

# 'We Are in Charge of Hopefulness' – An Essential Part of the Divorce Mediator's Job

By John Spiegel and Donna Duquette

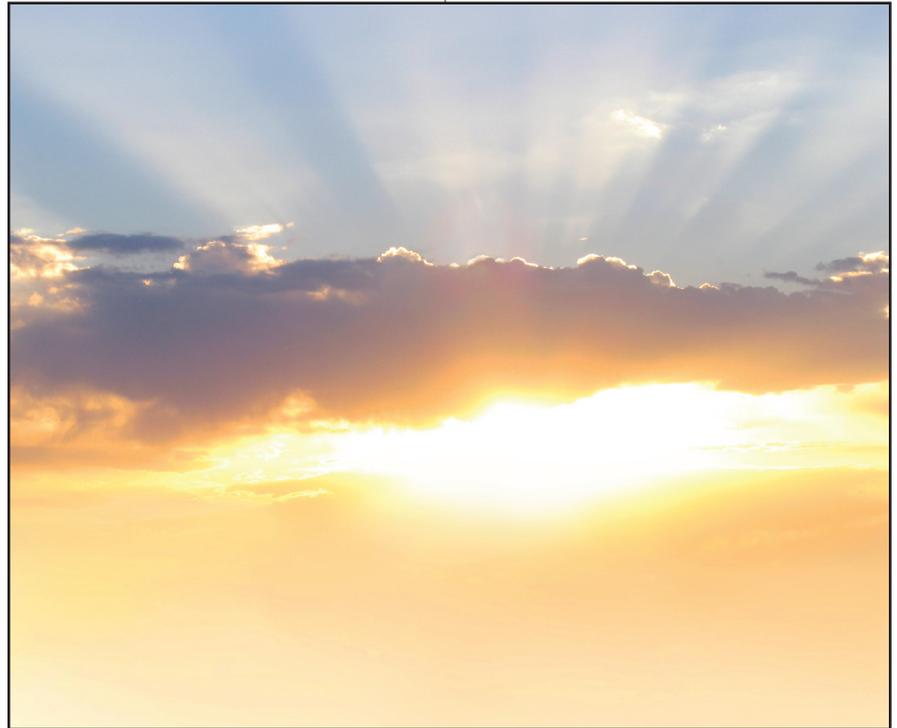
Most of us who have been through a separation and divorce look back on that transition as one of the most difficult experiences of our lives. Divorce is a time of profound upheaval with rapid changes in both daily logistics and self-image. Familiar activities and ways of doing things disappear. In time, new, and perhaps better, activities and relationships take the place of the old, but these positive possibilities are often obscured from view during the period when people are participating in divorce mediation.

Because of the upheaval in their lives, when clients come to divorce mediation, they often bring with them intense feelings of discouragement. Mediators know that such feelings can interfere with clients' abilities to persevere, concentrate and engage in creative problem solving. Finding a pathway is hard when you cannot see the light at the end of the tunnel.

For this reason, a key part of the divorce mediator's job is to communicate a hopeful perspective. There are two mutually-reinforcing aspects to this hopeful perspective: hopefulness that the mediation process will end successfully in a settlement that satisfies both spouses; and hopefulness that even in the face of deep sorrow over the loss of a marriage, there is nevertheless good reason to look forward to the next phase of one's life.

Below are five key ways we, as mediators, communicate our hopeful perspective to our own clients:

**1) Allow clients to express their discouragement.** We allow clients to express their discouragement in some detail, rather than quickly cutting off



these "emotional" comments and refocusing clients on the substantive issues. Our experience is that clients generally need to be sure that the mediator has heard and understood the nature of their discouragement, and the reasons for it, in order for the mediator's different perspective to have credibility. Unless we first expressly acknowledge their discouragement, our attempts at hopefulness will be heard merely as lip service.

**2) Speak with a tone of relaxed confidence.** When we speak during a mediation, we find that our tone of voice is as important as the content of our comments. We want to talk with a tone of relaxed confidence, a tone based on our genuine confidence in the clients' ability to figure out brilliant solutions to their problems, and in the effectiveness of mediation to facilitate this good thinking. Through words and tone, we

convey our conviction that there is at least one elegant solution to any dispute.

