can also extend to the mediator's own experience and development as a result of the mediation (Ellinor & Gerard, 1998). More power in mediation's communication is visible when the communication is no longer viewed as a transmission but instead as creation (Baxter, 2006). The attitudes and beliefs of the participants are the result, not the cause, of the conflict. The dialogic perspective allows a researcher to judge the quality of the creation and consider the other possibilities that might offer differing results.

Also from the social construction of reality meta-theoretical backdrop, narrative inquiry offers detailed insight into how the individuals create and shape their language in mediation. Especially important to studies of mediation, the theoretical perspective of narrative inquiry allows for an exploration into the reconstruction of experience through the relived and retold stories of the individuals (Clandinin & Connelly, 2000; Webster & Mertova, 2007). After all, mediation is based on encouraging individuals to use stories or personal narratives to express values and beliefs to show their perspective on the conflict situation.

In sum, narrative shapes mediation by encouraging new stories to be told in an atmosphere that is perceived to be win-win, and any overlap in the individual narratives

allows for a re-shaping of the conflict to take place (Gergen & Gergen, 2006; Winslade & Monk, 2001). Moments of Dialogue shape mediation by encouraging self-reflexive and value rich stories, where conflict continuously evolves as the parties find meaning from the other parties and themselves (Wade, 2004). Both moments of Dialogue and narrative inquiry are relational, emergent, and context driven (Clandinin & Connelly, 2000; Stewart, Zediker, & Black, 2004). Together, these approaches allow me, as the researcher, to provide insight into the complexities and human-centeredness of the storyteller's experience in a post-mediation context. The next chapter describes the methodological choices for collection and analysis of data in order to consider the stories at one mediation center

## Chapter 3

### Methodology

The majority of mediation research employs a quantitative methodology either to describe the occurrence and important patterns of mediation or to focus on the question of how disputes are managed or completed (Mackinnon & Fairchild, 2009). However, this project was focused on exploring the Pleasantville Mediation Center stakeholders' individual narratives and their connections, and therefore a qualitative methodology of ethnography was better suited to gain insight into the individuals' lifeworlds (Creswell, 2014). Denzin and Lincoln (2005) identify the potential of qualitative research saying qualitative research can make the ongoing, mundane accomplishment of the social world more visible and able to be talked about by its participants. Indeed, the employment of a qualitative methodology allows for a focus on exploring and understanding meaning in a setting where individual narratives are significant (Winslade & Monk, 2000). A qualitative methodology is also consistent with a social constructionist worldview, valuing the individual construction and reconstruction of personal and social stories (Webster & Mertova, 2007).

### **Research Design Rationale**

Ethnographers generally share the same overarching goals in their research; they describe and interpret the relationships between “social practices of meaning, based upon firsthand experience and exploration of a particular cultural setting” (Atkinson, Coffey, Delamont, Lofland, & Lofland, 2001). With a thick description of the subject of study (Geertz, 1973; Keyton, 2006), the ethnographer is able to offer a rich and valuable account for the reader (Lindlof & Taylor, 2007). To ensure reliability and validity, it is

important to note the interrelatedness of ethnography's process and product (Goodall, 2000). Detailed notes, records of experiences, and analyses of events are commonplace in order to access experiences later on as data, and the data must have a balance of inward/outward (Clifford & Marcus, 1986). In other words, the point of views represented in the ethnography, in addition to other information the ethnographer includes or excludes, are vital in shaping the ethnographic work.

### **Ethnography and mediation**

This qualitative project began with a focus on not only how the stakeholders communicate about their individual experiences, but how the individual narratives influence other interactions at a community mediation center. To do this, I employed a qualitative, ethnographic methodology that included direct observation, participation, and interviewing. Several researchers illuminated beneficial communication techniques in mediation that had been previously unaddressed in their ethnographic work (Beer & Stief, 1997; Bush & Folger, 1994; Daniels & Walker, 2001; Krivis, 2007). These ethnographic studies allowed for the researcher's immersion in the site's unique environment to offer a holistic understanding of what the mediators and disputants were experiencing (Lindlof & Taylor, 2011). Furthermore, the ethnographers were able to reveal sensemaking in their experiences by indicating how people made sense of their interactions (Francis & Hester, 2004).

My participation-observation at the Pleasantville Mediation Center was both to normalize my presence in the activities of the mediation center and to be involved with the everyday issues of the stakeholders. Webster and Merdova (2007) state, "Merely listening, recording and fostering participant stories, while ignoring the researcher's

stories, is both impossible and unsatisfying” (p. 88). Instead of privileging events and data, I focused on the stories and experiences of the individuals’ lives. I offered a first person narrative of my experience at the Pleasantville Mediation Center, not merely to self-disclose, but to create a situational position for a better understanding of the individuals’ experiences (Bamberg, 2012). In accordance with Bochner’s (2012) view of narrative inquiry, I embraced subjectivity, emotion, and interaction.

### **Critical Events as a Sensitizing Concept**

With a theoretical lens in narrative and Dialogue, this project focused on exploring the mediation center’s mediators, volunteers, and disputants’ stories. Stories are an essential part of human life in general, and investigating stories allows for a better understanding of the complexity of human-centered issues the stakeholders are faced with (Amsterdam & Bruner, 2000). A holistic perspective on a mediation center’s distinct yet interconnected voices has been neglected in mediation research, and therefore highlighting the complexity and nuance of the individual and co-constructed narratives may suggest the value of additional holistic narrative research at mediation centers. Moreover, employing a critical events approach to studying the mediation narratives adds valuable insight into our understanding of the change moments of mediation (Webster & Mertova, 2007; Woods, 1993).

### **Observation**

I spent over 130 hours at the Pleasantville Mediation Center as a participant-observer, or a researcher who enters an environment with a recognized investigative purpose (Lindlof & Taylor, 2011). My intention was to volunteer and gain perspective on alternative dispute resolution processes, predominately mediation. The field site,

Pleasantville Mediation Center, is certified by the State Supreme Court to mediate court cases and offer training for prospective mediators. While this mediation center is located in Pleasantville, the center also serves three other judicial systems in other counties. Steinsburg and Sage County represent two separate courts yet meet at the same courthouse, so the center is also responsible for organizing and facilitating those mediations. Pleasantville Mediation also oversees mediation in Washington when necessary. As evidenced by the center's expansive reach, mediation continues to become more widely adopted by courts throughout the country as a way to shorten the legal process. In my time at the center I worked as a volunteer, attended state-certified mediation training, observed multiple mediations, and communicated with a Pleasantville Mediation Center board member who is also a Collaborative Process attorney. The location's name and all identifying information have been changed to insure anonymity.

My participation-observation provided insight into how a local mediation center operates on a daily level, how stakeholders are impacted and shaped by their interactions with the other stakeholders, and how mediation fits into the greater community (Connelly & Clandinin, 1990). Stakeholders were separated into groups as volunteers, disputants, and mediators, and through stakeholder interaction on a variety levels, I discovered how the many unique narratives are interconnected in interesting ways.

### **Data Collection**

Recognizing themes in the critical moments throughout my observations, I next conducted open-ended qualitative interviews to gain insight into the many narratives of the mediation center. Individual interviews with four volunteers and four mediators took place in a private room at the Pleasantville Mediation Center, and each individual

consented to being audio-recorded. The interviews lasted between 45 and 90 minutes. The disputants, concerned with their own ongoing legal conflicts, agreed to be interviewed over the phone with a condition of no voice recording. Copious note taking was done throughout the five disputants' interviews, and each interview lasted between 15 and 45 minutes. Every stakeholder interview contained sensitizing, theoretical, practical, and structural questions (Strauss & Corbin, 1998). Questions were structured to encourage reflection and recall of critical events, allow time and experience to become a part of the story, and allow the story to reflect experience and understanding (Webster, 1998; Webster & Mertova, 2007). Sample questions can be found in Appendix A. Ultimately, the exploration of stakeholders' stories enabled consideration of how elements of mediation experiences have impacted the individuals, thus allowing for an explorations of significant influencers of the change moments occurring at a mediation center.

### **Institutional Review Board Approval**

The university's institutional review board approved the research study, and participants completed consent forms before their interviews. Disputants were read the *Agreement to Participate in Research* forms and were asked to give oral consent. A sample of the Consent to Participate in Research can be found in Appendix B. The research was also approved by the Pleasantville Mediation Center, who offered a letter of support accompanying the IRB application. The IRB protocol was assigned No. 15-0271.

