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MEASURING MEDIATOR ATTITUDES TOWARD MEDIATION:
DEVELOPING THE ATTITUDES TOWARD MEDIATION SCALE

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A Dissertation submitted to the
Graduate School-Newark
Rutgers, the State University of New Jersey
in partial fulfillment of the requirements

for the degree of

Doctor of Philosophy

Graduate Program in Psychology

written under the direction of

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May, 2010

ABSTRACT OF THE DISSERTATION

Measuring mediator attitudes towards mediation:
Developing the Attitudes Toward Mediation Scale

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For this dissertation, I developed the Attitudes Toward Mediation Scale (ATMS), the first psychometric instrument to reliably and systematically measure mediation style among a varied group of mediators. This dissertation grew from previous empirical literature on mediation style along with previous work examining mediator stylistic variation. Five studies were carried out: Studies 1 to 3 were aimed at developing the ATMS, Study 4 validated the measure, and Study 5 sought to establish criterion validity by exploring the possible correlates of the ATMS. In Study 1, face and content valid items were generated for the ATMS. In Study 2, the factor structure of the ATMS was assessed using a national sample of professional mediators. Two stylistic factors emerged: Resolution-oriented and Dialogue-oriented mediation approaches. The Resolution-oriented approach emphasizes reaching a settlement via directive mediator behaviors whereas the Dialogue-oriented approach is more non-directive and focuses on helping the parties have an open dialogue about their conflict. In Study 3 the factor structure of the ATMS was confirmed via Confirmatory Factor Analysis and test-retest reliability was verified. In Study 4, construct validity was established. The ATMS was correlated with the Social Support Opinion Survey, a measure of social support, and the Global Evaluation of Mediator Behavior Scale, an independent observer measure of mediator behavior. Finally, in

Study 5 criterion validity was established and mediator characteristics (e.g., age, gender, and training), domain of mediation and social context were found to be related to ATMS's stylistic orientations. Resolution-oriented mediators were more likely to be older, male, community mediators, and work in a social context in which time pressure was present and the parties did not have an ongoing relationship. Conversely, dialogue-oriented mediators were more likely to be younger, women, family mediators, have mediation training, and work in a social context where the disputes involved interpersonal issues and the parties had an on-going relationship. These findings suggest that mediator style is significantly shaped by dispute setting, certain contextual features of that setting, and individual characteristics of the mediator, and is not merely a function of which mediation style is "best."

Acknowledgements

This research was conducted under the direction of Dr. Kenneth Kressel. I would like to thank Ken and the past undergraduate research assistants, Monica Costa, Kristen Couce, Ursula Gener, Jon Jauh, Maria Leone, Charlotte Mayan, Lissette Roman, John Simon, and Christine Wojnicz, for their support throughout my studies here at Rutgers-Newark. Your assistance and encouragement was greatly appreciated.

My journey to and throughout graduate school would not have been possible without my loving family. I would like to thank you all for your undying support, kind words, and guidance over the years. To my parents, Sam and Nancy and my brothers, Steve and Andrew, you all are my biggest cheerleaders and without your support, laughs, and advice this would not have been possible. I would also like to acknowledge my extended family members, particularly, my uncle Steve and family, my uncle Lyle and family, and my cousin David; thank you for all your encouragement over the years. And to my fiancé Jason and my second family, Mary, Milton, Barbara, and Jumal and Nikki, I want to especially thank you all for supporting me as worked towards completing my dissertation.

I would also like to thank God for blessing me throughout this journey and for the wonderful people that were put into my life that helped make this possible.

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Introduction

Mediator Style Defined

Mediator style has been defined as both a set of strategies and tactics that characterize the conduct of a case (Kressel et al., 1994) and as the role mediators perceive themselves to play in the mediation of a conflict (Coltri, 2004). Mediator styles that have received the most attention in the practitioner literature include the evaluative, facilitative, and transformative styles (Riskin, 1996; Kressel, 2006; Bush & Folger, 1996). In the empirical literature, multitudes of styles have been identified (Kolb, 1983; Brett, Drieghe, & Shapiro, 1986; Baker & Ross, 1992; Silbey & Merry's, 1986; Kressel, Forlenza, Butler, & Fish, 1994; Kressel and Kolb, 1994; Wood, 2004; Kressel, 2006, 2007). There is also suggestive evidence that mediator stylistic leanings are heavily influenced by the social context in which the mediator functions and are not simply the result of training or idiosyncratic mediator choice (Kressel, 2006; Kressel & Gadlin, 2009). Moreover, mediator style is of particular interest to researchers and practitioners alike because of its presumed influence on the process and outcomes of mediation and the disputing parties' satisfaction with mediation services. Numerous studies (Kolb, 1983; Brett, et. al., 1986; Silbey & Merry, 1986; Kressel et. al., 1994; Kressel, 2006; Charkoudian, Buck, & Wilson,, 2009; Kressel & Gadlin, 2009) have shown that the mediation process varies among different styles and a study of volunteer community mediators and disputant reactions (Alberts, Heisterkamp, & McPhee, 2005) reported that disputants experienced greater satisfaction with mediators that used a facilitative mediation style.

