

Appendix III

Inter-Group Mediation Case Study

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Representatives of a neighborhood club involved in local environmental issues (participant names in **bold italic**), and a local chapter of a national environmental nonprofit (participant names in **bold**) requested a mediation. The two groups had worked together for quite some time in a small community just south of California's San Francisco Bay Area. A number of the details throughout have been changed to preserve anonymity. These groups, who had now been at odds for about two years, used to be quite close. In this narrative, the reasons for the breach in their relationship are not important, nor are they unique. The purpose of this case study is not to document the history of a dispute, but rather to share the strategies employed for its resolution. A more traditional group facilitation process, over multiple meetings, had been attempted prior to my involvement as the mediator.

Both groups were unhappy about the ongoing rift. The small size of the community had made the situation quite unbearable to most of the parties involved.

As I worked on setting up the first meetings, I offered a general outline of the Party-Directed Mediation (PDM) process, including the need for pre-caucuses (and possibly more than one round of these). As often happens in interpersonal mediation, so it

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was with this inter-group mediation—the parties were generally anxious about: (1) the potential harm that additional mediation could bring to the situation as well as (2) the length implied by a PDM process.

THE PROCESS

This mediation combined elements of PDM (including pre-caucusing, empathic listening, harvesting of issues, looking for positive comments about the other group before proceeding to a joint session, communication and negotiation coaching, and parties speaking directly to each other in the joint session, with minimal mediator involvement) with elements of Peacemaking Circle processes. The latter are utilized in many settings, including justice systems, schools, neighborhoods, workplaces, and social services. Established throughout the world, they draw upon the tradition of “talking circles,” which have long been used among indigenous people of North America.¹ Key Circle elements include:

- Participants, including the mediator (or “keeper”) sit in a circle, signifying inclusivity, equity, mutuality, and joint responsibility for the process.
- Opening and closing ceremonies (e.g., a few minutes of silence, lighting a candle, etc.) promote a sense of pulling together and help participants set their time in the Circle apart from what they were doing before and what they will do afterward.
- The mediator’s role is to help participants uphold the integrity of the Circle process and to support what the Circle needs to do.
- A “talking piece” gives its holder sole permission to speak and is passed in one direction around the Circle, in multiple “rounds.” The talking piece creates a space for deep listening, so that each participant’s voice can be fully heard. It slows the pace, fosters honesty, enforces inclusivity, develops listening skills, and promotes dialogue.



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- During rounds, participants share: (1) their unique experience of the events and issues the Circle is addressing, (2) their responses to what others have expressed, and (3) their responses to questions that may be posed to the group by the mediator.
- Participants are invited to agree upon and adhere to Circle guidelines, chiefly respecting the talking piece, speaking from the heart, and speaking and listening with respect.²

I chose to use the Circle process for the pre-caucuses as well as the joint session. This allowed participants to become acquainted and comfortable with the process prior to their face-to-face encounter in the joint session Circle. In many

Peacemaking Circles, mediators participate as equal contributors to the conversation, sharing thoughts and feelings when the talking piece reaches them. I chose to maintain a more minimal role (closer to that assumed in PDM), both in the pre-caucuses and in the joint session.

PRE-CAUCUSES: ROUND ONE

In order to honor the participants' requests to keep the contents of the pre-caucuses anonymous, and because these conversations do not necessarily contribute to the understanding of this dispute or its eventual resolution, I will only summarize some points. For the initial pre-caucuses, I met for two hours separately with each group on the same day.

Participants were concerned about meeting with their contenders again, but their great desire to get past the conflict permitted them to go through the discomfort of a mediated process. The very idea of confronting others can increase anxiety, but avoidance seldom solves challenges such as these. As in any PDM process, parties had the opportunity to vent and, upon being



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heard, begin to recognize they had also hurt the other side. In other words, the parties grew to see what they might have done to fuel the dispute.

In the previous facilitated process, apologies had been offered but seemed to have been insufficient to permit healing. The parties had not reconnected with each other but yearned to do so. Some of the parties were specifically concerned about their own behavior, or how they were judged and misunderstood by the other group. The process brought to the surface lingering and deep pain caused by specific past interactions and not feeling heard.

