
In Practice

Peer Consultation for Mediators: The Use of a Holding Environment to Support Mediator Reflection, Inquiry, and Self-Knowing

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In order to help the parties in mediation address their interests, concerns, and responses to the conflict, the mediator must monitor and manage his or her own inner thoughts, emotions, and feelings throughout the process lest they negatively influence the outcomes of the mediation. Peer consultation offers one approach that can be used effectively to support the mediator's inquiry into practice dilemmas and invite self-knowing that benefits the mediator as well as the parties in the mediation. The effectiveness of a group consultation process, however, depends on the development of "a holding environment" that can provide a safe and confidential space within which such an inquiry can occur. The mediation process is improved when the mediator is able to sustain relational and emotional tension within herself and between the parties long enough for new understandings and actions to develop.

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Much of what we do and how we do it is influenced by emotions and the conditions that generate them.

— *Lazarus (1991: 3)*

Introduction

Kristin, a seasoned mediator and a social worker who conducts family mediations and a colleague of ours, once described to us her frustration with some of her clients. “I am not sure how to move these two forward,” she said. “She is so passive and I find him rude, actually scary. When I’m in situations like this, I get distracted by my own concerns, or, rather should I say, my reactions. I can’t seem to help myself at times like this and I certainly don’t seem to know how to proceed with these two. The kind of thinking I need to do is just not easy to get at, so the sessions drift and seem not to be going anywhere or getting anything settled.”

Kristin is fortunate and wise because she is aware of and acknowledges the effects that her cognitive and emotional responses could have on the mediation. What options does a mediator like her have when she finds herself in a situation such as this in which internal responses and reactions are beginning to exert an influence on her relationship with the parties and on her facilitation of the mediation? Where can mediators go to explore their practice dilemmas and with whom can they honestly express their feelings about a mediation without fear of judgment or loss of status?

These are some of the questions that have guided a group of experienced mediators to form a study and peer consultation group. Kristin brought her concerns to this peer consultation group and sought assistance in clarifying her practice dilemmas. Her goal was to gain insight into her experiences and emotions, understand their influence on the mediation, develop appropriate strategies for addressing her concerns, and return to the work of helping the couple with their custody problems in a fair and equitable manner.

In this article, we describe the experiences of this peer consultation group for mediators, which was launched in the fall of 2000 as the Mental Health Issues in Mediation Study Group (MHIMSG). We discuss the group’s creation and use of the “holding environment,” which is how the group refers to a space (i.e., psychic and physical) where the mediator can safely and, in collaboration with colleagues, critically consider the difficulties encountered with a case.

The Peer Consultation Group

Over a period of eight years, the consultation group created a welcoming environment where mediators are able to communicate their strengths, challenges, and hopes as well as be heard and supported regardless of the difficulties and the sense of isolation they may sometimes experience within the mediation (Kolb 1994). We are an interdisciplinary group of professionals with a core membership of approximately twelve women and men who meet on a monthly basis. The group's membership mirrors the professional and philosophical diversity within the mediation field itself and includes lawyers, community mediation specialists, mental health professionals, business people, and scholars. The members' practices are informed by a variety of different models and styles of mediation (e.g., facilitative, evaluative, transformative). Many of the members have expertise in group dynamics and experiences as group leaders and facilitators; all are comfortable with group processes and reflective practices.

The initial focus of the group was on mental health issues and the psychological dimensions of alternative dispute resolution (ADR). Eventually, we recognized our need to create a confidential and supportive space where mediators could feel secure enough to share cases and talk openly about misgivings or mistakes in their mediation practices. The formation of the peer consultation group led us to study and discuss psychoanalyst Donald Winnicott's concept of the "holding environment" (Winnicott 1965) and to explore ways to use his concepts in the foundational design of the group.

Over the years, the group explored the use of such specific reflective practices as the ladder of inference (Argyris 1990; Senge et al. 1994), mindfulness practices (Gunaratana 2002; Riskin 2002; Brach 2008), parallel processes analysis (Searles 1955; Doehrman 1976; McNeil and Worthen 1989), inquiry through self-questioning (Lazarus 1991; Ury 1993; Jones and Bodtke 2001; Jones 2006), and group inquiry and learning (Argyris, Putnam, and Smith 1985; Argyris 1990). The group has explored these practices to try to understand the role of emotions and psychological dynamics in the mediation process and help the mediator avoid becoming a "victim of powerful unconscious power struggles" (Twemlow and Sacco 2003: 371). The mediator who fails to become aware of and attend to experiences occurring within his or her internal landscape (e.g., emotions, cognitions, beliefs, physiological responses) risks failing to see the ways in which he or she may more successfully shape the outcome of the mediation and also jeopardizes the ethics of his or her practice (Twemlow and Sacco 2003; Shapiro 2004; Honoroff and Opatow 2007).

