

The Art of Listening

Opening Opportunity. Mediation is intended to assist parties in going beyond “default answers”, pre-conceived notions, and locked in expectations. The Art of Listening assists parties in opening creative opportunities.

Communication Skills. Basic communication skills form the heart of mediation, as well as for many other forms of dispute resolution. “Listening” is taught in many fields. The parts of “listening” are the same but, may have different names in different settings.

Facts & Emotions. These are resources to help make the puzzle addressed in mediation more workable. Listening needs to address both.

“Assertion, Taking-in, and Engagement.” Gary Friedman views communication in mediation as a means to support a connection between the parties on a core level of understanding:

- **Assertion:** Assist each party to assert his or her view;
- **Taking-In:** Understand each party’s view, and demonstrate that understanding to each party;
- **Engagement:** Assist each party to understand the other’s view, and to demonstrate that understanding the other’s view.

To support core connections, Gary Friedman views the dynamics of mediation and communication to be:

- Build Safety and Maintain Contact
- Maximize Parties’ Responsibility
- Support Parties’ Autonomy
- Develop Constructive Communication
- Encourage Mutuality

Nutshell. Here are the primary listening skills for the course:

“Clarifying”. The asking of questions to clarify what has been said. A data gathering process.

“Validating”. To feel heard is essential. A skill for acknowledging a party

“Looping”. This form of “active listening” strengthens the ability to hear and understand what the other participant is saying.

“Reframing”. By *mirroring, summarizing, or rephrasing* for assisting a party or parties to feel heard in a manner which opens the door of opportunity.

Course Emphasis. These basic skills and tools will be used through the course, separately and in combination. The purpose is to assist each student have these basics become second nature in a way which fits the style and personality of each student.

Course Materials. There are many effective expressions of these and related basic skills and tools. To bring many views to the course process, as you would in a mediation, we have included ideas and materials from many resources. There is no one way to approach mediation. After you learn the basic steps, then each of us needs to learn to dance in our own way. Mediation is both a trade and an art form.

The Art of Validating

“Being heard” may be the core skill at the heart of mediation.

People Need to Know They Are Being Heard. Not being “heard” may cause a person to keep fighting, often yelling even louder is a desperate effort to be heard. A listener may be trapped. How can I show I have heard the speaker without having to say “yes, I agree”?
Validation is a technique to support the integrity of both the listener and the talker.

Consider:

- If you do not feel heard, how can you listen? If you do not feel heard, how can you listen? How can you avoid being defensive?
- If you feel heard, you may be freer to be open and flexible.
- “Active Listening” and “Looping” allow participants to be heard.

ACTIVE LISTENING: Understanding the speaker so completely that the listener could have said the same.

LOOPING: Repeating a statement back to the speaker until the listener “gets it.”

- Active Listening means more than thinking up what you will say next.
- Active Listening means you really have to hear what is being said to repeat it.
- Active Listening means you must think outside of your own blinders.
- Active Listeners learn more, think clearer, and make better agreements.
- Keep looping until you each “get” what the other is saying
- Saying you “got it”, does not mean you agree.
- “Getting it” only means you listened and understood.
- “Getting it” conveys empathy for the other human being, without compromising neutrality or another party’s position.
- “Getting it” opens the door for the power of validation.

VALIDATION: I feel heard. Now I can listen.