### **Data Analysis**

In accordance with Lindlof and Taylor's (2011) recommendations for qualitative data analysis, I first managed and reduced data, sorting my data into field notes and

interview transcripts. Field notes were organized and condensed into approximately 35 single-spaced pages, featuring descriptions of my own experience and thoughts in addition to observations about others' interactions. In particular, I paid close attention to conversations between various stakeholders and how their relationships influenced and were influenced by the communicative interactions. Using a critical events approach to guide my categorization, certain concepts were applied to the data in an etic fashion (Lindlof & Taylor, 2011). I identify critical events in the stakeholders' narratives when there is an expressed impact on the performance of the storyteller and the impact indicates a change experience only identifiable after the event (Webster & Mertova, 2007). In other words, the stakeholder's story illustrates an impactful change as a result of an experience that was identifiable only afterwards. I recognized such influence in the analysis and was cognizant when reviewing and coding to also consider any emergent themes.

### **Analysis of Narratives**

In order to immerse myself in the data, I transcribed all interviews verbatim and did all coding myself (Lindlof & Taylor, 2011). The transcriptions were checked for accuracy before coding took place, and I used my own experience and identification of themes as sensitizing concepts. My experiences as a volunteer at the center and subsequent field notes noted potential critical events in a mediation stakeholder's experience. In order to be a critical event, the content of the story must show a significant change in world view as a result from an unplanned event. By reflecting on my own experience and detailed notes, three primary triggers of the critical events were identified: moments of accelerated learning, cognitive dissonance, and the presence (or

lack thereof) of Dialogue. By trigger, I mean a communicative act or series of communicative acts that began a moment of critical change in the storyteller's life.

With that in mind, I transcribed, condensed, and coded approximately 75 pages of single-spaced stakeholder interviews in a sensitizing, thematic manner (Strauss & Corbin, 1998). Detailed notes were kept throughout the coding process to record insights and facilitate the writing process (Charmaz, 1983). In addition to employing a narrative analysis approach to the stakeholders' individual narratives and critical event moments, I continuously modified the initial themes to take into account the individual speakers' beliefs and goals (global coherence), structure of their narratives (local coherence), and recurrent themes (thematic coherence) in accordance with Agar and Hobbs's (1982) narrative guidelines. Findings from the stakeholders' stories indicated a stronger relationship between cognitive dissonance and moments of Dialogue than previously believed, and reinforced conceptualizations of mediation also emerged as a noteworthy trigger of critical events. The codebook can be found in Appendix C.

My research questions focused in identifying critical events in one mediation center's stakeholders' narratives and thematic triggers to those critical events. One theme prevalent in the individuals' stories was a moment of intensive and expedited learning. While the circumstances differed for the mediators, volunteers, and disputants, each stakeholder offered an educational moment as a significant event in their mediation experience. The second theme of cognitive dissonance indicated critical moments where there was a significant struggle to balance beliefs and actions in communication. Moments of Dialogue were also considered as part of this second theme. The third critical event trigger, unnoticed in my own experience, was the reinforced perception of

mediation. These triggers of the Pleasantville Mediation Center stakeholder critical events are fully developed in the following chapter.

## Chapter 4

### Findings

In this chapter, findings are separated into two distinct sections. The first section is an analysis of my own observations of the center including a detailing of my daily interactions and the informal stories heard by others. As Webster and Mertova (2007) note, “experience cannot be easily summarized or condensed into data tables, as survey results can be. Rather responding to the need for a context for readers, a sense of the entire inquiry, is useful” (p. 87). By describing how my experiences indicated the interconnectedness of different stakeholders’ narratives even outside the confines of an official mediation, I illustrate the fruitfulness of further exploration into the stakeholders’ own stories of change moments. Specifically, I offer my perspective on three distinct experiences and identify three exploratory themes of triggers for critical events in a mediation center environment. Clandinin and Connelly (2000) contend that researchers need to tell their own stories, and by reflecting on my own experience I offer a justification for further exploration into the critical events of the stakeholders’ narratives.

The second section explores stakeholders’ stories through a narrative inquiry research methodology. Volunteers, disputants, and mediators detail their own experiences and interactions at the mediation center, allowing for an evaluation of rich, human centered stories. These narratives and the critical events within the narratives can be utilized in a broadening or burrowing fashion (Connelly and Clandinin, 1990). Broadening occurs through generalization across environments while burrowing focuses on the qualities of the event. This chapter’s second section emphasizes burrowing, or the “reflecting on the meaning of the event in terms of future consideration” (Webster &

Mertova, 2007, p. 87). I consider the exploratory themes identified in my own experiences in addition to other themes evident in the stakeholders' stories.

Together, my research story and the stakeholder narratives offer something absent from studies of mediation and conflict resolution; the acknowledgement of overlap and contradictions in narrative, not only between disputing parties, but between all of the stakeholders throughout the dispute resolution process. As Webster and Mertova (2007) state, "The mind filters the experiences we engage in every day and retains those that are most significant and changing...the value of this reflective process gives credibility to evaluation" (p. 117). The stakeholders' tellings of significant experiences, each of which involve extensive interaction with other stakeholders, demonstrate the interconnectedness and the value of considering the unique stakeholder narratives together. Through such an analysis, the Pleasantville Mediation Center stakeholders' stories of accelerated learning, cognitive dissonance between beliefs and actions, and reinforced conceptualizations of mediation acted as triggers for critical events in the stakeholders' lives.

### **My Experience and the Stories Heard**

#### **Accelerated Learning**

*I enter the Pleasantville Mediation Center building on my first day and am greeted by a receptionist's desk and chairs, both of which are empty. My attention is drawn to a small white doorbell and I decide it is acceptable to push the button. A muffled ring announces my presence, and before long a young man comes out of one of the back rooms, walking down the long hallway to offer a greeting. During the introductions, I quickly discover that I will be working alongside this young man, Andy, as a volunteer at the center. He seems nice enough but also somewhat frazzled at the*

*moment. We walk down the hallway, weaving through several empty desks to enter a back room where I presumably will be spending the majority of the time. As I step into the room, it becomes obvious why Andy might be frazzled. The three desks in the room are struggling to maintain the weight of countless piles of files, each pile stacked high in no discernably organized way. A spillover of files has reached the floor where new piles have also formed behind, in front of, and beside the desks. I am forced to tiptoe through stacks of white packets and manila files to follow Andy to the back desk.*

*Today is an opportunity to observe him as he engages in his typical, everyday work as a volunteer. I settle into a squeaky old desk chair on his right, and he begins to tell me about his work. Slowly my eyes are drawn away from the desktop computer wedged between stacks of files, towards the room and piles of files. I cannot help but think to myself, "How can conflict be resolved in a place like this?"*

*Questions come quickly during my first week of observations, but before long I begin to become more acclimated to this environment. There are many tasks that the volunteers do, but essentially their main purpose is to guide the disputants from the moment they are ordered by the judge to attend mediation to the disputants' court date. Our process of guidance includes the following steps.*

- 1. Volunteers gather all the information about the disputants in conflict and give the materials to the mediators.*

- 2. Volunteers insure the disputants will be coming to mediation by calling the each disputant individually, both for the initial intake and with a reminder call the day before the mediation.*

3. *Volunteers prepare the file for mediation, scan and email the documents so the mediators can prepare before they mediate.*

4. *Post-mediation, the mediators return the case files to the volunteers, where the volunteers consult the results of the mediation to update the case.*

*a. If an agreement is reached, volunteers will wait for the agreement to be written up by the mediator and then send the mediation agreement to the disputing parties to sign. After both parties have signed the same document, the volunteers conclude the case by sending the signed agreement and other necessary documents to the court.*

*b. If agreement is not reached, the volunteer workers fill out a different form and consider whether or not another mediation between the parties should take place before their court date.*

5. *Volunteer workers bill the court for our mediation services.*

*There are many intricacies in each one of the tasks, so I struggle at first to successfully complete each facet of a specific step without some additional help. Having observed Andy for the week is helping considerably, but when I am left on my own to complete a task I still frequently end up lost or confused.*

*On the final day of my first week, Andy walks me through the pre and post-mediation items. The first pre-mediation item requires the volunteer to call the disputants to arrange a date for mediation. The first post-mediation item is to make edits on the post-mediation agreement. As we work slowly through one mediation agreement, Andy casually offers some of his observations about the mediation center. He identifies consistency as one of the biggest problems at the center. Tyler, the volunteers'*

*supervisor, is the only salaried employee at the office, and each volunteer comes in according to his or her availability. The resulting rotation of volunteers and the lack of defined schedule can cause potential confusion among the disputants and the center. Andy addresses this by advising me to keep in constant communication about open mediation cases because the disputants frequently end up talking to different people throughout every step of the process. Volunteers must be sure to take notes throughout every call and post the notes on the center's disputant database, otherwise multiple people end up calling the same disputant or the disputant does not get called at all.*