In this article, we describe how the use of the holding environment can lead to and nurture specific reflective practices within a peer consultation group. Through collaboration with others within a holding setting, the mediator can gain insight into his or her own personal reactions and

the dilemmas that can intrude upon the mediation and potentially interfere with the mediator's ability to stay focused on the mediation process. Rather than "go it alone" (Robb 2006: 382) when stressed by a difficult case, these mediators "tend and befriend" (Taylor et al. 2000), drawing on the experiences and intelligence of their colleagues.

As Michael, a mediator who sought consultation, told us, "The consultation group helps me notice and explore the places where I can go in a mediation, where there is curiosity, and to the places where I can't go on my own, where there is reactivity."

Key Concepts of the Peer Consultation Model

We developed the peer consultation model over time and as a direct result of working with mediators like Kristin and Michael. The model is based on several key concepts and practices.

First, we know that the mediator is not immune from emotions and their effects during mediation (Jones 2001, 2006; Vargas-Prada 2002) and that parties in mediation can affect the mediator just as the mediator can affect the parties and the process (Adler, Rosen, and Silverstein 1998; Jones and Bodtker 2001; Bowling and Hoffman 2003).

Second, a consultation group can create a holding environment that they can use to enable mediators to "hold" relational and emotional tensions long enough for meaning to develop. This holding environment provides a safe-enough environment in which the mediator can acknowledge his or her vulnerability and engage in reflective inquiry while supported by peers. Within this setting, the mediator can understand the basis of his or her responses and reactions, enhance his or her self-knowledge, and more successfully plan his or her own actions and responses during the mediation process.

In addition, the mediator can use his or her own emotions as windows through which he or she can see the dynamics of the mediation process itself. Such specific reflective practices as dialogue, self-questioning, the ladder of inference, and parallel process analysis can facilitate his or her understanding of the mediation processes.

Furthermore, consultation can help mediators gain insight into their practice dilemmas, develop meta-perspectives, and continue to facilitate independent reflection practices that can be used when engaged in the mediation with the parties. Finally, the development of these meta-perspectives is central to protecting the process and maintaining ethical practices. The mediator can learn to create a holding environment within the mediation itself for his or her own sake as well as for the benefit of the parties.

Emotions and Mediation

While there are those who would dismiss the role of emotions in mediation (Jones 2001, 2006), interest in the role of emotions in ADR has grown

(Kumar 1997). This is only natural because our emotions shape the ways in which we experience and view the world and our relationships (Ryan and Deci 2001) and influence our thoughts and actions (Lazarus 1991). The emotions that one feels in any given situation cannot be explained by a single variable but rather can be best understood as arising from an interaction of causal variables (e.g., personality and situational variables), mediating processes (e.g., appraisal, coping), and effects (e.g., physiological changes, positive and negative feelings) (Lazarus 1991).

Emotions can both *create* conflict and *result* from conflict or become a source of destructive expression (Jones 2001; Jones and Bodtker 2001). Tricia Jones and Andrea Bodtker (2001) have written that the mediator brings to mediation an emotional orientation that is part of his or her humanity. In turn, the process of mediation itself can affect the emotions experienced by the mediator. Consequently, there is a reciprocal relationship between our cognitive and emotional histories and the cognitive, emotional, and physiological experiences we encounter when conducting a mediation or a negotiation.

The language used in a mediation and how it is perceived can affect the way the mediator thinks about the parties (Schroth, Bain-Chekal, and Caldwell 2005). In addition, emotions and cognitive states can affect practice and settlements in specific ways. For example, Gerben Van Kleef and his colleagues have demonstrated that negotiators make greater concessions and issue lower demands when the other party demonstrates anger (Van Kleef, De Dreu, and Manstead 2004; Van Kleef et al. 2006).

Anne Vargas-Prada (2002) examined how the mediator's emotions affect mediations. She conducted interviews and written surveys with fourteen practicing mediators, seven men and seven women, whose professional backgrounds differed (e.g., law, military, education, therapy). She noted that the majority of mediators were aware of their emotions, struggled to control their emotions during the mediation, and felt frustration and anger with the parties, the process, or themselves. In addition, one's professional training and background can influence awareness, attention, and acknowledgment of emotions in mediation as well as deployment of strategies for addressing them in context (Nelken 1996).

In Vargas-Prada's (2002) work, the mediator responded emotionally to what was happening in the mediation between the parties or to how the parties were conducting themselves with each other and the mediator. In another instance, difficult emotions arose because the turbulent discussion between the parties about child rearing and custody reminded the mediator of her own experiences and invoked a strong internal negative response, a phenomenon akin to what Antonio Damasio (1999) refers to as emotions originating from previous experiences arising in the present context "as if" history were repeating itself.

The Holding Environment for Peer Consultation

The concept of the “holding environment” seems naturally suited to mediation because of mediators’ ongoing commitment to develop effective and ethical practices (Bowling and Hoffman 2003). Donald W. Winnicott (1965), who created the concept of the “holding environment,” characterized it as

not only the actual physical holding of the infant, but also the total environmental provision . . . it refers to a three-dimensional or space relationship with time gradually added. It includes the management of experiences that are inherent in existence, such as the “completion” (and therefore the “non-completion”) of processes, processes which from the outside may seem to be purely physiological but which belong to infant psychology and take place in a complex psychological field, determined by the awareness and the empathy of the mother (43–44).