Despite its central importance, however, research on mediation style has been relatively meager and methodologically haphazard. Although mediation style is analogous to the major models used in psychotherapy (e.g., the cognitive and behavioral models of practice), variation among mediator styles has not been systematically measured. The opposite can be said in the field of psychotherapy wherein differing models of practice have been measured using psychometrically valid scales (Geller & Berzins, 1976; Wade, Terry & Baker, 1977; Wogan, & Norcross, 1985; Weersing, Weisz, & Donenberg, 2002; Vasco & Dryden, 1994; Hilsenroth, et. al., 2005; Coleman, 2007; Williams, 2007) and these efforts have furthered the theory building process in psychotherapy and strongly influenced research on outcome comparisons among the different styles. Such theory building efforts have only been carried out superficially in mediation (Golann, 2000; Herrman, Hollett, Goettler-Eaker, & Gale, 2003; McDermott & Obar, 2004; Charkoudian, et. al., 2009; Wall & Chan-Serafin, 2009). As a result, there is no agreed upon metric for assessing mediator style, thus retarding efforts to systematically assess its impact on the delivery of mediation services.

This dissertation was aimed at developing a reliable and valid scale of mediator stylistic preferences and, using the scale, exploring the extent to which mediator stylistic preferences are shaped by the arena of conflict in which the mediator practices, the conditions under which the mediator works, and the mediator's gender and discipline of origin. The study builds directly on prior empirical studies of mediator behavior and attitude, and, in particular, on my own study of mediator stylistic behavior in the laboratory (Butts & Kressel, 2006). I begin with a brief summary of what those studies have suggested about mediator stylistic preferences.

Empirical Research on Mediator Style

Empirical research on mediator behavior has been primarily characterized by a “bottom up” research strategy, focusing on the discrete behavioral tactics that mediators use (e.g., “proposes settlement terms,” “praises the parties”) and their relationship to mediation outcomes (Kochan & Jick, 1978; Pruitt, 1981; Donohue, Allen, & Burrell, 1985; Welton, Pruitt, & McGillicuddy, 1988; Kressel & Pruitt, 1989; Lim & Carnevale, 1990; Zubek et. al., 1992; Esser & Marriott, 1995; Jacobs, 2002; Herrman et al. 2003). While such studies are of interest, they tell us little about the “top down” cognition which is so central to expert performance in many other domains of expert practice (Feltovich, Prietula, & Ericsson, 2006; Ross, Shafer, & Klein, 2006) and which seem so important to mediator practitioners (Bush & Folger, 1994; Riskin, 1996), who frequently write and debate about their preferred mediator “styles.”

Field studies of mediator style. Few studies have explored the relationship between global mediator stylistic thinking and mediator behavior. A classic study that demonstrated that such thinking influences mediator behavior was Kolb’s (1983) ethnographic research on state and federal labor mediators. After observing mediators at work and conducting post-mediation session interviews with them, Kolb found that the state and federal mediators had contrasting attitudes about their roles as mediators and behaved very differently during mediation.

Kolb labeled the approach of the state mediators the *Dealmaking* style. Dealmakers were highly directive, structured the exchanges between the disputing parties and frequently proposed concessions. These mediators felt the parties did not have the capacity to manage the issues on their own and used pressure tactics, such as threats of

arbitration, to move the parties towards settlement. The approach of the federal mediators provided a striking contrast, which Kolb characterized as the *Orchestrating* style. Orchestrators played a more non-directive role and preferred that the parties be more active in the problem solving process. They attempted to create an environment where the parties could communicate more effectively, which then allowed the disputing parties to design a settlement themselves. Additionally, the orchestrators tended to avoid the use of pressure tactics and expressed more confidence in the parties' negotiating abilities.

Kolb attributed the contrasting styles of the state and federal mediators to the very different circumstances in which each group worked. The more aggressive and directive dealmaking style of the state mediators she ascribed to more difficult negotiating circumstances — inexperienced parties, heavy mediator workloads, and the legal prohibition against striking by state employees. The more non-directive approach of the federal mediators she ascribed to more benevolent circumstances — highly experienced parties, lower mediator workloads, and the tonic effect of strike deadlines to move the parties toward settlement.