*As I grow more comfortable with the various tasks, I begin to take note of the other volunteers' backgrounds. Andy has volunteered at the center for over two years, so he often is the first person the other volunteers turn to with questions. The other volunteers have spent from a few weeks to six months at the center. There are five of us total, all working for Tyler. The current volunteers besides Andy are all in the process of receiving their mediation certification; Andy has already received his certification. As I talk individually to each of the volunteers, I learn that they were interested in volunteering because they wanted more experience in the mediation environment. They also noted the appeal of being able to take the basic mediation-training course, a \$500 course, for free. Each of the volunteers has taken the course, yet I notice they still continue to volunteer at the center whenever they can.*

*The fulltime staff member, Tyler has worked at the mediation center for the past seven years. He instructs the volunteers on a daily basis as to what tasks need to be done and helps them when they have questions about cases. Occasionally, Tyler expands on an answer to one of the volunteer's questions giving a lesson on "serial disputants" or*

*“why a property dispute mediation is so complicated.” He alone seems to know the organizational file labyrinth of the room, but everything seems to run surprisingly well. I quickly learn that each file contains a specific mediation case. The pink-slipped files represent court-referred cases while the white-slipped files represent disputant-pay cases. Certain stacks of files await mediation while others are already completed. Other stacks include files needing more information, files that await a signed agreement, files that await a second mediation, files that are hopeless, files that need billed, and other stacks that remain a mystery. I did learn, however, that many of the floor stacks hold files that are faxed or need to be faxed to mediators.*

*On one particular occasion, Andy was not able to come in and Tyler was sitting court (attending general district court to see if any conflicts are suitable for the mediation center). One other volunteer, Christy, accompanies me in the office and we both work on building cases. This process is initiated when a judge is petitioned from a filing party about a dispute and, if he thinks the case is suitable for mediation, refers the case to the mediation center. We receive the case files, a scheduled mediation date and time, and the disputants’ information. This is where the building begins. Volunteers input the names, addresses, and type of case (custody, visitation, support) into an online database and then reach out to the disputants to gather information.*

*After I finish entering the legal information into the computer, I know the next task is to call both parties to do intakes. Doing an intake means calling both parties and gathering as much information as the volunteers can about the conflict. I have witnessed both Andy and Tyler do intakes, so I know firsthand the sensitivity of these phone calls and the amount of anxiety prevalent in the disputants’ stories. The disputants have not*

*yet talked to anybody outside the conflict about their dispute when the volunteer calls, so the volunteer is tasked with inserting ones' self into an already heated environment. I have not yet done one of these intake phone calls and am not sure if I am ready to be the attentive audience to a disputant. Christy recognizes my discomfort and begins to tell me about one of the worst phone calls she experienced. Hearing her story and how she dealt with the situation makes me feel more confident. I pick up the phone and began to dial the number.*

Each volunteer at the center seems to have a story about an experience with a disputant or a mediator that shaped their perspective and the work that they do. As I listen to my co-workers tell me seemingly simple tales of frustration or joy about their first interactions with disputants and in mediation, I recognize how their stories provide insight into their own development and how they have changed because of these accelerated moments of learning. Accelerated learning is evident when a story about life experience features recall and reflection on a significant personal change, specifically noting what was identified and how it influenced subsequent actions (Yoder-Wise & Kowalski, 2003).

The volunteer's stories that illuminate critical moments do not stand alone, however. Pleasantville Mediation Center estimates that around 12,400 cases on family disputes alone have been referred to the center in the past 15 years, with about 500 family disputes being referred the previous year (Court-Connected, 2014). In almost every one of these cases, the volunteer who picks up the phone finds him/herself in the middle of a contested conflict. In these moments, the volunteer's moments of significance and change intersect with the disputant's story, and the past moments of rapid learning

significantly influence the present conversation. The web of accelerated learning as a trigger to a critical event goes beyond the single volunteer to impact the other mediation center stakeholders. However, accelerated learning is not the only trigger of a critical event that impacts others.

### **Cognitive Dissonance**

While the volunteers of the mediation center share stories to help learn from mistakes and improve the mediation process, the disputants of the center have no such luxury. Frequently the disputing parties are not communicating with each other, and they have nobody else to confide in about their frustrations. As a volunteer, I heard many stories from the disputants, but one particular experience showed the complexity of the situation and the differing perspectives of the disputing parties. The disputants' perspectives indicated an internal struggle between collaborative and adversarial mindsets as well as an external struggle with competing narratives of reality. It was my responsibility to ease their internal and external tensions in order to prepare them for mediation, and the significance of the tension suggests another trigger of a critical event.

*Reminder calls were already done to insure the disputants were attending their scheduled mediations tomorrow, so I was asked to build some of the new casework. I open the first file and type up the information, following the same process I did with Christy many weeks ago. After the necessary information has been completed, I locate the first disputant's number and give him a call.*

*"Brrring...Brrring..." The line rings. I review the file as I wait.*

*"Brrring...Brrring..." The case is only about support, not custody or visitation.*

*“Brrring...Brrring...” Three children ages 8, 12, 16 are the subject of the conflict.*

*“Brrring..Brrring” The disputing parties’ names are Matt and Ariel.*

*“Brrring...Brr-Hello?”*

*“Hello, this is Eric calling from the Pleasantville Mediation Center. I am calling for Matt?”*

*“This is him.”*

*“Hello Matt. I am just calling in reference to your court-referred mediation. Do you have a few minutes to verify some of the information for me and fill me in a bit more on what you are hoping to see as a result of mediation?”*

*I talk to Matt for fifty-three minutes. He was married to Ariel for thirteen years before separating last summer. For many of the early years in their marriage, Matt and Ariel were foster parents, caring for children with mental disabilities as the children went through the adoption process. After about seven years of foster parenting, Matt and Ariel decided to adopt three children. Matt tells me that while the children had somewhat severe mental disabilities, they were easy to love. Ariel would take care of the children while he was at work, and he would do different activities with them around the farm in the evenings. About two years ago, Matt was injured and became unable to work, so the couple began receiving disability pay in addition to the money coming from Medicare and the state from adopting the three children.*

*Through his story I learn that last summer Ariel left Matt and took the kids with her, though Matt does still have joint legal custody. Matt does not share how he has handled the separation from his former wife and children, but I suspect he cares about them from the tone in his voice. He has been sending Ariel a portion of his disability*

*check since that time, and he deposits the money he gets from the state into a savings account to help the children in the future.*

*“Matt, could you tell me a bit more about why this court case regarding child support is taking place?”*

*Matt does not hold back. He tells me how Ariel has severe problems with money and how she only wanted to adopt the children to get more money from Medicare and the state. He tells me how she lied to him all these years in order to use him for his money. He tells me that she plans to place the children in a home as soon as they turn 18 and keep all the money she should be spending on them. I learn he is dutifully giving her money every month, even though he knows it is not going to the children, but he is adamant he will not give her another penny.*

*When the conversation finally ends, I am mentally exhausted and find myself upset about Matt and the three children’s situation. However, mediation necessitates neutrality, and I work to regain balance and know I need to give Ariel the same level of support and assistance I gave Matt.*

*“Brrring...Brrring...” How could she treat Matt and the children like that?*

*“Brrring...Brrring...” Remember my responsibility is to gather information, not evaluate or judge.*

*“Brrring...Brr-hello?”*

*“Hello, this is Eric calling from the Pleasantville Mediation Center. I am calling for Ariel?”*

*“That’s me.”*

*“Hello Ariel. I am just calling in reference to your court-referred mediation. Do you have a few minutes to verify some of the information for me and fill me in a bit more on what you are hoping to see as a result of mediation?”*

*My first impression of Ariel is nothing like I expected. She identifies some of the same high moments in their relationship: getting married, adopting the children, and being a family. She also identifies some of the same low moments that Matt addressed. I inform her about the mediation process, describing it as a mutual and voluntary process that focuses on working together to help decide what is best for the children. I next transition toward the financial goals of the mediation, know this is the area of most significant conflict.*

*Ariel elaborates on their separation, stating how Matt’s alcoholism forced her to leave. He has since quit drinking, but she still believes being separated was a good decision. She worries about the children visiting him because he puts them to work for long hours on the farm. Ariel explains to me that she is asking for more money because he is not using the money he is receiving from the state for the children. Ariel acknowledges that Matt “says” he is saving the money, but Ariel says saving the money does not do any good if the children do not have clothes and food now.*

*The conversation lasts over an hour, and after hanging up the phone I am unsure which party to believe. I type up the information and upon noticing the time, I place the other files I grabbed at the beginning of the day back in the “to build” stack. My time is up for today, and I guess somebody will have to work on them tomorrow.*

While Matt and Ariel’s case was extreme, it showcases the same basic storyline heard every day at the center. Two individuals have quit communicating to one another

at this critical moment in their families' lives, and their once shared story has separated into two contradictory narratives. The narratives overlap only narrowly, conflicting at several moments, and the children are caught somewhere in the middle. Their stories of a history together were both shaped by their viewpoints of reality and the desire to get what they wanted out of this conflict. Matt and Ariel both suggest a desire to reach a resolution yet indicate vastly different viewpoints of what the resolution would entail. They recognize the internal tension of wanting to resolve a conflict and wanting to win, and externally their stories illustrate contradictory information that I am faced with distilling into notes for mediation.

