

Mediators Can Greatly Improve Your Skills Using Reflective Practice Groups

Theory-of-Change Symposium

indisputably.org/2020/01/theory-of-change-symposium-part-5-and-coming-attractions/

January 19, 2020



[Laurel Tuvim Amaya](#) describes the benefits of participating in reflective practice groups, where mediators and other practitioners can benefit from deep analysis of challenging problems in their cases. She is a California family law attorney and mediator.

Mediation is fundamentally different than litigation, and so mediators need different ways to improve their skills.

Litigators might ask colleagues about experiences in certain courtrooms, feedback on legal analysis, help with legal authority, and the like. For example, litigators might seek cases that can bolster their legal arguments.

Getting help in mediation is much different. Mediators telling each other how they mediated a case with their clients in the heat of a polarizing argument doesn't necessarily help colleagues even if the situations are similar. Not only are the people, their personalities, and issues different between the different mediations, but mediators also need to consider *their own part* in the interactions. They should consider their own reactions, assumptions, interpretations, and responses as they mediated. Litigators usually don't consider these issues in their work.

Some litigators and mediators participate in practice groups to get help in handling particular cases and generally develop their skills. I have been in groups of litigators and mediators and noticed important differences. Mediation particularly lends itself to the benefit of using reflective practice groups (RPG), although litigators also could benefit from RPG processes.

How Reflective Practice Groups Work

In RPGs, practitioners help each other find their own answers to their practice problems. When a member identifies challenging problems in his or her case, colleagues ask questions to elicit the member's own evaluation of the situation rather than offering their ideas and suggestions. This helps practitioners dig deeper and see things that may have eluded them. This is particularly helpful for mediators, whose personal knowledge, perspectives, and experiences can play such a big part in how they interact with their clients. The RPG process is similar to what many mediators use with clients.

While RPGs can be used in any professional practice, they are especially well suited for family law mediation and collaborative law because practitioners are working in real time, face to face, with two or more people – and our own personalities are part of the mix.

How Reflective Practice Groups Differ from Other Practice Groups

As a family lawyer, I have been a member of various study / practice groups. These groups have provided me with an incredible network of colleagues who do similar work. This is especially valuable for family lawyers because most are solo practitioners who spend hours alone at computers with little interaction with other attorneys. Participation in a study group provides the feeling that there's a colleague down the hall who you can consult when needed.

Traditional study groups in family law practice enable practitioners to convene, share “war” stories, and ask for advice. I created this kind of group for attorney-mediators but often felt that colleagues’ well-meaning advice left me seeking answers. I often found that I couldn’t apply the advice about mediation from a colleague’s experience in the same way I might in litigation.

I didn’t see the difference until I joined an RPG. In a more traditional group, I pondered issues about how to best serve my clients, but reflective practice enabled me to delve deeper into my thought processes.

Improve Your Skills by Participating in a Reflective Practice Group

Reflective practice groups help practitioners improve how they meet the needs of their particular clients. If you are not part of a group, you can organize or join one. If you are part of a more traditional study or practice group, you can incorporate reflective practice techniques in your group’s process to maximize the benefit for all the members. As mediators improve our skills, we provide better services to our clients, increasing the reputation for mediation as a valuable method for family law dispute resolution.

RPGs are very useful for family mediators, but RPG techniques can be used in other contexts. For example, mediators who handle civil cases and collaborative practitioners can readily use these techniques. Lawyers representing clients also could benefit from these techniques to improve their work with clients, counterpart lawyers, and even judges. Family mediators and lawyers routinely work with professionals in other disciplines, such as mental health practitioners and financial experts, and they all could benefit from “mixed” groups with practitioners from different disciplines (as some collaborative practitioners do).

Try it. You’ll like it.