For Winnicott, creating the holding environment is integral to the mother’s ability to provide a safe-enough space for the child to risk learning and move gradually toward autonomy.

Winnicott extended his concept of the holding environment to the therapeutic setting and believed that the therapist’s task is to provide such a safe space for the client, giving the client the opportunity to become vulnerable and to have his or her vulnerability tolerated while learning and developing skills and strategies needed to become effective and autonomous. M. Gerard Fromm (1989) notes that Winnicott conceives of the clinical “environment” as something more than the therapist and techniques. “This ‘something more’ is the analytic setting,” he wrote, “the total person and physical provision made by the analyst which includes an ambience and concretely reliable arrangements . . . [or] the summation of the details of management” (Fromm 1989: 491).

Based on our experiences, a consultation group can effectively establish for mediators the kind of holding environment that Winnicott described. The members of our group seek to set the conditions that enable mediators to safely present their professional selves authentically to their peers. The group’s processes are built upon adherence to agreed-upon behaviors and ground rules, but its members do not act as therapists, nor are parties considered patients or clients.

For the peer consultation group members, the holding environment exists on many levels. Symbolically, it represents the members’ collegial relationships to each other (e.g., their commitment to learning and to fostering respect and positive regard for each other). On a practical level, the group promotes the creation of a confidential and safe space for conducting intrapersonal and interpersonal work. “The change agent (peer consultants) must be able to convey to the group as a whole, that he/she

has two capabilities: the ability to inspire hope and to be supportive and comforting — elements not dissimilar to the holding environment of Winnicott” (Twemlow and Sacco 2003: 385).

These behaviors, demonstrated both during mediation and during peer consultation, convey reliability, responsibility (e.g., monitoring both intra-personal and interpersonal responses), engagement (e.g., attentiveness, demonstrating interest and remembering details), and mindfulness. In addition, these behaviors also include maintaining positive regard (e.g., impartiality or multipartiality), empathic responding (e.g., careful listening, conveying genuine concern, and demonstrating understanding), and trustworthiness (e.g., maintaining respectful relationships and confidentiality). In keeping with Winnicott’s ideas, construction of the holding environment for peer consultation as well as for the mediation itself requires attention to the physical, mental, emotional, spatial, and temporal dimensions of the setting.

Chris Argyris (1990) has proposed a model of learning within a group structure that minimizes defensiveness and allows for the resolution of difficult problems. This model allows for a careful understanding and questioning of the theory-in-use by an individual. Argyris proposes two models of theory-in-use: Model I describes a closed system of thinking that is intended to maintain control and is based only on one’s own interests and inferences; actions flow from these cognitions and beliefs and remain in a closed system. In contrast, theory-in-use associated with Model II is based on a system that relies on feedback and moves forward into action based on “valid information, informed choice, and responsibility to monitor how well the choice is implemented” (Argyris 1990: 104).

The use of Model II theory-in-use by the peer consultation group allows for members to challenge each others’ assumptions, including the assumptions of the mediator who seeks consultation. Our experience confirms that “learning occurs when participants detect and correct gaps between descriptive claims and practical outcomes, or between intentions and results, thoughts and action, theories and practices” (Action Science Network 2007).

Participating in this kind of group leaves one potentially vulnerable to the judgments, embarrassments, and frustration that can occur with self-disclosure. Through this process of becoming vulnerable and exposing their own “theory-in-use,” however, participants develop openness that facilitates trust within this safe holding space. Within this setting, the group members can gain insights and new perspectives while supporting growth and inclusion.

Winnicott was concerned that the providers of care should also receive enough caring, specifying “that mothers who have it in them to provide good-enough care can be enabled to perform better by being cared for themselves in a way that acknowledges the essential nature of their task” (Winnicott 1965: 49). Each member of the peer consultation group

shares the responsibility to nurture the group; the chairperson functions as a convener as well as a cofacilitator along with the other group members. This mutual interdependency between the chair and the group on behalf of the collective whole enables the mediator to be honest and vulnerable with colleagues when discussing a case. In this way, the system of responsible caring is enhanced as the peer consultation group provides adequate care within the holding environment to the mediator to assist the mediator in his or her role as a competent guardian of the mediation process.

A difficult case can affect a mediator in well-documented ways that range from generating frustration with the parties to feelings of inadequacy, hopelessness, compassion fatigue, and even fear, anger, and hostility. In cases that resist resolution, the mediator will likely ponder the cause of the apparent failure, questioning both the parties' capacity to mediate and his or her own ability to guide the process.

At these crucial junctures, the peer consultation group can help the mediator notice any possible disturbances within the environment and/or interpersonal or intrapersonal factors involving the mediator and the parties. Sensitive to the mediator's need for autonomy, the consultation group only offers assistance, not solutions. Likewise, the mediator considers the parties' needs for autonomy and uses consultation in hopes of returning as a responsible guide and protector of the mediation process.