Kolb's research was followed by a number of other stylistic investigations, some attempting to validate her findings using more quantitative methods (e.g., Brett, et. al., 1986; Baker & Ross, 1992), others exploring the topic of style more broadly and in other domains (e.g., community, family, divorce) than labor-management conflict (Silbey & Merry, 1986; Kressel et. al. , 1994). These studies have also used various methods to examine mediator style: observing mediation sessions, interviewing mediators post-session, case studies, and self-report questionnaires. By and large they have confirmed a

broad dichotomy of highly directive mediation approaches akin to Kolb's dealmaking style and a more non-directive orientation similar to her orchestrators.

Thus, Brett, Drieghe, and Shapiro (1986) did post-session interviews with five experienced labor mediators over a series of their cases and asked the participants to complete a tactics checklist. The investigation confirmed the dealmaker style along with a variant referred to as the *shuttle diplomacy* style. Shuttle diplomacy differed from dealmakers only in their frequent use of caucuses, wherein they developed resolutions separately with each party.

Baker and Ross (1992) presented 77 mediators with a written dispute vignette and asked them to rate the likelihood that they would use each of nine mediation techniques. From their study, they were able to identify mediators that were strikingly similar to Kolb's dealmakers and Brett, Drieghe, and Shapiro's shuttle diplomats.

A few studies have identified mediator stylistic variants different from those first noted by Kolb. Silbey and Merry (1986) intensively observed mediation sessions in three differing contexts: a court based mediation program, a community action agency, and a family conflict program. From their observations, they were able to identify a *bargaining* style, an approach to mediation similar to Kolb's dealmaker. However, they also identified a contrasting *therapeutic* style. Mediators adopting this approach encouraged parties to engage in a full expression of their feelings and attitudes. Emphasizing empathy, exploring past relationships and discussing issues not readily raised by the parties were key behaviors of therapeutic mediators. Therapeutic mediators believed these cathartic techniques would lead to a resolution.

In a series of studies in the areas of divorce and organizational mediation, Kressel and his colleagues identified yet another stylistic variant, in which the mediator's behavior appears to be driven by the goal of discovering and addressing the "latent" causes that have fueled the parties' conflict. Various referred to as the *strategic*, *problem-solving* or *deep problem-solving* style, Kressel argues that mediator styles based on addressing latent causes of conflict have been less frequently identified in the empirical mediation literature because the assumption of latent causes as an important focus for mediator activity is alien to the labor relations and legal traditions from which professional mediation began (Kressel, et. al., 1994; Kressel 2006, 2007).

Latent cause mediator approaches were first reported in an in-depth series of case studies in custody mediation (Kressel et al., 1994) under the umbrella of the problem solving style. Mediators enacting the problem-solving style were focused on identifying the latent causes of the conflict via thorough information gathering about the parties' conflict and relationship history and on suggesting ways these latent causes might profitably be addressed (e.g., by getting the father to communicate directly with his teenage children rather than expecting his ex-wife to be his source of information about their frequently changing schedules). In a subsequent ethnographic study, Kressel and Gadlin (2009) identified a latent problem-solving approach as the "default" orientation of ombudsmen at the NIH in their efforts to mediate conflicts among NIH scientists.

Kressel (2006) has noted that latent cause mediator styles appear to be associated with conflicts in which the parties have ongoing relationships and the capacity and motivation to search for underlying causes as well as with mediators who have extended time to "work" a case, training in disciplines with traditions of latent cause thinking (e.g.,

clinical psychology), frequent opportunities to consult with colleagues, and “deep” domain knowledge in their area of conflict.

Mediator stylistic behavior in the laboratory. In an effort to bring a degree of methodological consistency and quasi-control to the study of mediator stylistic variation, I have recently completed a laboratory investigation in which 22 mediators were videotaped mediating the same simulated conflict (Butts & Kressel, 2006). The purpose of the study was to explore mediator stylistic variations while gaining a degree of control over dispute variability. A variety of observational and self-report methods were used (Only the data from the observational method is reported).

Seventeen experienced and five novice mediators participated in the study. Of these, 14 were women. The modal years of experience for the experienced mediators were 14.2 years and nearly half had more than 10 years of mediation experience. They mediated in a wide range of conflict domains (e.g., divorce; business; employment) and had various training backgrounds, including law (36%), mental health/ counseling (41%), and business (9%). Experienced mediators were recruited principally from the New Jersey Association for Professional Mediators (NJAPM), a consortium of Transformative mediators, and other professional contacts of the second author. The novice mediators were second and third year Rutgers University law students currently receiving mediation training as part of their legal education. All five had only rudimentary mediation experience.