**3) Normalize the clients' emotions and experience.** Clients find it reassuring to know that they are not out on the fringe, that many people have experienced what they are feeling and still succeeded in mediation, that they do not have to "fake it" by pretending they are not struggling in these ways. When useful, either in joint discussion or in an individual caucus, we provide clients with a chart depicting the emotional stages of divorce, which allows each of them to see at what emotional stage he or she might be found. The chart allows clients to understand that there is a natural progression of these emotions that will ultimately lead them to a more optimistic outlook, even if they are currently at a very different stage than their spouse.

**4) Look for positive aspects of the clients' lives and actions.** Nancy Kline, in her insightful book, *Time to Think* (Cassell & Co, 1999), states, "The human mind seems to work best in the presence of reality...And reality contains what is good as well as what is bad." We have learned that by consistently devoting a portion of each session to focusing on the positive, clients are better able to place their attention on the work that needs to be done. For example, we begin our sessions with parents by asking them to share a recent parenting highlight or something their children have done that has put smiles on their faces. Focusing on something positive at the beginning of the session helps clients anchor themselves. With one foot securely planted in the positive reality, clients feel more hopeful undertaking the work to be done. Without that positive anchor, clients can feel overwhelmed by the emotional undertow of the difficult discussions.

**5) Acknowledge and appreciate the work of the clients.** Due to the way our society is organized, many people put their primary focus on unfinished tasks. Therefore, they carry around a lot of discouragement about their lack of success. In divorce mediation, it is important to push back against that behavior pattern by helping clients notice what has been accomplished. We sincerely cheer our clients on by congratulating them when, for example, they complete each section of their negotiations, reach agreement on a difficult topic, shield their children from conflict, work efficiently or remain organized while in such emotional turmoil. Even when there seems to be no progress, it is possible, with honesty, to appreciate the clients' willingness to trust the mediator by making their struggles visible.

**By encouraging full expression of emotion, by employing a tone that is relaxed and confident, by normalizing an experience that can feel unique and isolating, by focusing on the positive reality, and by acknowledging and appreciating accomplishments both large and small, mediators encourage hopefulness at a time when clients often feel that all hope has eluded them.**

In addition to setting a tone of hopefulness in these five ways, sometimes we express our perspective very directly, explicitly, and tangibly. Recently, at the outset of a high-conflict mediation session, the wife's attorney began by stating that if a settlement were not reached that day, mediation would end and litigation would ensue. An awkward silence followed. Then, as the attorney began to address the substantive issues, John (one of the article authors) asked her to pause. He reached into his drawer, pulled out two small, hand-crafted pewter charms reserved expressly for this purpose, and explained that they were an expression of his hopefulness about the outcome of this meeting. When John placed the charm in the wife's palm, she immediately began to sob as she thanked him for it. In a more reserved manner, but obviously moved, the husband closed his hand around the charm, also thanking John. To the surprise of all, the attorney then asked if she could have one as well. Almost three hours later, a settlement was reached. It went beyond a mere financial "deal" and included heart-felt statements of apology and hopes for the future. The wife, who had been tightly squeezing the hopeful-

ness charm the whole time, held it up for the rest to see, and the attorney said, "The charm worked!"

The charm was a tangible means of expressing trust in the process and confidence in the clients' abilities to do their own excellent thinking. But the charm would have been useless without the climate of hopefulness that had been carefully cultivated over time using the five techniques outlined above. By encouraging full expression of emotion, by employing a tone that is relaxed and confident, by normalizing an experience that can feel unique and isolating, by focusing on the positive reality, and by acknowledging and appreciating accomplishments both large and small, mediators encourage hopefulness at a time when clients often feel that all hope has eluded them. So while it is not in the written part of our job description, we always tell our clients that we are in charge of hopefulness – until, as will happen, they discover that they are ready to reclaim it for themselves. 



*John Spiegel, J.D., and Donna Duquette, J.D., work together as divorce mediators in Rockville, Maryland ([www.mediationoffice.net](http://www.mediationoffice.net)).*



*John founded the mediation program at Jewish Family Services in Baltimore and has taught mediation courses*

*at the University of Maryland School of Social Work. Donna teaches conflict resolution at the University of Maryland and has presented workshops for governmental, educational, and religious organizations. John and Donna are both members of ACR.*

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