How the Holding Environment Works

The powerful learning experiences of the peer consultation group's members illustrate how the group works. For example, group member Susan raised questions about how she experiences the holding environment for her mediation practice:

If I consider the holding environment as being valuable to the mediation process, I need to be aware of its affect on me and subsequently on my effectiveness as an ADR professional. How does this holding process affect me? Is my internal response to "soaking up" always different/the same? What do I do with this internal response? Am I able to maintain a goal of holding the environment throughout the mediation? How does it affect my ability as an ADR professional to maintain my neutrality?

In the peer consultation, she described a difficult session in which she found herself acting out of character and protecting one of the parties from the other party during mediation:

My primary work involves court cases of guardianship or adoption. Parties are biological and adoptive parents. Permanency mediation [the term for this type of mediation] is a dramatic and very often earth-shattering event for a biological parent. Such experiences for parent(s) steal their ability to give thoughtful

consideration to the matter of what is best for the child — their deep attachment is being torn, often their reason for living pulled from them.

My empathy for the lone, young mother losing her child evidently took command. Words came out of my mouth in the mediation when the parties' agreement was nearly complete, words aimed at protecting the mother from a stipulation the two adoptive parents suddenly added, making the agreement null and void if the mother did not keep in touch via letter two years in a row.

The mother earlier had ultimately, bravely accepted no visitation and my emotional/judgmental response to the last-minute stipulation was a suggestion to the adoptive parents that illness, or other personal difficulties or a simple matter of not writing a correct address could be the reason for non-communication at the designated month of the year. I was surprised I had made the comment — it satisfied a release of deep-felt emotions, but clashed with my cognitive understanding of the appropriateness of my comment.

When the words came out of my own mouth in the mediation I was surprised I had said them. This “defending” comment clearly had my own frustration and disappointment attached to it, no matter how neutrally I attempted to convey it. I brought it all to the consultation group, for support and inquiry. Was I emotionally saturated . . . or . . . was I mentally exhausted trying to hold back judgment? Did exhaustion prompt me to let my own feelings control my behavior?

Time constraints are an overriding issue in permanency mediation cases, Susan explained, because they operate on the judicial timetable. A limited amount of time is allotted to deal with these highly charged matters, she continued, “and I think I got caught up in the urgency of the situation. The consultation group was relaxed, accepting, patient, and supportive, offering me the opposite of the difficulty and intensity of this permanency mediation session.”

Susan described how the peer group helped her understand that she was “soaking up the tension” of the mediation. “Within the trusting environment of the peer group,” she explained, “group members give me the emotional and physical space to relay to them what it felt like for me to hold the environment in a particular mediation. They, in turn, hold any emotions in the environment for me, and reflect that experience back to me. Unburdened, I was able to see my responses in a less harsh light and understand how susceptible I had been to the fears about the parties.”

The mediator experiences the holding environment as the actual context within which the consultation group offers supportive reflection for its members, but it is also “portable” for those mediators who have internalized the group's practices and are thus able to bring it with them to

new situations, creating conditions conducive to reflective and ethical practices whether meeting with disputants in such diverse settings as a crowded hallway in a small claims court, in a broom closet in an urban school, or at a disputed border crossing.

Alan and Mary recalled how they used the concept of the holding environment during a ten-minute recess from a mediation that they were jointly facilitating. It was, they told us, an especially disruptive mediation with family members who often interrupted, shouted over each other and the mediators, pounded the table, and threatened to leave the mediation. Prior to mediation, a restraining order had been taken out on one of the people involved for shoving another family member. When they were out of earshot, Alan said, "They're all nuts." He said he did not know if he could continue the session with them. Mary did not share that feeling and encouraged Alan to talk about his concerns about the mediation and the personal thoughts and feelings that seemed to be interfering with his ability to continue.

How did Alan and Mary's conversation differ from one that could occur between any pair of comediators during a recess? Drawing from their experiences in peer consultation, they relatively quickly and efficiently created a holding environment. Mary showed an empathic acceptance of Alan's feelings, without judgment, and helped him safely examine his own painful and intrusive responses to the parties. Fear and hopelessness do not automatically render a mediator incapable of functioning, and with reflective assistance from a comediator, Alan was able to find a way to return to the session with greater clarity and commitment.

Secure within his relationship to Mary and supported within a jointly constructed holding setting, Alan was able to discuss elements of his own history that were being "brought back to life" by the behaviors of the parties toward each other and how that interfered with his ability to respond effectively to the parties. The mini-consultation calmed the mediator, allowing him to consider other skills he might bring into the mediation. Once the mediator saw the influence of his own experiences on his conduct of the mediation, his attitudes and behaviors toward his role in the mediation changed. This, in turn, improved the parties' interactions (e.g., decreasing shouting and threatening behaviors), key interests emerged, and the parties were able to in some ways acknowledge past hurts and make apologies.