Participants were asked to mediate “The Angry Roommates” dispute, which Ken Kressel developed to simulate conflict between two female roommates. The roommates were played by two Rutgers undergraduates and each actor played the same role in each

session. The actors were trained and rehearsed in their respective roles. The use of a single simulated case had several advantages. First, it allowed for the comparison of mediator behavior and thinking while controlling dispute characteristics in some proximate fashion. Secondly, none of the mediators in our sample were experts in mediating conflicts between roommates; therefore a measure of control was gained over the participants' level of experience within the conflict domain. Lastly, using a simulated dispute allowed us to embed latent causes of tension within the dispute, since as previously noted, prior research has suggested that degree of attention to the latent sources of a conflict is one important dimension of style on which mediators are likely to differ. Our dispute incorporated several latent factors, including the parties' failure to explicitly decide whether their room was to be a psychological "home" or simply a "place to flop" and their failure to recognize the negative impact of the semester's increasing workload on their relationship.

The mediators were given a 30-minute time limit in which to mediate the dispute and were instructed to handle the simulated session as if it were an actual mediation session. All sessions were video taped. The taped sessions were viewed and rated by three independent observers. Two of the observers were social psychologists who also had over 20 years of experience as both mediators and mediation trainers. I served as the third rater.

After reviewing the videotape, observers first wrote a stylistic narrative, describing the observer's understanding about the mediator's explicit and implied mediation goal(s), the behavior used to accomplish those goal(s) and the inferable rationale behind the mediator's performance. Narratives were written in first person

format, approximately one page to two pages long and were used to add depth of understanding to the more quantitative findings. (See Appendix A for an illustrative stylistic narrative.)

After completing the stylistic narrative, the observers then proceeded to complete the Global Evaluation of Mediation Scale (GEMS), a measure developed by myself and Ken Kressel (See Appendix B). The GEMS required the observers to judge the similarity of the mediators' behavior to five hypothetical stylistic descriptions derived from the mediation practitioner literature. Each item was rated on a 7-point Likert scale (1= Describes me poorly; 7 = Describes me well). Inter-rater reliability was assessed across the three judges (Table 1). The judges' GEMS ratings were then averaged and used as the input in a multidimensional scaling (MDS) program. MDS allowed us to uncover the differing underlying dimensions of mediator stylistic behavior. Other studies have used MDS to identify third-party conflict resolution styles (McLaughlin, Carnevale, & Lim, 1991; Pinkley, Neale, & Northcraft, 1995, Irving & Meyer, 1997).

Table 1

GEMS Inter-rater Reliability

	Latent Cause	Interest- based	Position- based	Transformative	Supportive
Rater 1 and Rater 2	.32	.17	.52*	.51*	.47*
Rater 1 and Rater 3	.68**	.30	.71**	.82**	.60**
Rater 2 and Rater 3	.08	.14	.79**	.29	.39

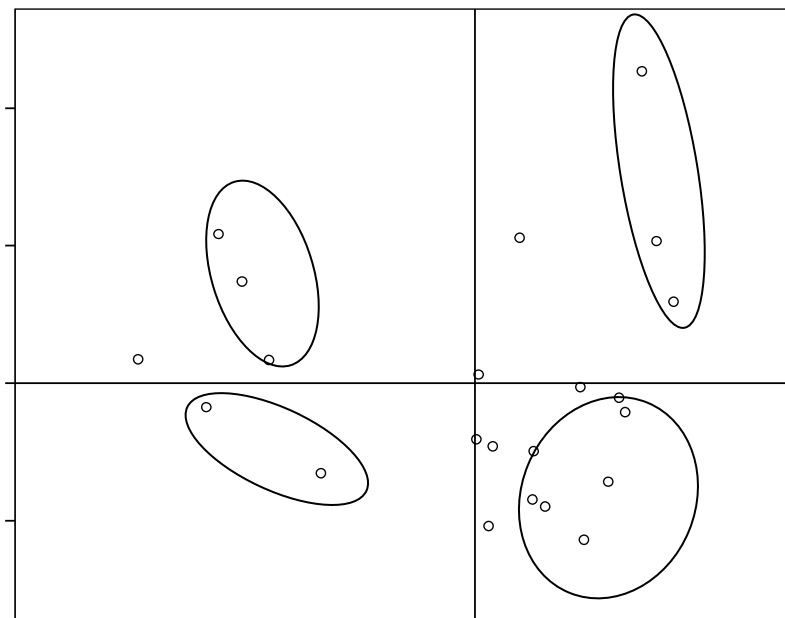
*p<0.05

**p < 0.01

The MDS analysis indicated that the 22 mediators in our sample could be divided into two broadly contrasting mediator behavioral styles: An Agreement-making orientation (n= 16), in which the mediator was primarily focused on generating a settlement on the surface issues the parties were fighting about (e.g., sloppiness, noise, failure to throw out old food), and an Understanding orientation (n= 6), in which the mediator was primarily focused on creating a climate where the parties felt comfortable discussing their feelings and exploring their respective interpretations of the conflict. Each of these orientations contained two identifiable stylistic subtypes (See Figure 1).