Each group also made transformative comments about the other. One party, despite the frustration communicated to that point, said that the other group had not acted with malice, but rather, with *good intentions*.

I asked both groups how they felt about the Circle process itself. Some responded that it felt *safe*. Some felt less anxious and calmer, even peaceful. I felt that more empathic listening was needed and that the parties would benefit from a second round of pre-caucuses.

PRE-CAUCUSES: ROUND TWO

Early in one of the second pre-caucuses one of the parties offered a very powerful transformative comment by suggesting the other group *was hurt more* by the conflict. At a certain point, I shifted to coaching and role-playing, so they could try on what they might want to say to the other group. I focused on aspects of Marshall Rosenberg's *Nonviolent Communication*,³ as well as avoidance of self-justifying stories, a concept explained in *Crucial Conversations*.⁴ If the participants could feel they had gained some communication tools, as well as some insight about self-justifying stories, it might help them feel less anxious about facing the other group.

I also asked the groups about desired outcomes. They expressed their needs for clearing the air, avoiding second-guessing each other, closure, internal peace, increased mutual trust, an improved working relationship, and feeling acceptance.

THE JOINT SESSION

Scheduling the joint session with multiple participants proved challenging, so more than five weeks elapsed between the latter round of pre-caucuses and the joint session.

As is often the practice in Circles, the parties were invited to contribute to Circle hospitality and processes. I had invited both groups to welcome others as they arrived, to bring light refreshments to share, and to lead the Circle in opening and closing ceremonies. Each participant was also invited to bring an individual talking piece that reflected a core value.

Group members, without prompting, sat interspersed, rather than according to their groups. After the opening ceremony, to begin building group cohesiveness, I invited participants to tell the group about their talking piece and the core value it represented. I explained that during later rounds participants would hold both their own and the common talking piece when it reached them. By doing this, they would be reaffirming Circle values as well as the core values represented by their talking pieces.

In the initial round I invited participants to express what they wanted others to hear about their current feelings regarding the conflict.

Janet said she was experiencing a “massive, chaotic jumble of intense emotions,” adding that the pain was still very real, and that she was afraid what she said would trigger some of the responses from the previous year. For his part, *Chester* reported that after the pre-caucuses, he was starting to feel more listened to, like his heart was opening up. *Lanie* said she hoped to be understood, emphasizing that she didn’t feel that way at the moment, but hoped to. *Renee* offered that they had all had a bad experience, but she felt good that it had been brought into the open. *Josh* told the group he felt a lot of hope about this session. He explained that he had gained this hope from reading the nonviolent communication materials presented in the pre-caucuses and had come to feel he didn’t have anything to prove. *Berndt* hoped he would be able to hear what everyone was experiencing. *Marsha* said she wanted to understand more.



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Adele said she felt hopeful and had missed seeing and talking to the club members.

After offering a summary that reflected the positive, transformative things that had been said as well as the concerns, I invited participants to continue sharing their feelings, asking them to add what it was that they desired in their relationships with each other. **Chester** said merely that he wanted to find a way of being in a relationship with the nonprofit members. The talking piece came to **Lanie** next, and she thanked **Chester** for expressing his desire to be related, explaining that she had been unsure whether he wanted that. She had actually seen him in town, but had avoided him because she wasn't sure he would welcome a greeting. **Renee** expressed that she did not hold a grudge against anyone in the Circle. **Josh** told the nonprofit group he felt "very humble" coming to them. He confessed that he could have handled things differently, and that he was sorry. He wished he could have been more calm. He had felt alienated. **Berndt** declined the opportunity to talk during this round. **Marsha**, who was next, built on **Josh's** apology, saying, "We all have regrets. I hope you [**Josh**] forgive yourself." She added, "We weren't able to be there and understand that you felt alienated." **Adele** said the last year had been difficult for her, and she had not responded "as



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gently” as she should have. She added that how the incidents related to **Gene** were handled seemed unfair, and she had let her emotions run away with her. **Janet** told the group she had felt “harshly condemned” by everyone on the nonprofit board, elaborating that it had not felt good at the time and still did not feel good.

At the end of the second round, I summarized, pointing out that I had heard participants offering words of understanding. I wanted to underscore the helpfulness of these transformative expressions.