Simple Example

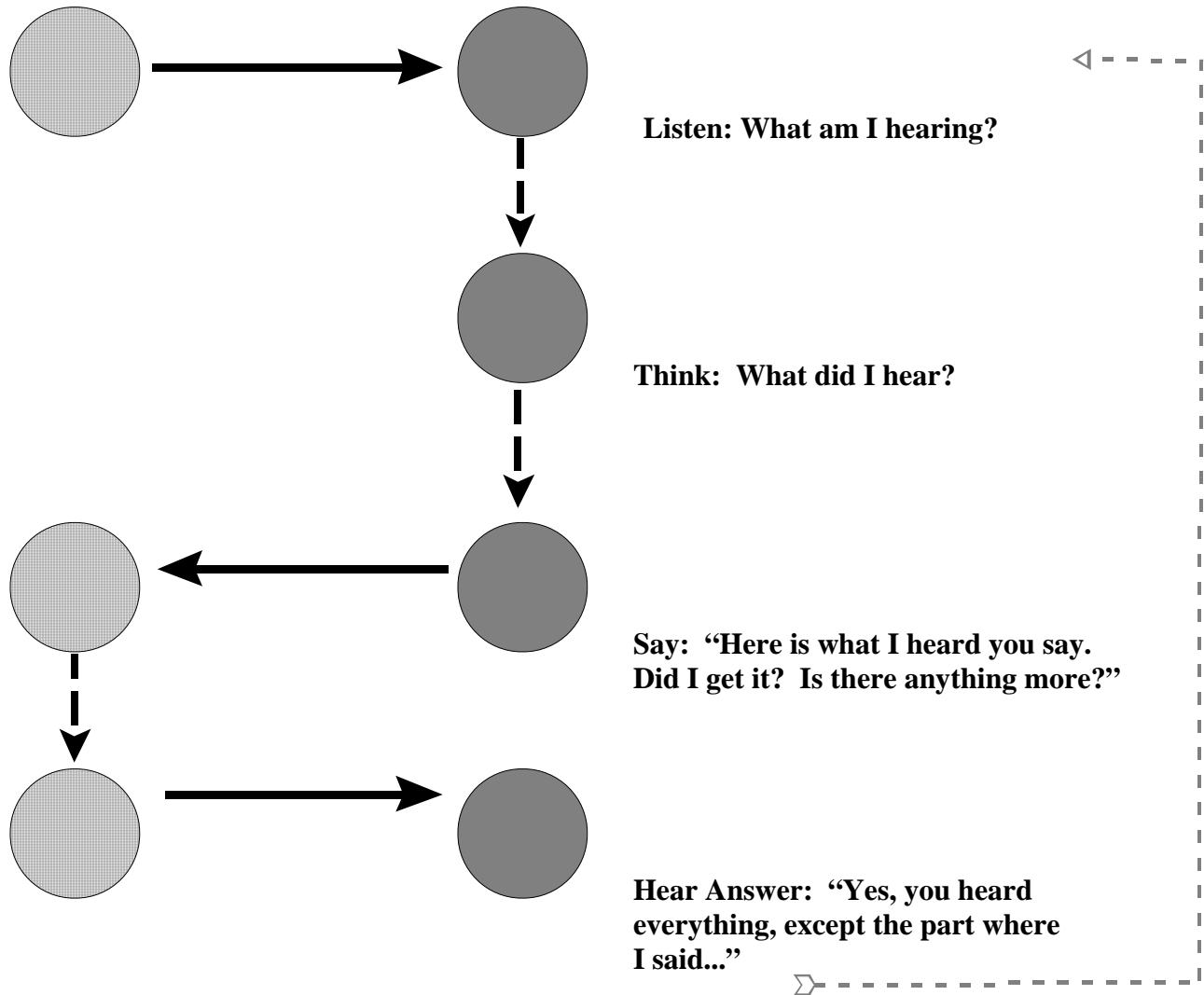
EMPLOYER: You said X. Did I get it?
WORKER: Almost. I said X and Y.
EMPLOYER: You said X and Y.
WORKER: You got it!
EMPLOYER: Now, I see how you see it.

True Story

George: “!#!*!*!*! There she goes again. I hate it. She never listens!”
Mediator: “ You feel like you are talking to deaf ears?”
George: “Yes! She does not care what I think! Her mind is made up!”
Mediator: “You feel devalued, like you don’t count?”
George: “Yes, you got it.”
Mediator: “So, we need to work on being heard.”
George: “Yes.”

Validation is an extension of looping. By validating, you acknowledge that you *hear* what is important to the speaker. You can diffuse the hot energy of rage. By using reframing, you can redefine the issue. The next step in this session, would be loop Cindy and ask “tell me how George is feeling.”

The Art of Looping



Repeat loop until everything is "heard".