Figure 1

Graph of GEMS Multidimensional Scaling Results



Understanding
Orientation

Agreement-making
Orientation

Note: Each point represents a single mediator. All mediators located in the 1st and 3rd quadrants represent the Understanding orientation. All mediators located in the 2nd and 4th quadrants represent the Agreement – making orientation.

The agreement making orientation was composed of the evaluative and facilitative stylistic subtypes. In the evaluative style (n=5), the distinctive hallmark of mediator behavior was a willingness to critically comment on each party's position; for example, telling one of the roommates they were being unreasonable. Evaluative-oriented mediators were also inclined to use pressure tactics to move the parties towards agreement, such as reminding one roommate that moving home would surely be more stressful than trying to work things out. Lastly, evaluative mediators showed little interest in probing for and addressing latent issues. The evaluative style has some obvious similarity to other variously named directive approaches such as dealmaking (Kolb, 1983; Brett, et. al., 1986) and bargaining (Silbey & Merry, 1986).

The facilitative stylistic variant (n=11) was characterized by efforts to create an environment that would promote compromise and the avoidance of critiquing the parties' positions or behavior. Instead, facilitators used the parties' prior friendship to motivate concession-making, and acted as "cheerleaders" for acts of good will and a mutual search for solutions. Like the evaluative-oriented mediators, these mediators devoted little attention to latent issues. The facilitative style is comparable to Kolb's orchestrator style (Kolb, 1983) and the democratic perspective identified by Wood (2004).

The understanding orientation was composed of the diagnostic and transformative styles. In the diagnostic style (n=2) the hallmark characteristic was helping the parties become more aware of how they got off track with each other and to think of possible solutions that could help them repair their relationship. Diagnostically-oriented mediators would ask when the problems in their relationship began, what expectations and discussions the parties had with each other when they agreed to be roommates, and about the emotional

and behavioral sequelae of particularly meaningful incidents described by either party. The diagnostic style has obvious affinities to the latent cause stylistic approaches described by Kressel and his colleagues (Kressel et. al., 1994; Kressel, Hyman, Lev, Kennedy, & Taylor, 2002; Kressel & Gadlin, 2009).

The transformative stylistic variant (n=4) was characterized by a mediator focus on promoting dialogue between the parties and a strong disavowal of agreement making as a primary concern. Of all the stylistic groups, the transformatives placed the strongest emphasis on non-directiveness and preserving the parties' autonomy. They would only go where the parties took them and rarely, if ever, offered any proposals. Their most frequent intervention was to summarize as accurately as possible what each of the parties said, sometimes using judicious rephrasing in an effort to help the parties communicate more effectively. This style is comparable to the "classic" accounts of the Transformative style propagated by Bush & Folger (1996, 2005) and indeed, all the transformative mediators had training in that approach. It also has affinities with the therapeutic style identified by Silbey and Merry (1986) and the counselor perspective identified by Wood (2004).

Summary

Field research has reliably indicated that stylistic variation is the norm among professional conflict mediators and has suggested the major dimensions along which stylistic variation is likely to occur. In a more controlled laboratory environment, my own study of professional mediators has confirmed that stylistic variation appears normative and that the identifiable styles correspond roughly to the major stylistic subtypes identified in field research, with a primary distinction between mediators

oriented to agreement-making and those oriented to dialogue and understanding. My dissertation uses the data from the laboratory investigation to build a psychometrically robust scale to measure mediator stylistic inclination and to explore some of the primary personal and social influences that condition such preferences.

Dissertation Overview

This dissertation attempts to put the study of mediation style on firmer methodological ground by developing a psychometrically robust scale to measure mediator stylistic inclinations; using the scale to determine what stylistic inclinations are present in a large, heterogeneous population of professional mediators; and exploring the extent to which these mediator stylistic inclinations are a function of the mediator's work environment and personal characteristics.