In additional rounds, **Chester** said he had been disappointed in himself because he could not “stay centered.” He explained that he became overstressed, remained that way, and needed to remove himself. He told the group his intention for this session was to be present without judgment. With a tone of deep sincerity, **Lanie** told **Janet** that her feeling of being condemned was important, and she was “really sorry” she had overlooked how **Janet** felt. **Renee** confessed she had been focusing on defending **Gene** because the way he was treated seemed unfair. She added that she could now really understand how **Janet** felt.

Josh responded to **Lanie** and **Renee**, saying he understood how they felt, and added, “I’m so bad at conflict.” He said that by the time he became involved, he had already begun to look at **Gene** as the villain, and he really regretted that. He said, “I’m so sorry for how I handled things with **Gene** and you all. I understand why it wasn’t perceived well and can see how it caused a lot of pain. I was sharp with each of you on different occasions.”

Berndt let his opportunity to speak pass again. **Marsha** thanked **Josh** and said she was sorry he felt unheard and alienated and was sorry for the pain it caused him. She added, “I love **Chester**’s word: *nonjudgment*.” **Adele** addressed **Janet**, looking at her and telling her with much feeling that she appreciated what she had said about harsh condemnation. She added, “It concerns and bothers me that you felt demonized. It makes me sad.”

With the completion of a round, and with little more than an hour remaining in the session, I checked in with the group to gauge how to use the remainder of the time. I asked participants to say how they were feeling and whether they thought an additional joint session would be needed. I shared with them my sense that more listening was needed, but said I wanted to hear what the participants thought.

Janet spoke first, and, to my surprise, said simply and with a tone of joy, “I feel heard!” I listened with some wonder as most of the other participants expressed their feelings of being heard and understood. Many, but not all, said they did not see a need for an additional joint session. **Chester** thought he might have more to say, or that more might surface as time went on. He told the group he would like to plan another session down the road. Others said they would not object to planning another session, though they felt a great deal had been resolved. Participants unanimously agreed that another joint session could be useful for addressing any unresolved issues—and if none surfaced, to celebrate the successful renewal of their relationships.

With this feedback, I suggested moving into rounds focusing on desired changes for the future. **Josh** told the group he recognized how valuable the nonviolent communication journey was—for all of his relationships. He cited especially how

important it was that he had learned to express his perspective with humility. He said, “I can see, for myself, how my part in this could have been avoided by not making assumptions about what people’s intentions were.” **Renee** said, “I’m sometimes quick to judge. I need to be more empathic.” **Lanie** told the group she saw how important it was to seek to understand, then to be understood, and always to assume the best intentions. **Chester** expressed his desire to build his nonviolent communication “toolbox”—to judge less, and to listen more compassionately to those with whom he disagreed. **Janet** said she now realized she had made some generalizations. She added, wistfully, “The cause of my pain was all in me.” **Adele** said she also wanted to work on seeking first to understand, then be understood, affirming that “we are all works in progress.” **Marsha** focused on her desire to use a better process for addressing conflict in her nonprofit and said she would be looking at practical steps to do this. **Berndt** told the group he wanted to be a better listener. He also acknowledged he preferred to solve problems right away and perhaps he needed to take more time.

The remaining minutes were ticking away, so for a final round, I invited participants to share how they felt about the process. **Janet** merely said, “Thank you.” **Chester** felt there had been a lot of restoration. **Lanie** had also experienced a lot of restoration, and she was glad to know she could hug **Janet** if she saw her in the grocery store. **Renee** told the group she felt “really good.” **Josh** said, “I feel loved here today. I feel really hopeful, softened, humbled, and joy-filled.” **Berndt** said he now wanted to explore what they could do to restore the working relationship between the two groups. **Marsha** acknowledged she felt some sadness, explaining that, in spite of everyone’s best efforts during the previous year, this conflict had still happened. Yet, she said she felt healing and restoration.

I summarized, celebrating the listening, understanding, and healing that had occurred and acknowledging what I perceived as a strong foundation for the parties’ relationships going forward. I agreed to contact the group to set up the follow-up joint session. We held a closing ceremony, and the session was ended.