Developing a Meta-Perspective within the Holding Environment

Peer consultation helps the mediator "go to the balcony" and gain objectivity, allowing him or her to regain the "big picture" and untangle the internal knots that block a creative and ethical response (Ury 1993). The peer consultation group functions as a metaphorical "balcony" for its members.

Within this conversational space, the consultation group creates a fertile ground for engaging in active listening and learning through dialogue from an interdisciplinary perspective. Each member's professional background and experiences permeate and filter opinions and suggestions. The ensuing intersubjective relationship, (i.e., attunement of group members to each other) is evident during case reviews or discussion on a certain topic (Stolorow and Atwood 1992).

The peer consultation group's usage of the term "intersubjective" differs from its usage in classical psychoanalytic theory. Rather, we use the term in the same way as Robert Stolorow and George Atwood do, who use the term "to refer to any psychological field formed by interacting worlds of experience, at whatever developmental levels these worlds may be organized" (Stolorow and Atwood 1992: 3). The value of this concept to the peer consultation group is the "reciprocity of mutual influence" (Stolorow and Atwood 1992: 4) between the peer consultants and those who come to us for consultation. One group member explained, "Everyone broadcasts his or her inner self; we pay attention and catch sight of what the other is experiencing."

Peer group members help each other reach this meta-perspective (i.e., awareness of one's cognitions, emotions, and physical states and their effects on one's beliefs and actions) by pointing out, making explicit, and questioning these different views and by listening to a wide array of voices, thereby allowing reflection and insight to develop (Argyris, Putnam, and Smith 1985; Argyris 1990). Christina Robb (2006: 101) notes that Carol Gilligan characterizes such open and communicative environments that "set thinking and feeling free" as "resonant." Gilligan writes that both the environment and the behaviors (e.g., comments and gestures) constitute this resonant environment. These are necessary preconditions to an individual opening and speaking "in the realm of the known but unsaid" (Robb 2006: 101).

The group is deliberate in developing an inclusive language and every attempt is made for the distribution of power and status within the group so that collegiality and trust evolve. Within this mutually constructed environment, the mediator can use the consultation group to discuss ethical concerns specifically associated with the case (Honoroff and Opatow 2007).

One member commented on the challenge of the dialogic processes within the consultation: "The dialogic process isn't always easy. Sometimes we experience the feeling of not being heard, of having different cognitive styles and using words with different connotations while also having strong emotional reactions. It seems somehow that this resembles or even becomes a parallel experience of our mediation processes 'out in the world.' It forces us to acknowledge our emotional reactivity, our difficulties at times to understand different 'languages' and sense the tension of conflict that will not come to a predictable resolution." Yet the difference also lies

in the fact that in the group experience, we may become observers of our process, having developed the ability to sit through conflict (Rako and Mazer 1980) and have also had to put into practice how to solve difficulties among our members.

Any group that creates a holding environment seeks to promote acceptance and mutual understanding by becoming aware of fixed beliefs and attitudes and opening to the challenge of appreciating the theory-in-use and moving to develop alternative ways of understanding and behaving (Argyris 1990; Senge et al. 1994). It is not necessary to be a trained mental health provider to develop and participate in this or any other peer consultation group. Nor is it necessary to consider the use of reflective practices only when dealing with cases involving particular emotions. Group members say that the consultation group enables them to expose mistakes and explore options in an atmosphere of respect.

Certainly, we have disagreements, but well into our eighth year, the longevity of the group speaks to the ongoing benefits for its members, to our compatibility, and to our capacity to accept difference. The peer consultation group's focus on core knowledge and skills vital to the mediator's role, as well as our emphasis on self-knowledge, interpersonal dynamics, conflict, communication, cultural issues, power, and control, has enhanced our members' professional development.

Differences between Peer Consultation and Supervision

The model used by our group differs from that which is expected of supervisees or comembers of a treatment team in an agency or school (Brown 1984; Shulman 1984). In classical forms of professional supervision, the supervisor represents a training program or clinical service center and the relationship to the supervisee is hierarchical and evaluative in nature. As a self-constituted group of professional peers, our members who seek consultation are free to accept suggestions or not; the consultee always remains responsible for the results and is under no obligation to enact actual intervention plans and strategies. Each member is responsible for his or her own learning and there are no dues or fees for membership or for the receipt of consultation.

Reflective Practices within the Holding Environment

The peer consultation group process helps the mediator engage in an inquiry that allows him or her to notice his or her own internal emotional responses to the parties and to the course of the mediation. Without an understanding of the sources and effects of his or her emotional experiences, the mediator misses important clues, signals, and information. These are critical to regulating and monitoring biased responding and avoiding loss of creativity, focus, and momentum during the mediation.

Even the most experienced mediator may find that the use of reflective practices can help the mediator avoid bias or stagnation (Jones 2001, 2006). Ideally, reflective practices open the mediator to additional sources of information both intrapersonally and interpersonally during mediation. These practices make use of both strategic and intuitive approaches that allow the mediator to grow in understanding and effectiveness (Schon 1983).