Previous Self-report Mediation Style Studies

Studies have attempted to systematically measure mediation style (Baker & Ross, 1992; Herrman, et. al., 2003; Charkoudian, et. al. 2009) but their samples and/or methods were not as expansive and stringent as those used in this study. The samples were either too small (e.g., less than 100 participants) or narrow (e.g., only examined one mediation domain, only mediators from a single state participated) and/or omitted several steps of scale development (e.g., detailed item generation procedure, establishing content and/or construct validity, establishing reliability).

Small samples. Regarding sample size and scale development, samples of less than 100 participants (Reise, Waller, & Comrey, 2000; Thompson, 2004) or with participant-to-item ratios below 3:1 (Velicer and Fava, 1998) are generally believed to be inadequate (Worthington & Whittaker, 2006). Samples such as these lend themselves to less stable correlations among variables and lessen the replicability of the initial factor structure (Worthington & Whittaker, 2006). Therefore, small samples are not generally favorable in scale development.

Narrow samples. In relation to mediator style scales, sample heterogeneity is very important. When attempting to identify and subsequently classify mediator styles, it is important to cast a wide net into the mediation community. For example, a study may only draw on community mediators (Charkoudian, et. al., 2009) or labor mediators (Baker & Ross, 1992). There appears to be an underlying assumption that all mediators behave similarly across very different areas of practice and many studies attempt to generalize their findings in one area of mediation practice to all practicing mediators (Baker & Ross, 1992; Charkoudian, et. al., 2009). This assumption ignores the possibility that certain styles are possibly more prevalent in one domain versus another. By collecting such a narrow sample, there is no way to know if mediator style varies by area of mediation practice. It is possible that the results of such narrow studies are not generalizable to all mediators, but only to the mediators in their sample's given domain. Additionally, many studies only sampled mediators from one state. In order to get a complete picture of mediation practice, samples should not only vary by the mediation domain, but the locale of the mediators as well. A national sample will give a better picture of what is occurring nationally in the mediation community.

Scale development issues. As previously stated, other research efforts while providing insight into the domain of mediator style, have neglected reporting and/or possibly completing important scale development procedures. Some of these studies have attempted to classify mediator style using either qualitative research methods (Kressel & Gadlin, 2009) or a mixed methodology approach (Brett, et. al. 1986; McDermott et. al., 2001; Picard, 2004; Wood, 2004). However, for the purposes of this study, only efforts

aimed at creating a survey in a similar vein to that of the ATMS (e.g., quantitative survey/questionnaire) will be discussed.

Table 2 summarizes the studies that have attempted to create quantitative self-report measures to classify mediator style. These measures included multiple choice survey questionnaires (Herrman, et. al., 2003; Charkoudian, et. al., 2009) and one study that used vignettes followed by a multiple-choice questionnaire (Baker & Ross, 1992). The respondents' replies were either entered into a chi-square analysis (Herrman, et. al., 2003) or a cluster analysis (Baker & Ross, 1992; Charkoudian, et. al., 2009) in order to determine what styles were present in their samples. Though very informative, these studies did not complete the important steps required when developing a psychometrically reliable measurement. These steps include outlining the item generation procedures and describing how validity and reliability were obtained.

A detailed item generation procedures allows the reader to fully grasp where the scale items came from and how they are related to the theory used to construct the scale. Studies have produced detailed introductions yet omit how the cited articles and current theory guided their item selection process. It is unclear if the scale developers simply used intuition to create the scale items or if the items are in fact rooted in theory.

Validity and Reliability are essential in scale development for two different reasons. Tests of validity demonstrate whether or not a scale measures the latent constructs it is intended to measure and tests of reliability determine if a scale is stable from sample to sample; in other words, does the scale measure the same constructs across different samples (Netemeyer et al., 1996). In scale development, content, construct and criterion

Table 2

Previous Self-Report Mediator Style Studies

Study	n	Sample		Validity				Reliability		
		Narrow or Broad	Item Generation	Face	Content	Construct	Criterion	Test-Retest	Alt. Form	Spilt-Half
A	77	Broad	no	yes	no	no	no	no	no	no
B	300	Narrow	no	yes	no	no	no	no	no	no
C	249	Narrow	no	yes	no	no	no	no	no	no

Note: Study A = Baker & Ross (1992); Study B = Herrman, et. al. (2003); Study C = Charkoudian, et. al. (2009)

validity are the three major forms of validity; while test-retest, alternative-form, split-half reliability are the major forms of reliability. Previous studies attempting to create a mediation style scale seem to only address face validity and do not establish reliability of any sort. Unfortunately, face validity tells us nothing about what a test *actually* measures (Netemeyer et al., 1996) and if reliability is not established, there is no way of determining if the instruments will yield the same results when administered to a new sample. For these reasons, validity and reliability must be established.