ANALYSIS

In this combination of PDM and Circle processes, the talking piece vastly amplified empathic listening and was a critical element in the mediation's success. Because speakers could choose to hold the talking piece as long as needed, and could speak or hold the talking piece in silence, participants could experience being heard—not just by one or two people, but many. Both empathic and active listening (with ample responses and summaries) were indispensable to the success of this mediation.

In addition, it appeared that after feeling heard in the pre-caucuses, participants were freed up to maximally utilize the coaching materials on nonviolent communication and self-justifying stories. The joint session made it evident that during the five weeks between the second round of pre-caucuses and the joint session, a great deal of “positive fermentation” had occurred. In response to a post-mediation evaluation, one participant called the process “miraculous.” Without knowing it, I believe she was pointing to the miraculous fruit of her own work, within the process. With no material issues, this mediation was focused completely on individual and relationship transformation. The process played an important supporting role, but occupying center stage was the remarkable openness to transformation in all of the parties.

POSTSCRIPT

Although two and a half hours were allotted for the follow-up session, we finished in an hour and a half. In an initial check-in round, I asked parties what they were feeling. **Marsha** said she felt complete peace, love, and forgiveness. **Lanie** told the group, “I remain ever grateful, especially for understanding *Janet's* hurt.” **Renee** reported, “I felt different coming in here today—like we were friends. I'm glad we're back together again.”

In the next several rounds, I invited parties to share any continuing issues or concerns. Because the nonprofit had many partner organizations in town, and the conflict had been quite visible, several parties expressed a desire for the wider

community to know of the reconciliation the two groups had achieved. Someone suggested they mount a joint project, demonstrating their renewed relationship. Parties expressed excitement and unanimity about this idea, with planning to occur in the coming weeks. In the meantime, everyone agreed to initiate regular communication via an email list. In addition, **Josh** wanted nonprofit members to know the neighborhood club would be renewing its financial support of the nonprofit's work. And **Adele** and **Marsha** extended an enthusiastic invitation for a club member to again be part of the nonprofit's board.

On a more personal note, **Adele** wanted to check in with **Berndt**, since during the previous Circle gathering he had chosen not to speak during several rounds. She wanted to be sure that he, too, felt resolution. When the talking piece reached him, **Berndt** said, without hesitation, "Yes, it was good. I felt heard."

Before closing, I asked parties if there were any additional words they wanted to share. **Adele** said, "This process has been an encouragement and has given me a lot of hope." **Lanie** said the experience would be a "guideline for reconciliation" in her life. **Renee** struggled with why all of the conflict had happened in the first place, but said she was now convinced that in relationships "nothing has to be left in a bad place." **Josh** said, "I'm feeling so emotional. This has been such a growing experience for me. I look back and am baffled about how I could have behaved as I did. I am grateful you all wanted to reconnect and forgive." He added, "Seeking first to understand, then to be understood is so hard, yet so refreshing." **Janet** finished by saying, "I am overflowing with gratitude for you all."

As the Circle participants were dispersing, **Marsha** turned to me and said, "This whole experience was a taste of heaven."

APPENDIX III—REFERENCES

1. Pranis, K. (2005). *The little book of circle processes: A new/old approach to peacemaking*. Intercourse, PA: Good Books.
2. Pranis, K., Stuart, B., & Wedge, M. (2003). *Peacemaking circles: From crime to community*. St. Paul, MN: Living Justice.
3. With both groups, I focused on developing their skills at expressing themselves nonviolently and receiving others' expressions, including attacks, nonviolently. Specifically, I coached participants on Rosenberg's "observing without evaluating," "identifying and expressing feelings and needs," and "receiving empathically." Rosenberg, M. B. (2005). *Nonviolent communication: A language of life* (2nd ed.). Encinitas, CA: PuddleDancer.
4. With both groups, I focused on the role of the stories we tell ourselves. Specifically, I coached participants on the "Path to Action," which includes "see and hear, tell [yourself] a story, feel, and act." I added elements of "STATE My Path," which include "share your facts, tell your story, ask for others' paths, talk tentatively, and encourage testing." I shared the authors' observation that in our "Path to Action," we're usually unaware of the role of our self-stories in creating our feelings (step 3) and actions (step 4). Patterson, K., Grenny, J., McMillan, R., & Switzler, A. (2012). *Crucial conversations: Tools for talking when stakes are high* (2nd ed.). New York: McGraw-Hill.



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