Using reflective practices, mediators can cultivate the holding environment within ourselves, finding ways to notice how we feel when our backs are up against the wall, to note the feeling mentally or on paper, and slow down the process to provide the needed time for reflection by calling for a break or caucus. Reflective practices can be similar to mindfulness practices (i.e., the personal ability of being fully present and aware within the moment in a nonjudgmental manner) that occur for the mediator within the context of a holding environment (Gunaratana 2002; Riskin 2002; Brach 2008). The self-inquiry process (Fisher, Ury, and Patton 1991; Senge et al. 1994; Twemlow and Sacco 2003; Shapiro 2004) for the mediator starts with recognizing that his or her emotional experiences and thoughts are occurring and with asking profound questions that can have profound effects on the actions and course of the mediation. For example:

- Why am I bored or restless or confused or angry?
- What do I need to do to get my focus back on these parties and the conflict?
- What are my questions?
- What am I trying to get at with these questions?
- How do I make sense of this behavior?
- What has triggered this reaction in me?

Mediators approach each case as a unique opportunity to construct an understanding of the conflict with the parties, form hypotheses that are tested and revised, and design interventions responsive to the situation. If one hopes to guard the process of mediation and bring it to a satisfactory conclusion for the parties, reflective practices help the mediator avoid the negative influence of emotions that can result in an impasse or premature ending (Fisher, Ury, and Patton 1991; Jones and Bodtker 2001; Shapiro 2004; Jones 2006). Within the consultation group or when the mediator stands alone, they help to “reduce impulsive decision making” or prevent succumbing to the distorting effects of such emotions as fear and anger on psychophysiology and “on our capacity to think and respond” (Twemlow and Sacco 2003: 376, 378).

While the mediator may come from a particular theoretical model, he must “construct an understanding of the situation as he finds it” (Schon

1983: 129). Consequently, mediation practice provides unique opportunities for the mediator to learn through reflection-in-action (Schon 1983) by using both case-based information and intuition in the form of specific actions that can be undertaken during the course of the mediation, during a recess, or as a separate activity between sessions or in retrospect.

The peer case consultation model promotes learning grounded in the use of reflective practices (e.g., self-questioning, interactive dialogues, reframing, testing hypothesis) that focus on the ways in which competent professionals develop self-knowing while engaged in action (Schon 1983). Peer consultation helps the mediator evaluate his mental frameworks about the case at hand while also recognizing feelings, thoughts, and values associated with the experience (Argyis 1990).

Through questioning and reframing, for example, the mediator can assess the influences of feelings, thoughts, and beliefs on attitudes and actions. The resulting insights enable the mediator to reconsider his or her mental frameworks and the influence of his or her internal landscape on the mediation, and to choose possible alternative ways of understanding the process and of determining if different actions are necessary. He or she is now better able to support the goals of the parties, protecting the mediation process by hewing to practice guidelines, acceptable limits, and professional boundaries in providing responsible, ethical service despite the potential for growing angry or frustrated with his or her clients' demands.

For example, Zach sought consultation concerning his mediation of a case in which a woman with a terminal illness was suing the insurance company for disability coverage. The mediator explained to the consultation group that from the outset he found himself reacting to the appearances, behaviors, and actions of the parties. For example, both of the insurance representatives walked into the room dressed in black suits, each with a brief case and arms full of folders that they slammed down on the table. The ill woman, on the other hand, was dressed modestly, had difficulty walking into the room, and was accompanied by her four-year-old son. These sets of nonverbal cues triggered an immediate response in Zach — he became convinced that this would be a fierce battle and that he would be responsible for controlling the power imbalance in this mediation. He realized during the session that he had sided immediately with the woman with the terminal illness as her protector, diminishing her power to act on her own behalf in the process. The mediation started well enough with the ground rules agreed upon. Soon into the mediation the child began to wander about the room and the mother, reacting to statements made by the insurance company representatives, began to cry; the representatives looked at each other and at the mediator with that look of “oh-for-Pete’s-sake-do-something-about-this.” The mediator knew he was disturbed by the events and that his reactions were distracting him and doing little good. His impartiality (neutrality) was jeopardized (Cobb and Rifkin 1991). He saw himself as losing control.

Using the processes associated with the “ladder of inference” (Argyris 1990; Senge et al. 1994), Zach began to analyze within the safe confines of the peer consultation group his highly charged and internalized emotional experiences, reactions, and beliefs. It became clear that his emotions placed him in a position of defensive reactivity from the start. The sights and sounds of the mediation had triggered his emotions (Damasio 1999) and he found it difficult to maintain his focus on addressing the issue of disability payments. He expressed his dislike and distrust of the insurance representatives, whom he saw as unwilling to discuss matters with the mother from the very beginning. In his mind, he sided with the mother and her son, in the process losing his ability to use strategies to distribute power fairly among the parties. The mother triggered memories of his own mother — a woman who had required a great deal of support in the face of life’s challenges.