Despite these recent efforts to obtain self-report data on mediator goals and strategies, no other study has matched the methods used to develop the ATMS. The current study not only obtained participants from various domains, but the sample represented mediators from multiple states in the U.S. Using an expansive sample such as this ensures the current study's scale represents current meditation practice among a well-sampled and diversified mediator population. Moreover important scale development procedures were carried out and are well documented. The item generation method used to create the item pool is straightforward and clearly outlined. In addition, validity (both content and construct) and reliability were also established.

Study's Objectives

Five studies were carried out that addressed four related objectives:

1. *Developing the Attitudes Toward Mediations Scale (ATMS) (Study 1)*. The development of a psychometrically robust measure of mediator style was the focus of the dissertation. The effort was built directly from the in-depth data about mediator stylistic behavior developed in the laboratory behavioral style study summarized previously (Butts & Kressel, 2006). The items in the scale were created from the observers'

behavioral narratives of the evaluative, facilitative, diagnostic, and transformative mediators identified in the multidimensional scaling analysis of that investigation, as well as from a selective review of the pertinent literature on mediator stylistic behavior. The face and content validity of the ATMS was established by a panel of graduate students and domain experts in the areas of mediation practice and research.

2. *Assessing the Factor Structure of the ATMS* (Studies 2 and 3). In Study 2 a diverse sample of professional mediators were recruited from national professional mediation organizations to complete the ATMS. Their data were factor analyzed to determine the degree to which the scale was able to capture consistent and interpretable variations in mediator stylistic leanings. In Study 3 a second wave of national professional mediators, also recruited from professional organizations, were asked to complete the ATMS to confirm that the factor structure identified in Study 2 is stable. A subset of these respondents were asked to retake the ATMS at a later time from the initial testing to establish the test-retest reliability of the scale and to provide additional data to be used for goals 3 and 4 below.

3. *Establishing Construct Validity* (Study 4). Using data collected in Study 3, participants' ATMS factor scores were compared with their responses to an established scale of directive vs. non-directive social support. Degree of directiveness is a key element underlying mediator style – some styles are clearly more directive than others – and therefore a reliable and valid measure of directiveness should correlate predictably with mediator stylistic self-reports on the ATMS. A second measure of validity was obtained by asking respondents from my earlier laboratory study to complete the ATMS

and then compare their ATMS style scores with their stylistic placement in the multidimensional space created from observer stylistic judgments of their behavior.

4. *Establishing Criterion Validity* (Study 5). Field research on mediation style suggests that mediator stylistic preference is not idiosyncratic, but a reflection of certain personal characteristics of the mediator (e.g., gender), the kinds of conflicts which the mediator typically handles, and aspects of the mediator's work environment. This possibility, however, has not been subject to systematic investigation. As McEwen (2006) noted in his review of program structure and mediation practice research, "much more research needs to be done to tease out the effects in varying contexts of differing mediation styles and the linkages between those styles and the organizational structures and ideologies of mediation programs (p. 87)."

How the ATMS Will Benefit the Field

I am proposing that this dissertation will benefit the mediation field in three important ways: collapsing numerous styles into more comprehensive, overarching styles; allowing comparison among the identified styles to determine what styles are better suited for specific conflict situations; and allowing assessment of the behavior correlates of the identified styles.

Collapsing numerous styles into more comprehensive overarching styles. Besides being the first psychometrically valid measure of mediation style, the ATMS can also aid in labeling various mediator styles. The styles identified by the ATMS can be applied across different mediation domains and consolidate the numerous labels used to describe the same mediator behaviors, attitudes and goals. The ATMS will also provide a stronger and more reliable measure of mediation style than previous measures.

Allowing comparison among the identified styles to determine what styles are better suited for specific conflict situations. Mediator efficacy has gained some interest among researchers (Carnevale, Colon, Hanisch, & Harris, 1989; Briggs & Koy, 1990; Roberts, 2002). Elements of mediator effectiveness include mediation outcomes (e.g., settlement rates, amount of monetary awards) and disputant satisfaction (e.g., satisfaction with the mediation process, adherence to agreements reached). It is possible certain styles are more effective based on the conflict dynamics (e.g., type of issues mediated, parties' relationships) of a case. However, the question of efficacy as it relates to style has not received much attention. Though a few studies have attempted to study both mediation outcomes and disputant satisfaction in relation to mediator style (Brett, et. al., 1986; Alberts, 2005), none of them used a psychometrically sound measure of mediator style. A standard measure of mediator style is needed and the ATMS is designed to be such a measure. Knowing the exact relationship between mediator styles and mediator efficacy is important to mediator practice and to the disputing parties as well.