Unsurprisingly, the disputants' cognitive dissonance indicates a moment of significant change taking place in their lives. Whether or not this event in their continued attempt at conflict resolution is described as critical remains to be seen, but my involvement in their process produced significant change in my perspective of the volunteers' responsibilities at the center. I did not know who was telling the truth in the case of Matt and Ariel, yet I naturally developed assumptions based on the stories told to me. Instead of sharing or challenging their stories, I had to work within the internal and external tension to encourage honesty and openness for both parties as they prepare for mediation. The emphasis is on how the stories create reality, not whether or not it reports accurately on that reality (Winslade & Monk, 2001). Navigating the contradiction showed me how moments of great dissonance in the mediation process could also serve as a trigger of a critical event because of the lasting effect it had on my own experience. The volunteers face these moments of dissonance while preparing the volunteers for the

next step in the mediation process. The mediators begin to recognize and raise to a discursive level these internal and external tensions in mediation.

### **Moments of Dialogue**

To become a certified mediator at the Pleasantville Mediation Center, a twenty-hour basic mediation-training course is required in addition to a four-hour judicial system-training course, two mediation observations, three co-mediations with a certified mentor, and the submission of one memorandum of understanding. If the mediator wants to be involved in Juvenile and Domestic Relations Court, further training is required. Throughout my time at the center, I took the basic mediation training course and observed two mediations. I gained a tremendous amount of knowledge from the training, and mediators' stories of significant moments in mediation both taught me about mediation technique and gave me insight into the mediators' own experiences. Not until my first observation, however, did I recognize how much disputant narratives shape and are shaped by the mediators' own previous experiences.

*The morning of my first observation I get to the office earlier than normal so I can meet the mediator, Annie, to learn a bit about her. Annie had a career as a social worker and, upon retirement, still wanted to do something to help in the community. She has been mediating for eight years and likes mediation more than her job as a social worker because she does not have the prolonged interaction with families. When the disputing parties show up, Annie asks the disputants if it is okay if I sit in on their mediation. Annie has her own strict rules for individuals observing her mediation. She tells me that I am expected to sit behind the disputing parties out of sight, and I am not to make a sound*

*throughout the entire session. I agree, excited to see such an experienced mediator at work, and I settle in with my notebook and pen.*

*Annie goes through the initial protocol before inviting each party to share goals and background information, asking if either party would like to go first. I hold my breath as I wait for one of them to begin, because this is the first opportunity in mediation for the disputing parties to express their feelings. The silence continues, and the man slowly turns to the woman. After making eye contact he looks back to Annie and begins to speak. Voice quiet, he explains his perspective, and he tells Annie that he and his wife have been speaking and are already working on a plan. Annie turns to the woman and asks if she agrees with what the man said. The woman nods and addresses her husband directly before pulls out a piece of paper from her pocket. Not only had they started talking again, they were already working on an agreement.*

*Annie works through the agreement with them for a half an hour, and the disputants thank her for her time. After they depart, Annie looks at me with an expression of disbelief. She explains to me that with the man's size differential over the woman, her previous experiences suggested he would be domineering and control the communication. She was already preparing to encourage the woman's voice and level the power differential. However, the man showed an unpredicted level of cooperation and respect. As Annie and I leave the room and walk down the hallway, she tells me she has not mediated a dispute like that in her eight years of mediation. She says her experience today reminds her to why we as mediators should not rush to judgment before the mediation takes place. We pause at the end of the hallway and I recognize how this experience reminded Annie how the prospect of mediating led these two individuals to*

*put aside differences, experience moments of Dialogue, and successfully resolve their conflict. Even Annie herself experienced moments of Dialogue because of her ability to recognize and suspend her assumptions in order to hear the other.*

Annie and the two individuals' distinct experiences indicated several important things. One, they each showed the importance of the 'other' on the individual's own sensemaking experience. Whether disputant or mediator, each individual was both influencing and influenced by the other stakeholders throughout the mediation. Second, Annie's comment about experiencing this type of Dialogic mediation for the first time in eight years indicates a significant change experience. Annie expressed how she was reminded to avoid making hasty judgments as a result of the mediation, and her own experience with moments of Dialogue reinforced her belief in its power. Based on my experience and perception of Annie's experience, moments of Dialogue have the potential to be a third trigger for a critical event in the mediation stakeholders' experiences at the center. In addition to accelerated learning, cognitive dissonance and moments of Dialogue warrant further exploration in other stakeholder stories to see if their narratives identify similar critical events. While these potential triggers of critical events are based on nothing more than my own narrative, I now consider the narratives of the many other stakeholders to explore their own critical events and potential triggers.

### **Elicited Stories**

My experiences at the Pleasantville Mediation Center offered an introduction into the types of communication taking place in a variety of settings, the retrospective sensemaking of significant moments, and the impact of that sensemaking on the stakeholders' subsequent actions. By considering these observations, I recognized

themes of accelerated learning, cognitive dissonance, and moments of Dialogue as potential triggers of the center stakeholders' critical moments. With that in mind, I interviewed various mediation center stakeholders to further investigate the significance of such themes across differing stakeholder roles. Findings support the initial themes, while another theme also emerged from the stakeholder stories.

### **Accelerated Learning**

My interactions with the volunteers during my first week suggested that moments of first adapting to the immense learning curve were potential triggers of critical events. I explore this notion further by considering other stakeholder stories to see if critical events were accompanied by moments of accelerated learning. One difficulty in this exploration is that accelerated learning moments generally occur when everyday actions are interrupted, and the only consistency at the mediation center is inconsistency. Schedules change day-by-day. Interactions between stakeholders can occupy the majority of a day, or stakeholders might only talk to one or two other people in their daily work. Mediators and volunteers first getting involved with the center attempt to develop structure in their days to set up a routine. One volunteer, having worked at the center for only one month, notes what his typical day looks like:

*Well a typical day for me, I really just look at what's coming. What's on the schedule today, what's coming up the next day or the next couple of days and I try to get things done for the next day like the reminder calls, the preparing all the documents for mediation and those for the mediator... I build cases, organize files in that large file cabinet (Laughs) Oh, on Wednesdays I attend staff meetings.*

Brett describes how he manages his daily tasks and illustrates how consistency is largely just moving to the next task. Volunteers are not the only stakeholders who view mediation at the center in this way. Mediators also note the importance of flexibility in their 'daily' tasks.

*So the amount of hours that I work here varies a lot and it has in those 5 years... this is a very part-time job for me. I work at city schools as the interpreter/translation coordinator and I work at the local university as a translator, and I also do law enforcement interpreting...So I have no typical day. (laughs) I don't! It's kind of crazy. Yeah, basically I have to just wake up in the morning and see what needs my attention and that's the office where I go.*

Sally's mention of her other part-time employment outside the mediation center brings up another common deterrent from a standard daily schedule at the center. The amount of compensation from mediating is not enough to have a sustainable income, so mediators generally work other jobs or begin mediating only after retirement. Schedules vary daily for all stakeholders, including the disputants who must take time off work or away from their other responsibilities to attend mediation. As evidenced by the different stakeholders' schedules, it is only after we recognize the constancy of inconsistency and everyday learning that the critical moments of accelerated learning are next highlighted. The different stakeholders' stories all indicated accelerated learning in their respective stories: the volunteers' mediation training, disputants' initial interactions with the mediators, and the mediators' first experiences with transformational mediation. I offer excerpts of the individuals' narratives to illustrate the accelerated learning triggers, beginning with a volunteer's story.

One incentive for the volunteers' efforts at the center is to attend basic mediation training. The basic mediation course is a three day twenty hour course that features observation, simulated mediation, and coursework certified by the State Supreme Court. I enrolled in the basic mediation course as part of this project, but did not recognize its potential as a critical moment until analyzing the volunteers' stories. Each volunteer noted the significance of mediation training in his or her subsequent interactions. Chloe felt her mediation training experience led to a questioning of her ethical responsibilities and role with the center.

*I started mediation training already. That actually helped me a lot. As in, a lot of the limitations in mediation may have meaning, like that you cannot give advice and how you have to be careful in your wording. I feel like it helped me a lot...The instructors were very knowledgeable and there were a lot of scenarios that we had.*

Chloe recognized quickly how she was supposed to help with disputing parties, and she related the significance of the course in aiding her work as a volunteer. Brett, another volunteer, felt the mediation training was what helped him interact better on the phones. *I just really let them [the disputants] know that I'm listening and I understand where they are coming from.* Each of the volunteers indicated in their stories that being in a mediation-training environment had prompted significant personal change and influenced their subsequent work with the center.