The group helped Zach to examine his “ladder of inferences” surrounding this case, to understand that his system of beliefs and actions were not based entirely on verifiable information, but rather represented inferences based on his own closed system of beliefs and his desire to defend the mother and justify her claims. The woman had brought appropriate documentation with her and could have acted as her own agent, but her appeals to him for help caused him to deny in his own mind her capacity to represent herself. Once he saw through consultation the ways in which his own experiences had influenced his actions, he was able to return to the case with a different way of seeing and understanding.

In the subsequent session, his feelings were similar, but he was able to protect the process of the mediation from their distorting effects. Each party had their own agency; each party had copies of the disability agreement contract. With his objectivity restored, the mediator was able to focus more clearly on verifiable facts. It became apparent to him as the parties responded to his questions about the agreement that each party may have been holding different versions of the agreement. The mediator suggested this possibility to the parties and asked if they could sit side by side and compare their documents. Within moments of doing this, one of the insurance company representatives asked the mediator to file a continuation of the case until she could return to her home office with a copy of the mother’s contract; she admitted that there were differences in the documents each held and wanted to consult with the company. In the end, the differences in the documents were confirmed and the case was settled without return to mediation.

Activation and Analysis of the Parallel Process during Case Consultation

Just as a holding environment enables all participants to be heard, peer consultation requires its own “container” and self-reflective processes to

deal with the content, relationships, identity, and other issues evoked by a difficult case (Bion 1959 in Twemlow and Sacco 2003). The concepts of the “holding environment” and the “container” are similar in that they both provide, metaphorically, a bounded space within which uncertainty and ambiguity can be held and transformations may occur. Within this “container,” negative and positive affects are held.

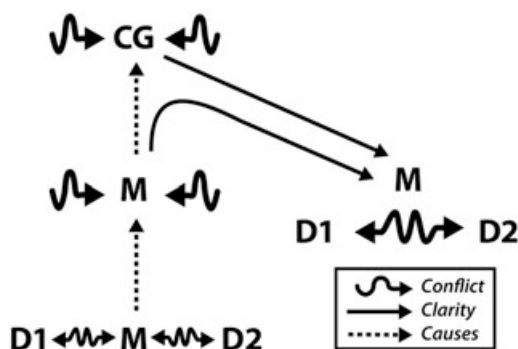
During an emotionally charged mediation, the susceptible mediator may absorb negative “projections” (assumptions and attributions transferred from the disputant onto the mediator as a movie projected onto a blank screen) and have difficulty sorting out his or her own thoughts and feelings from those of the parties. The mediator usually has a sense that something has happened but does not always know what to do with the resulting confusion and loss of perspective that occurred during the mediation. When the vulnerable mediator shares his or her difficult case in peer consultation, the group analyzes the disturbance with him or her, essentially “holding” the problem case as if it were a painting on a wall so that all can see it and find the meanings held within.

These observational and reappraisal (Jones and Bodtger 2001) practices require skill, patience, acceptance, awareness of group dynamics, and intrapersonal reflection on the part of all of the group’s members. Ongoing participation in the peer consultation inquiry process reinforces the members’ sense of belonging and trust, as well as their interest in continuing study and discussion of Winnicott’s (1965) holding environment and its benefits for peer consultation. Our commitment to confidentiality and candor allows our dialogues to proceed to a depth not often found in most professional settings, where fears about evaluation, job status, and professionalism often thwart honesty. As a result, we often discuss our mistakes, fears, second thoughts, and questions, as well as our insights, innovations, and successes.

The peer consultation model, as we have developed and used it among ourselves and with those who seek consultation, while not based on a psychotherapeutic supervisory model, makes use of parallel processes. Whatever the mediator finds to be most difficult, powerful, or unacceptable in the course of a mediation can reverberate within the mediator and within the holding environment (e.g., the mediator feels crazy, ill, “out of control” [Twemlow and Sacco 2003: 381–382]). Psychoanalyst Harold Searles “made the first reference to parallel process, labeling it a reflective process” (Sumerel 1994: 1). Searles posited that “the processes at work currently in the relationship between patient and therapist are often reflected in the relationship between therapist and supervisor” (Searles 1965: 157).

Although the diagram in Figure One looks like a Boston road map, think of it this way: the behaviors and affect demonstrated by the disputants during the mediation (D1 and D2) can jeopardize the mediator’s sense of

Figure One
The Parallel Process in Mediation Peer Consultation



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balance and the direction and flow of the mediation. For example, Kristin — the mediator with the difficult custody case mentioned earlier — noted that the nature of the interaction and personalities of the parties distracted her with her own concerns “or rather should I say my reactions.” She was no longer able to regulate herself and her reactions during the mediation and, for a moment, did not know how to proceed. She knew she was in trouble with the mediation when she found herself questioning the motives, the emotional well-being, and the ability of either party to act in the child’s best interest; she felt she had lost a sense of control over the course and flow of the mediation and questioned whether or not the mediation should even continue. The mediator (M) took on the tension of the conflict.