Looping Schematic:

The schematic of Gary Friedman's model of looping is straight forward:

Step 1: Mediator inquires of ---> Party

Step 2: Party responds and asserts to ---> Mediator

Step 3: Mediator demonstrates and confirms understanding to ---> Party

Step 4: Party responds whether "got it" to ---> Mediator

If yes, loop if complete

If no, go back to Step 1

Language "I heard X. Did I get it?"

Ideas: "Is there anything else?"

"How do you feel now?"

Notes: As a Party talks, Mediator fills self with Party's view.

There is room inside Mediator's self for both Parties..

As a Party talks, Mediator finds room in self for other Party

As a Party talks, Mediator monitors other party for safety.

Source: Discussion of Gary Friedman's concepts based upon *Dynamics of Conflict in the Mediation Process Training Program*, Sunrise Springs, New Mexico, September, 1997. Notes by David Levin.

Looping Example

Looping is a powerful technique. This true example shows how a conflict would have escalated but for the application of looping and clarifying.

Mediator: “Cindy, are you every willing to stop fighting?”

Cindy: “I think I will eventually forgive him.”

George: “What! She’ll never forgive me!”

Mediator: “George, what did Cindy say?”

George: “That she will never forgive me!”

Mediator “Cindy, did George get it?”

Cindy: “No, I said that I thought I would eventually forgive him.”

Mediator: “George, what did Cindy say?”

George: “That she thought she would eventually forgive me.”

Mediator: “Cindy, did George get it?”

Cindy: “Yes.”

Reality Check Communication. People can falsely assume what they heard, without checking to see if they really “got it”. “Mishearing” perpetuates conflict. Looping is the antidote.

Looping Deeper

Looping may offer an opportunity to safely exploring the deeper dimensions of the problem and the people.

Going Deeper means after completing one loop, the mediator asks a question which opens the door to looping on deeper level.

Example. Consider Cindy and George's looping on the preceding page. What if the next question to George was:

Mediator: "George, hearing that Cindy would eventually forgive you, how do you feel?"

Other Questions. Looping deeper has no particular formula. Some useful questions by the mediator include:

- "How do you mean X?"
- "Help me understand? Can you tell me more?"
- "Help me understand what X looks like to you?"
- "Could you tell me more how you feel about X?"

How Deep to Go? Follow the comfort level of the participant. Distinguish between struggle to find expression and resistance. Be totally aware of the speaker. Offer validation, empathy, and safety. Follow your instincts and your own comfort level.

Going Back Up. Avoid leaving the participant open, raw, and vulnerable. Find a way for the speaker to regroup and restore balance.

Loop the Other. Observing the mediator and other participant loop deeply is impactful to the observing participant. The observation experience may open a door for deeper looping with the observer. Further, an observer will be carried to new awareness about the situation.

Reframing Example - Simple Story

Reframing is a technique to guide the discussion in a positive direction, to help move the discussion from positions to interests to opportunities for resolution. Here is a condensed dialogue from a mediation:

Mediator: “I understand the issue is where Joe goes to school?”

Mother: “Yes, he needs to be in my district, near his mother!”

Father: “No, he needs to be in my neighborhood school district!”

Mediator: “Tell me about Joe.”

Father: “Like I said before, a good child, who has problems with school work.”

Mother: “He tries hard but, he keeps falling behind.”

Mediator: “Are you saying Joe needs help to receive a good education, and that is important to you?”

Both: “Yes.”

Mediator: “How would each school address Joe’s special needs?”

Both: “We could go check them out.”

Next Session

Both: “We checked out the schools. We have agreed that Evergreen Elementary would best suit his needs.”

The Art of Opening Opportunity

Solving the Puzzle Together

Foundation: Clarifying, validating, looping, reframing, and moving from positions to interests are communication skills intended to offer an environment where more options for resolution may be considered. Even during while generating options, use of these techniques may be essential.

Opportunity Belongs to Participants. As mediators, we open the door for opportunity. Whether the participants take advantage of the open door and how, belongs to them. This is the gift of mediation.