While it would be logical to assume the mediators experienced accelerated learning during their own mediation training, they did not express a similar level of significance as the volunteers in their critical event narratives. This may be because of

the temporal nature of storytelling, meaning the mediators could have experienced other events that were more prominent. In addition, as perhaps would be expected, the mediators did not mention their first individual mediation as a prominent accelerated learning moment. Instead, the mediators described moments of accelerated learning in transformational mediations, defined as conflict resolved through empowerment and recognition (Bush & Folger, 1994). Their first-hand experiences with mediation's potential provided them with a different mindset for future mediation work. Alison described a conflict involving a teenage child that has remained significant to her many years later because of its transformational nature.

*Well there is one that stands out particularly well to me. The father and the mother and an older sibling of the teenage boy came in for the mediation, and the parents said there had been some difficult situations about a year and a half before this.*

Alison describes how the father tried to take the child unlawfully and the mother pressed charges before taking the son to Florida. The child wanted to come back to the area and play football so the mother was looking to have the child stay with his older sister.

*So when they came in the father was just very angry and feeling like he...like the only reason he was here was because the mother had all the power and so on and so forth and then the mother said what she wanted. She wanted the child to live with the sister [the older sibling] and I acknowledged the father's anger. I said, "You know, you feel like you don't have any power in this situation...because you are the father and this custody is being granted to someone you love [his son] and*

*this is part of the process.” They [the mother, father and older sister] talked for a bit about how the child felt and that they all wanted the child to have a relationship with the father but they had to overcome this stuff that had happened before.*

Alison mentions the father’s history with his own father and the implications it had on his role as the father to the child being discussed. All parties in mediation talked about this for a while and eventually the conversation shifted back to their son (and brother) and football.

*The father said, “Well I’d like to attend the games but I’d like you to ask him to make sure he is comfortable with that.” And it started moving a little bit forward like that. At the end, the mother said, “Is there anywhere I can get a used cell phone because he [the child] had lost another one and I need to get him another one before I go back to Florida.” When they [all parties] went to leave the father took out...took some money out of his wallet and said, “Buy the kid a new phone.” I felt wow, from ROAR to being so...in that way, just to move in such a way. That was one of the more transformative ones I’ve experienced and I still remember the feeling I had when they left.*

Alison followed her standard mediation process to facilitate the conversation, and she reflected the feelings back to the disputants in a way to ensure their voices were heard. While she had done this many times, this conflict transformed from a dispute between adults to a problem-solving venture about what is best for the child. By the end, the father, mother, and older sister were working together to provide a positive atmosphere for managing the conflict. Other mediators offered similar experiences of

transformation in their mediation work and indicated how it has influenced their subsequent mediations. The volunteers identified moments of accelerated learning in mediation training, and the mediators saw accelerated learning in their initial experience with transformative mediation. The disputants, however, indicated that moments of accelerated learning took place in mediation.

Disputants expressed feelings of tension and anxiousness about mediation and noted how their everyday routines were already disrupted by the conflict.

Understandably, a polarizing conflict that involves the judicial system invokes a level of uncertainty on several levels. Wynonna said she was unsure what mediation was about and had reservations about sitting down with her ex-husband. “I came in with a bunch of questions and didn’t know what to expect.” However, Wynonna expressed gratitude for the mediator’s emphasis on the agreement to mediate. She felt that the agreement to mediate “showed me what would happen and how it would work out.” Even though she was unable to reach an agreement with her ex-husband the first mediation, she said “the second time around we were able to actually both consider our different points of view.” The mediator’s emphasis on the agreement to mediate provided much needed information to Wynonna and helped shape her attitude, not only for the first mediation, but also for the second mediation and beyond.

The volunteers, mediators, and disputants identified critical events where moments of accelerated learning were evident. The volunteers identified the significance of mediation training. The mediators noted transformational experiences that inspired their subsequent work, and the disputants noted the initial portion of mediation where they were able to gain some certainty in an uncertain environment. Together, these

varied moments of accelerated learning suggest a potential trigger of stakeholder critical events at the mediation center. The individual narratives also demonstrate stakeholder interconnectedness: Mediators provide the volunteers' basic mediation training, mediation's transformational potential stems from the disputants' interactions, and the mediators ease the disputants' tension and uncertainty. With an interconnectedness in critical event narratives and support for a potential critical event trigger, another perceived trigger identified in my narrative can now be explored.

### **Cognitive Dissonance and Moments of Dialogue**

The Pleasantville Mediation Center stakeholders' narratives indicated critical moments in their own unique experiences, yet there was some transferability. The volunteers, mediators, and disputants identified similar moments of accelerated learning, thus triggering critical events and shaping their subsequent actions. In my own experience, I noted the potential of cognitive dissonance and moments of Dialogue as two additional triggers of critical events. However, those two triggers overlapped much more than anticipated in the stakeholders' stories. The contradictions, tensions, and imbalances in values and beliefs were evident in both moments of extreme cognitive dissonance and in the easing of the tension through moments of Dialogue. As a result, this section considers the stakeholders' potential triggers of cognitive dissonance and moments of Dialogue together: The mediators note a struggle balancing notions of facilitative and evaluative mediation, the disputants show tension between their own beliefs and valuing the other individuals' perspectives, while the volunteers balance between being buffers and facilitators of conflict.

In the mediators' stories, a difficult balance between beliefs and actions is evident. One mediator noted the transformative potential of mediation yet identified one mediation where she struggled to keep her own viewpoint from interfering with the disputing parties' decision. The case involved a mother and a two year old, and the mediator, Sally, noted that she also had a two year old at the time. "It was the age of my child at the time too so I think that is why it struck a cord." The mother was living two hours away and did not have transportation, and Sally had to push the mediation back several times. "Because she had no transportation she couldn't come on the day that was set, the time wasn't right, and she was really relying on someone to give her a ride so it was a little bit more complicated." The mother also did not have anyone to watch over the child, so a volunteer watched the baby throughout the mediation. This was significant to Sally, because she had deep concern for the baby and mother's wellbeing.

*They were just trying to make it work and he [the father of her child] had a new partner in his life that seemed serious and significant and she didn't have anybody and she was struggling. She was sharing a living situation with other people, and so the baby did not have his own space. You know when you are two it's okay, but it's a little boy! How long is he going to sleep in the same bed as you, and all these different things.*

Sally recognized her own beliefs and relied on the mediation process to provide the best solution, but the agreement reached was even more gut-wrenching to Sally.

*And what ended up happening is that she [the mother] agreed to give the dad the child. And the Dad had probably seen the two-year-old maybe four times since he was born. Giving him complete physical custody I remember... basically she was*

*just like, "Here, have my first born child." (pause) And part of me was like okay. Alright. This is the way things are happening...He was the one who petitioned, and yet part of me was like, "You're telling me that right now, you're going to leave [without the child]. Your ride is going back to the northern part of the state, and you are handing over the kid. Right now." And she was just like, "yeah." And I remember thinking. Whoa! Okay, how am I.. and I'm holding back the tears a little bit, bit I was like "whoa, I am not understanding what you are saying." And having it to be hard for me to remain in the, you know, in the mediator space without going, Wait! Are you doing this under duress? Is your life so hard right now that you cannot..? Hold on, can I step out of being a mediator and just say okay. You can't take the kid back because you really do not have any food for him or something? What else is going on?*

The mediation case struck a difficult balance of facilitative and evaluative approaches for Sally. She wanted to interject but also believed strongly that her responsibility was solely to allow the disputants' communication to happen. Because she viewed Dialogue as the goal of mediation, Sally worked hard to recognize her own values and beliefs, putting up boundaries to her own thoughts in order to facilitate the resolution to their conflict.

*To me, it was a lot of dynamics to deal with. How do I know that this child is going to be properly cared for, and so I've had my own things I was thinking about...But he said his wife was more than happy to care for her and its going to be alright and she already loves the child. And I'm just like okay...so yeah that*

*was hard to accept but they must be doing okay because he [the father] stopped calling [the mediation center] after a while.*

Sally's struggle to balance her judgments, feelings, and thought processes provided significant internal dissonance throughout the mediation, and, as a result, was another trigger of a critical event. She had already known the processes and protocol for handling such a situation, yet she still was powerfully impacted by the situation and the struggle to maintain the Dialogic atmosphere. Other mediators identified similar stories of significance, or *like events*, in their mediation work. *Like events* are considered to occur at the same level of the critical event with the same context and resources yet involves different people (Webster & Mertova, 2007). Neal, a mediator for over twenty years, describes an instance when he was able to compartmentalize the parties' issues from his own lifeworld. The woman had filed a petition because she was unhappy with the amount of time her partner was spending with their child.