The mediator might use self-reflective techniques on her own to regain her footing with the mediation, or the group (CG) may reflect back the mediator’s difficulties, helping her return to the conflict between the disputants with new clarity (Figure One).

Searles wrote eloquently about how his seminar group of academics and professionals found themselves erupting, interrupting each other, talking over, and shouting, following a lengthy presentation about a difficult case (Searles 1955: 135-141). He explains the meaning they made of this unusual group supervision experience:

In this instance, it would have been easy for all five of us to dismiss our wrangling with one another as purely due to a flaring up of long-known personal “allergies” towards one another. Our recognition of the connexion [*sic*] with the therapeutic situation enabled us to derive meaningful therapeutic data from the incident. It led us on, during the remainder of the seminar, to a deeper

understanding of the interaction between patient and therapist, and a deeper realization of the stresses to which the patient had been subjected during his upbringing (Searles 1965: 172).

It was reassuring for us to read Searles's descriptions after our own group's unexpected experience of the turmoil, bafflement, and outrage that erupted following Kristin's case consultation, and the subsequent discovery of the meaning of the outbreak within our consultation group process itself.

Kristin had noticed that the consultation group's rising emotional tone during the discussion of her case mirrored her experience of the mediation — the chaos of the consultation session had reflected the mediator's intense emotional responses toward the disputants. Kristin had become, unconsciously, furious toward one of the parties, whom she felt was blocking forward motion of the mediation and was not listening to the other party or the mediator. In exploring the parallel process, the group members realized that we had expressed her unacknowledged and unexpressed anger and frustration. She did not consciously deny her feelings — she just did not know how to identify them or talk about them. The parallel process, as one approach to reflection, helped bring these dynamics to light.

Kristin had no idea she was carrying these feelings around inside herself or that they were spilling into the mediation. This discovery added a rich depth to the material of the case. The group realized that during the consultation they had neglected to ask the mediator enough about her feelings and instead had rushed to rescue her from her discomfort. Non-verbally, the mediator had conveyed to the group that she was not yet ready to face her own feelings.

Before the parallel process revealed the group's attempts to rescue her from her own discomfort, Kristin had not realized the extent of her own wishes to rescue the child in the case from this troubled family. This was not her usual response in a mediation, and the consultation group helped reflect back to her both how deeply she had identified with the child and how enmeshed she had become in the family's particular patterns of interaction. Through this process, she was able to step back, see herself, and make the necessary emotional shift to regain neutrality.¹

Kristin also gained a new perspective on the mediation and its outcome. She had initially believed that the disputants had failed to accomplish anything, but following peer consultation, she perceived instead that the series of sessions had clarified their positions and probably helped each of them get a more realistic sense of what was and was not possible. She could not protect them from grieving the losses that each felt. But despite their distress, she had provided a safe-enough place for them to express their feelings. Eventually, a guardian *ad litem* became involved with this case to protect the rights of the child.

Without a strong-enough holding environment, it is doubtful that that particular consultation could have continued, and the consultation group itself may even have disbanded. The disruptive behaviors within the consultation group were eventually understood as a reflection of the turmoil within the mediator, which reflected the turmoil within the mediation itself. The group members maintained their commitment to support the inquiry process, leading the mediator to a new appreciation of the case and its possibilities. In this environment, the quality of the relationship is critical: the group displayed the trust, acceptance, and empathy that enabled the mediator to develop the insight that enabled her to respond effectively, ethically, and creatively to a stressful mediation.

Conclusion

The peer group consultants are committed to the premises and values of the peer consultation model, which requires the creation and maintenance of a holding environment. Within this safe space, mediators are encouraged to recognize their own and the parties' thoughts, feelings, and emotions. Using consultation allows the mediator to retain or regain the empathic mindfulness that allows us to continue listening carefully to others and to ourselves.

The ultimate goal of the peer consultation process is to increase each member's self-knowing in action. Ideally, through peer consultation within the holding setting, the mediator eventually internalizes the reflective process. During tough moments, we can then access the voices of our colleagues in our heads, find assistance and support, and make thoughtful, informed, responsible, and skillful choices.

Describing the value of the peer consultation group personally and professionally, consultation group member Susan said:

My colleagues in the peer group reflect back to me what I relay to them as I describe one of my mediation experiences. If the reflection I receive from my colleagues is not quite "accurate," it gives me an opportunity to give a fuller, deeper explanation. The fuller, deeper explanation that I give, along with their replies and thoughtful remarks, then gives me a clearer understanding of what was happening internally for me in my mediator's role. Thus I learn more about myself as a mediator, and I grow in self-knowledge that subsequently influences my next mediation experience. Again, all of this is owing to the experience of participating in self-development through peer consultation.

NOTES

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To protect confidentiality, some of the names of mediators have been changed and mediation case examples have been disguised.

1. This allows us to understand neutrality as an attitude that emerges from the mediator's ability to understand her internal responses so that they do not intrude in biasing ways within the meditative process. It is not in the scope of this article to address all the problems of retaining impartiality; our point is to present a tool with which to notice our own blind spots and deal with them.

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