*She is coming in and filed because she wants sort of the assurance and the security of having documentation [she is petitioning for sole legal custody] because he just is not spending enough time with their child and she just wants the security of knowing that he is not just going to get up and take the child. And in the course of the conversation, she says, "Well, he has some other children." I turn to him and say, can you just list them for me. And we get to 10 children! Now, we have two sets of "twins." And I don't mean babies born of the same mother on the same day. I mean, two babies born on the same day of different mothers. Twice! He has 10 children by 10 different women. 2 sets of "twins." And now he has an 11th, and this is the only one of all 11 children that he*

*married the mother of. And she's upset because he is not spending enough time with her child. And I ask him, well what gets you into this? And he says, "I've just never been very good at planning." And I wanted to look around the room and find the scissors, let's just do a little planning right now shall we! Pull down your pants. (Laughs) But ultimately it is not my issue.*

Like Sally, Neal recognized his own underlying values and beliefs and re-evaluated his role as mediator in the situation. With regards to his mediation work, Neal says, "I'm not a savior. I'm not there to fix it all, but I can do my best to help out in that situation." The contradictions in beliefs and actions show how the mediators make sense of the critical events in mediation which shapes their further interactions. The volunteers and disputants are also faced with dissonance in their mediation center experiences.

In mediation, the disputants are asked to recognize their own beliefs and to value other perspectives. Valuing does not mean to agree with, but instead, respect that the other person can have that point of view. This often is understood by the disputants but is less frequently put into action. One disputant described how she was happy to have her own point of view heard, but was annoyed with hearing "daddy complaining about what he didn't want." The disputant recognized the agreement to mediate and the standards of a productive conversation, yet in action could not resist the urge to judge the father rather than listen to him. Another disputant felt the mediator helped the parties focus on suspending some of the bickering and unnecessary attacks in order to focus on the main issues involving their son. When they would slip into the positioned, adversarial roles, the mediator would pause and refocus the discourse. The contradictory nature of the disputants' thoughts and feelings showed much dissonance, and their retellings of their

mediation experiences showed an appreciation for the mediators to balance the opposing parties' actions.

The volunteers' stories also indicate contradiction as triggering a critical event. Just like mediators, the volunteers are faced with the disputants' conflict and are working to facilitate the conflict resolution process. Jacob, a volunteer for over a year at the center, sees his role as vital to the mediation process. "I think the volunteer plays a really important role in that in some ways you're the initial buffer to whatever is being brought to the mediation center." Volunteers are faced with a unique contradiction at the center because of their simultaneous roles as buffers and as facilitators. Jacob continues a description of his role saying the volunteer should "have a conversation with them [the disputants] and try to just hear out their first frustrations and be a sounding board for some of what they are concerned about or worried about and be, help them in a cathartic way." The volunteers dispense information, ease tensions, but also validate the disputants' concerns. Another volunteer discusses how she struggled at first to offer guidance to the disputants.

*I also was thinking that, as a social work student, there are several things that we do, like we are mandatory reporters and all that, but in mediation you're not. So what happens if I become a mediator, which hat do I wear and what context would I have? What can I give the disputants? What can I not? Yea, a lot of those were big concerns for me. I'm still ... I don't know.*

This volunteer again faces contradiction between her desire to resolve conflict and her role as a mediator. Not unlike the mediators' balance between facilitative and evaluative approaches, the volunteers have concern with the potentially contradictory

roles. They have the tension between offering guidance to the disputants in order to resolve conflict, or they can promote mediation thus passing on the disputants' issues of contention to the mediators. How the volunteers manage contradiction is critical in shaping the disputants' future interactions with the center and subsequently their mediation.

### **Reinforced Conceptualizations of Mediation**

The mediators and volunteers, when asked about their perceptions of the center, found Pleasantville to stand for something more than just a location that resolves court-ordered disputes. Tyler sees the mediation center as a location that offers an "alternative way to solve alternative problems...It is a space where you are no longer talking at somebody, you are talking with somebody." Neal describes the center as a facility that "brings people who are in conflict into a difficult conversation with a hope for mutually beneficial outcomes that addresses their issues, their concerns, and their individual plans." To Neal, the mediation center also helps disputants better handle future conflicts by themselves, helping them break a cycle of "doing the same thing over and over and expecting the same results." Tyler's story of a mediation beginning in a courtroom hallway further exemplifies the "more than a process" view of the center.

*It was prior to Thanksgiving and I was sitting general district court. The parties got called up in front of the judge about an eviction. The judge orders the couple to pay rent in the order of 3,000 dollars. Now, you also have 10 days to be out because you owe the rent and the law says he can ask you to leave. He's asking you to leave and you have until the day before Thanksgiving to be out. They go out into the hallway and the problem is that it is not solved. There has been a*

*judgment but no resolution for the situation. The landlord still needs 3,000 dollars, so I walk up to him and said here is my card, I'm with the mediation center, and I'm interested in talking about how to solve this. I just was in court and heard the judgment, but it sounds like you're trying to talk about what's next. So we go and sit down in the back room and they each tell the story. The people sit down, it's a young couple, and I find out they have two kids, 6 and 4. And he just lost his job and he went from the great \$3,000-a-month job to working. you know a couple hours every other week at the wing factory. He just doesn't have the money but he is trying to make ends meet, and the landlord, while he needs the money, is seeing that these are real people. And it went from landlord and tenant to Bill and John and Mary. Here it is at Thanksgiving, and they create a resolution to get the landlord his money. They will rent out the house, and so by the end of the mediation he went from needing them out in 10 days and wanting the 3,000 dollars now to giving them 500 dollars to go back to school to finish his welding certification so he could get a better job and giving them 3 years to pay it off and letting them stay in the house. And it was all in the letting them finally talk about the situation as it was, as people, and taking the label away and putting a face to the story and it was genuine. There is a lot just like that that we didn't get money for, because I can't bill them, and I can't pay them, that if I'm not going to get a referral I might as well go help somebody.*

Tyler's story indicates how he envisions the center to stand for more than a mediation site and a mission statement. To him, it is a place where change can be made no matter how big or how small. This moment remains significant to Tyler because it

reinforces his existing vision of the mediation center. As a result, the reinforcement of his conceptualization of mediation served as a trigger for a critical event. It supported his notion of mediation as transformational, beneficial and readily available for assisting those in conflict. Volunteers' stories also suggested a conceptualization of mediation that was bigger than a conflict management process. They echoed the sentiments of Tyler's story, yet did not have specific stories to exemplify their depictions. This provides further support to the reinforcement of conceptualization as a trigger for a critical event because it is probable that the volunteer has yet to experience a moment that transcends the boundaries of standard mediation practice. The disputants' conceptualization of mediation differs from both the mediators and volunteers, and this is largely a result of their own expressed conceptualizations of the center.

The disputants talk about Pleasantville Mediation solely as a tool or resource. Carrie Ann says the center is a way to communicate more and expresses gratitude that her case was referred to the center. Colby acknowledges the benefit of having another party write up an agreement rather than doing it herself. Neither of the disputants identified their mediations as something more than a viable conflict management option, nor did they note the significance of the mediation center in their everyday lives. Interestingly, all disputants interviewed suggested they would consider returning for future mediation work, even though they had not heard of the center. Perhaps the center has effects that the disputants may not have recognized, because their willingness to return the center shows an implicit appreciation for the mediation center's structure. However, the disputants still will not have the skills to manage serious conflict on their own.

*Making a Better Mediation*

While the mediators and volunteers conceptualize mediation as something more significant than a conflict management tool to the community, they do identify several intra-organizational areas for improvement. Consistently, mediators and volunteers noted the lack of interaction across the various stakeholders at the center. The volunteers and mediators remain segmented and do not interact frequently. Brett, a volunteer, says he interacts with other volunteers due to their location in the same room, but he rarely interacts with mediators. “They just kind of come and go after they mediate and fill out the paperwork.” Even the mediators have little interaction with other mediators outside of monthly meetings. Neal describes his interactions with other mediators.

*And I don't see Jason, I haven't seen Jason in probably a year. Troy, I maybe saw him eight months ago. Other mediators, I don't generally see them. Right in the office is a whiteboard on the floor and it has a list of mediators on it. There must be 40 mediators on it. I have not ever even met a third of those people.*

The mediators have little interaction due to the fact they are only paid per mediation, and each mediation requires only one mediator. However, the mediators identify the benefit of talking to other mediators. Sally, a mediator, appreciates the mediation culture where she trusts the other mediators to insure confidentiality.

I think it's neat because it is kind of a mediation culture where we all know the important stuff like confidentiality and because you know your colleagues do so much uphold that as something you know of value, that they know they can make a parenthesis [it will remain confidential].

The mediators and volunteers value having a support staff where they can solicit feedback and even vent. Jacob says the mediation culture allows him to have someone to

turn to and say, “What the hell?” The mediators and volunteers suggest there could be greater interaction, especially after significant moments in their work.

With a conceptualization of mediation as something that transcends the boundaries of traditional conflict management approaches, it is no surprise that the stakeholders desire an environment that represents more than a mediation center. Their critical events indicate the significance of accelerated learning, moments of Dialogue, and the reinforced perceptions of mediation. These critical events are moments of significance in the stakeholders’ lives, and the critical events also provide areas where improvements can be made.

## Chapter 5

### Discussion and Implications

The first research question asks what critical events exist in the volunteers, mediators, and disputants' experiences at the Pleasantville Mediation Center, and the various stories from the various stakeholders indicate moments of significant change. My own experiences identified stories of significance as I grew as a volunteer, and my own stories suggested other volunteers experienced similar critical events. By exploring and offering other stakeholder stories, tales of transformative experiences, moments of internal and external contradictions, and stories of the centers' significance were able to be illuminated. Together they show what types critical events are being experienced and how stakeholders are involved as actors in others' critical events.

Building from the first research question, the second research question asked what triggered the critical events of the volunteers, mediators and disputants. Through my stories and the other stakeholder stories, moments of accelerated learning, cognitive dissonance and Dialogue, and reinforcing a conceptualization of mediation surfaced as potential triggers of critical events. However, each stakeholder experienced these triggers of critical events in different moments.

For disputants, their recognition and validation of mediation showed an acceptance of recognizing others' positions while reflecting their own values and beliefs. Their stories of mediation indicated the significance of the agreement to mediate as a moment of accelerated learning, and they also worked on balancing the seemingly contradictory forces of attempting to get what they wanted and listening to what the other party wanted. The balance of contradictory thought-processes is consistent with prior

research on disputant narratives, where Cobb (1993) and Rubinson (2004) identify individual responsibility and empowerment as two primary forces in mediation. While not in tension with each other, the risk for disputants is to regress from empowerment towards a more position-based, destructive argumentation.

For the volunteers, the triggers of critical events began with mediation training as a significant moment of accelerated learning, in addition to their role preparing disputants for the Dialogic mindset necessary in mediation. While no prior research has offered insight into a mediation center's volunteers' stories, research on other volunteer narratives identified similar findings of adapting to inconsistency and preparing disputants for more complex conversations (Andersson & Ohlen, 2005). In addition, other critical event research has shown how vital seemingly small experiences can be in influencing future actions (Webster, 1998). The mediation center volunteers indicated moments of accelerated learning not only in mediation training, but in the uncharacteristically stressful phone calls with disputants.

The mediators' triggers of critical events included moments of transformational mediation, moments of immense cognitive dissonance, and in instances where the mediator's conceptualization of the mediation center was reinforced. The significance of transformational mediation as a critical event expands on current mediation literature's promotion of transformative mediation practices (Bush & Folger, 1994; Folger & Bush, 1996). This project also provides valuable insight into the facilitative/evaluative debate by identifying it as a trigger of a critical event (Birke, 2000; Roberts, 2007). The mediator's narratives not only provided stories of mediation where disputants experienced moments of significant change (Krivis, 2007), but illuminated the moments

where they themselves were changed as a result of the experience. Understanding the influence of the critical events at a mediation center allows for greater insight into the stakeholders' retrospective sensemaking and how they navigate their workplace experiences.

When considering the mediation center from a holistic perspective, the stakeholders' stories, especially volunteers and mediators, indicated the center itself as a strong component of their critical events. Intraorganizationally, the mediators and volunteers felt a sense of camaraderie and connection between other workers were lacking and desired a greater ability to share experiences after critical moments. Moreover, the individuals whose schedules or locations were different felt even more disconnected from the center's safe communication space. Having a space for informal communication helps stakeholders develop stronger relationships and helps the individuals make sense of the critical event experiences (Eraut, 2004). Other mediators and volunteers may also learn from the other stakeholders' critical moments and consider the teachable moments in future interactions (Webster & Mertova, 2007).

The mediators, volunteers, and disputants also identify an inconsistency in their perceptions of the center's communal presence. Mediators and volunteers describe their work to be about more than resolving an isolated conflict. In line with research by Bush and Folger (1995), mediators and volunteers see the center as an experience that helps move the disputants towards a path of more constructive dispute resolution communication. Even while their stories did not explicitly express the educational nature of the center, the mediators and volunteers exemplified a desire to aid in reducing conflict even outside the center, as evidenced by Tyler's story.

The disputants, on the other hand, did not suggest a vision of mediation to be anything more than a conflict management option. If, as seen in the phone call with Matt and Ariel, the contradictions result in viewing the conflict as win/lose, the mediators and volunteers will continue to struggle to facilitate a transformational event. Even if the communication during the mediation was more dialogic, the sensemaking of their experience suggests a continued competing style of conflict (Wilmont & Hocker, 2011). This disconnect between the center's ideal goals and the disputants interactions has the possibility to influence the stakeholder critical events, especially because mediators indicated the transformational mediations to be of significant influence on their mediation work.

### **Implications**

For academic audiences, this project illustrated the benefit of utilizing a critical events approach to qualitative research. By recognizing the human-centered and temporal nature of stories featuring significant change, research can gain new insight into these change moments. Furthermore, this project's recognition of moments of dialogue indicates the potential of dialogue as a productive, although fleeting, moment of suspending beliefs and assumptions to better understand the other party.

Moving forward, the Pleasantville Mediation Center may benefit from facilitating more communication between volunteers and mediators. My own experience indicated the formative interactions that take place with volunteers, and creating a safe and confidential space for increased support and self-disclosure would allow volunteers and mediators to feel more comfortable communicating and sharing stories. In instances where accelerated learning and cognitive dissonance are significant, the volunteers may

benefit from making sense of the situation in a supportive atmosphere (Weick, Sutcliffe, & Obstfeld, 2005). Pleasantville Mediation Center would also benefit from promoting the center as something more than an isolated conflict resolution site. By promoting the center as a location of support and guidance through tumultuous times, those unaware of the center would develop a perception of the center similar to the mediator and volunteer perceptions.

This project's findings also provide implications for the individual stakeholders. Volunteers should be encouraged to take the mediation course due to its lasting effects on their subsequent interactions. Mediation training would also help volunteers facilitate better intake phone calls, and the volunteers could further emphasize dialogic thinking when communicating with the disputants. Promoting Dialogue through simple suggestions of recognizing others' viewpoints and asking for more self-reflexivity from the onset could provide the disputants a better framework from which to operate in mediation. The disputants stand to benefit from a willingness to recognize others' positions in addition to recognizing their own beliefs. Agreement is not necessary, but recognition of the other's viewpoints is necessary.

Together, the critical events contained in the narratives of the Pleasantville Mediation Center show the interconnectedness of the disputants, volunteers, and mediators' stories. Analyzing these critical events in narratives offers an opportunity to see what stakeholders perceive as contributing to moments of significance. While differing with the different stakeholder roles, the role of accelerated learning and contradiction were two overarching triggers. In addition, the perceptions of the center

played a crucial role in triggering critical moments. I offered several recommendations for the center to consider, both about organizational environment and stakeholder roles.

### **Limitations**

With such a narrow scope, certain limitations to this project are evident. The small sample size offers only a glimpse into the many hundreds of stories about the Pleasantville Mediation Center. Each unique story would bring new and valuable insight into critical event research. Unfortunately, the scope of the data collected was limited to my own experience and my selected stakeholder interviews. Other stakeholders of the center such as children, referral sources, and judges would provide valuable additional insight into the center's co-creation of knowledge.

In addition to other stakeholders, another limitation was in finding disputants willing to be interviewed. Disputants who had poor experiences with the center may be more likely to avoid further interaction, and therefore it is possible I was more likely to interview those who had positive experiences. The critical events throughout the disputants' stories were also constrained by the focus on the mediation center. Understanding the disputant narratives of their conflict from a broader scope would offer a different lens for viewing how they managed their conflict. The disputants' phone calls were also not recorded or transcribed, and as a result the richness of their stories could not be captured and coded in the same way as the volunteers' and mediators' stories.

My own embeddness in the research and adopting an emphasis on human experience in the research approach, I risk constraints of intersubjectivity and smoothing in my research. Intersubjectivity is the commitment to the narratives and the researcher's role without appropriate reflection, and smoothing is the tendency to invoke a positive

result (Webster & Mertova, 2007). In other words, a narrative researcher participating in a research environment may smooth over the data that did not fit with the initial research inquiry. Indeed, my own stories represent my own viewpoints and my perceptions of the mediation environment, and my biases and relationships influenced this research project in a multitude of ways. However, being seen as an active member in the organization did allow me privileged access to the interworkings of the center, and I also maintained notes throughout the entire process to promote appropriate reflection. By detailing my own vantage point throughout this project, I also began the research of others' stories with certain themes in mind.

### **Suggestions for Future Research**

This research study contributes to the diverse and growing array of scholarship on mediation and conflict resolution by providing a new framework to consider a mediation center. Utilizing a critical event narratives approach to mediation provides new opportunity to consider how stakeholders make sense of mediation. Continued research needs to further explore the role of critical events in and about conflict resolution processes. Specifically, an exploration of critical events occurring in the disputants' lives outside of mediation but within the scope of the conflict might indicate the significance of mediation as a change moment. Consideration of the organizational context of the center, and the legal influence on mediation also warrant further consideration. The legal system's emphasis on prescribing resolutions may influence the mediation center's framing of mediation, and court-mandated mediation may lead to the popular belief of mediation as a dispute resolution tool. One final area of continued research is within the mediation training process itself. The significance of mediation training was evident in

the volunteers' narratives, and a better understanding of this as influencing how a mediator frames and interprets subsequent interactions would further illuminate the significance of the training experience.

### **Conclusion**

It is my final day at the mediation center, and I look once more around the room. The files have all been packed up, desks are cleared, and people are carrying boxes down the hallway. In a matter of great coincidence, the mediation center is making a long awaited move to a new location this week. Once they settle in at their new location, Tyler will begin training new volunteers for the next semester of work, but for today I am the only person operating the phones. I think about my first day before entering the mediation center when I read the standing blackboard, words scrolling across the top in big, white block letters asking me, "What do you like about Pleasantville?" and the "...because it's my home" that greeted me. I realize now that the mediation center is a refuge for many people who are imbedded in conflict, leaving behind momentarily their "real" homes and kitchen table negotiations that have been unsuccessful. Being able to come to Pleasantville Mediation Center, a home for conflict, allows for a unique, healthy environment where great change can take place. With the disputants' retellings of their own situations, mediators attempt to facilitate healthy negotiations and positive resolutions often are the result. The disputing parties' narratives play a vital role in shaping the center's environment, yet the volunteers and mediators' stories cannot be neglected. Pleasantville Mediation Center is perceived differently by different stakeholders, yet I still experienced the interconnectedness of all three parties in making the center a place of growth and collaboration. In this home of conflict, the individuals'

stories join voices to offer a chorus of interconnected, human stories of change whose overture is conflict but whose refrain is hope.

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## Appendix A

### Sample Questions

After receiving informed consent, the following questions will be asked as warm-up to gain background information and develop a certain level of comfort with me as the researcher.

#### ***For Volunteers and Mediators***

- How long have you been involved with the mediation center?
- What led to your involvement at the mediation center?
- How would you describe a typical day at the mediation center?

After establishing context and getting the interviewee acclimated, the following questions will be asked considering the aforementioned research question.

1. Think of one memory you have about a conflict you were involved with at the mediation center.
2. What do you remember about that experience?
3. If you were to select one main memory about the mediation center, it would be...
4. With your work at the mediation center, do you remember a particularly stressful session?
5. How has that stressful session influenced your work at the mediation center?
6. What role did others play in the stressful session?
7. How would you describe the influence and long-lasting effects of your work in the mediation center in your everyday life?
8. Where do you see the mediation process fit into the larger community?
- ...

#### ***For Disputants***

- How long ago were you involved with the mediation center?
- How did you hear about the mediation center?
- Were you satisfied with your experience with mediation center?

After establishing context and getting the interviewee acclimated, the following questions will be asked considering the aforementioned research question.

*Think of the conflict you were involved with at the mediation center.*

1. What do you remember feeling before coming to mediation?
2. How did your emotions change throughout the mediation?
3. If you were to describe your experience with the mediation center, you might say...

4. *How would you describe the influence and long-lasting effects of your experience at the mediation center in your everyday life?*
5. *Recently, do you remember a particularly stressful episode of conflict?*
6. *How has mediation influenced your handling of that conflict?*
7. *What role did others play in that episode of conflict?*
8. *What do you hear about the mediation center from other members of the community?*

## Appendix B

### Sample Consent to Participate in Research Form

#### **Consent to Participate in Research**

##### **Identification of Investigators & Purpose of Study**

You are being asked to participate in a research study conducted by *Eric Dirth* from James Madison University. The purpose of this study is to explore how narratives are interwoven at a local mediation center. This study will contribute to the researcher's completion of his classroom project.

##### **Research Procedures**

Should you decide to participate in this research study, you will be asked to sign this consent form once all your questions have been answered to your satisfaction. You agree to participate in an individual interview. The interview will take place at the Fairfield Center in confidential room. Your communication during the interview is confidential. You will be asked to provide answers to a series of questions related to perceptions of the mediation process, reasons for working in the field of mediation, and defining experiences at the mediation center. You will be recorded via audio recording device, with your permission. Audio files will be destroyed once the recordings have been transcribed and the name has been replaced with a pseudonym. If permission for audio recording is not granted yet you are still willing to participate in the interview, the researcher will take detailed notes throughout the interview. The notes will be reviewed and revised to assure anonymity.

##### **Time Required**

Participation in this study will require 45 – 90 minutes of your time.

##### **Risks**

The investigator does not perceive more than minimal risks from your involvement in this study (that is, no risks beyond the risks associated with everyday life).

##### **Benefits**

Potential benefits from participation in this study include helping the researcher better understand the role of mediation in the local community.

##### **Confidentiality**

The results of this research will be presented in partial fulfillment of a Communication and Advocacy Master's thesis. It may also be submitted for presentation at an academic conference and/or publication in a research journal. The results of this project will be coded in such a way that the respondent's identity will not be attached to the final form of this study. The researcher retains the right to use and publish non-identifiable data. While individual responses are confidential, aggregate data will be presented representing averages or generalizations about the responses as a whole. All data will be stored in a secure location accessible only to the researcher. Upon completion of the study, all

information that matches up individual respondents with their answers including audio tapes will be destroyed.

### **Participation & Withdrawal**

Your participation is entirely voluntary. You are free to choose not to participate. Should you choose to participate, you can withdraw at any time without consequences of any kind.

### **Questions about the Study**

If you have questions or concerns during the time of your participation in this study, or after its completion or you would like to receive a copy of the final aggregate results of this study, please contact:

Researcher's Name: Eric Dirth  
 Department: Department of Communication  
 James Madison University  
 Email Address: [dirthem@jmu.edu](mailto:dirthem@jmu.edu)

Advisor's Name: Lori Britt  
 Department: Communication  
 James Madison University  
 Telephone: (540) 568-5028  
 Email Address: [brittll@jmu.edu](mailto:brittll@jmu.edu)

### **Questions about Your Rights as a Research Subject**

Dr. David Cockley  
 Chair, Institutional Review Board  
 James Madison University  
 (540) 568-2834  
[cocklede@jmu.edu](mailto:cocklede@jmu.edu)

### **Giving of Consent**

I have read this consent form and I understand what is being requested of me as a participant in this study. I freely consent to participate. I have been given satisfactory answers to my questions. The investigator provided me with a copy of this form. I certify that I am at least 18 years of age.

I give consent to be audio taped during my interview. \_\_\_\_\_ (initials)

\_\_\_\_\_  
 Name of Participant (Printed)

\_\_\_\_\_  
 Name of Participant (Signed)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Name of Researcher (Signed)

\_\_\_\_\_  
 Date

## Codebook

Category	Subcategory	Open Codes
Accelerated Learning	Everyday Experiences	Consistency
		Standard practice
		Lifestyle
		Developed relationships
	Potential to Make a Change	Recognizing change
		Learning
		Sharing
		Experience and training
	Reflection of Significant Event	Worthwhile experience
		Appreciation
Resolving conflict		
Cognitive Dissonance and Dialogue	Cognitive Dissonance	Uncertainty surrounding conflict
		Letting others decide
		Accepting support from others
		Reliance on court
	Presence of Dialogue	Recognizing others' positions
		Recognizing beliefs
		Self-reflection
		Connection
		Listening
	Barriers to Dialogue	Stuck in own mindset
		Aggression
		Challenging
		Perceiving others
		Power dynamics
Mediation Center Perceptions	Mediation Center's Impact	Promoting mediation
		Providing support to others
		Valuable to community
	Center Communication Problems	Lack of interaction
		Expressing anger/malcontent
		Physical constriction
	Individual Perceptions of Mediation Center	Recognition of Confidentiality
		Caring about others
		Transformative potential

\*Transcripts available upon request