Allowing assessment of the behavior correlates of the identified styles. Only a few studies have attempted to relate mediation style to what mediators are actually doing in session (Golann, 2000; Charkoudian et. al., 2009). Such studies asked these questions: "Does mediator self-reported style correspond to mediator behavior in session?" and "Do mediators use the same style throughout a session?" Charkoudian et. al. (2009) did find some evidence of a discrepancy between what mediators say they do and how they behave in session. As previously mentioned, community mediators were asked to complete a 76-item survey describing their practice. The final question on the survey was open-ended and asked: "What approach to mediation do you use?" After the first 75

questions were analyzed using a cluster analysis, the resulting clusters were then correlated with the response to the last survey question. Charkoudian and her associates found little consistency between the style clusters and the mediator's self-labeling. Our Mediator Behavioral Style Study (Kressel & Butts, 2006) found a similar discrepancy; whereas 50% of the mediator's self reported style did not correspond to what was observed in session.

Golann (2000) questioned whether mediator style changes over the course of a session and used a simulated role-play to determine style flexibility. Law professors and students acted as the parties in a warranty claims dispute while two experienced practitioners mediated. Using an amended version of Riskin (1996)'s grid as a measurement of style, Golan's findings suggested that mediators did shift styles during the session.

Though these findings did provide some insight into self-reported mediator style, style flexibility and how both relate to actual mediator behavior, these two studies used different measures of mediator style that were not psychometrically valid. The ATMS will provide the standard metric needed to assess mediator style and aid in determining the relationship between self-report measure, style flexibility and actual mediator behavior.

Study 1

Developing the Attitudes Toward Mediations Scale (ATMS)

The goal of Study 1 was to develop a scale tapping the full range of mediator stylistic attitudes. The study proceeded in three distinct stages: Item generation, establishment of face validity of the scale, and evidence for its content validity.

Stage 1: Item Generation

Method. The observer stylistic narratives from the laboratory study of mediator behavioral style were placed into the evaluative, facilitative, diagnostic, and transformative groupings identified on the basis of the MDS analysis. After the narratives were grouped by style categories, key concepts (e.g., goals, behaviors, and attitudes) were extracted from each mediator's narrative. The key concepts were then compared across mediators in the same grouping and overlapping concepts were combined or deleted. This resulted in a comprehensive listing of goals, behaviors and attitudes about the causes of polarized conflict that were unique to each style grouping. The resulting list was then converted into single sentence scale items.

Results. Initially, 114 items were created. Working with another rater (KK), redundant, unclear items and items that could be placed in more than one style were removed from this initial item pool and some new items were added. The resulting item pool contained 62 items. There were 17 evaluative items, 16 facilitative items, 16 diagnostic items, and 13 transformative items. A complete list of these items may be found in Appendix C. Sample items in each stylistic category included:

Evaluative items: My job is to help people reach agreements by getting them to take personal responsibility for their own role in the conflict (goal); A mediator should tell the parties when they are behaving unreasonably (behavior); Cases often end up in mediation because the parties are unrealistic in their positions (attitude).

Facilitative items: A mediator's basic job is to get a clear understanding of what each side wants and then to orchestrate a series of bridging concessions that both sides can live with (goal); A mediator should try to draw on the parties' commonalities in order to help them reach agreement (behavior); I think of myself primarily as a facilitator of the parties' own efforts to reach settlement (attitude).

Diagnostic items: It is important that a mediator help the parties gain insight into to what has caused their conflict (goal); Before addressing the substantive issues, I spend a lot of time trying to understand what has fueled the conflict (behavior); Conflicts are often caused by latent causes of which the parties are unaware. It is part of the job of the mediator to help them understand such causes (attitude).

Transformative items: A focus on settlement as the primary goal of mediation is to unnecessarily limit mediation's potential to help people grow and learn (goal); Perhaps the most essential tool of the mediator is the frequent and accurate summarizing of what each of the parties is saying and feeling (behavior); Most times, parties are in conflict because they have not had the chance to have an open and honest discussion about their own and the other party's perception of the conflict (attitude).

Stage 2: Establishing Face Validity

Method. Four psychology graduate students participated in the face validity analysis. The participants were presented with descriptions of each style and asked to

sort the items into the style they believe the item best represented. Descriptions were labeled style A, style B, and so forth. This was a forced choice task, wherein the raters could only assign an item to one of the four stylistic categories. (See Appendix D for rater instructions and the stylistic descriptions they were given to guide them in the item-sorting task).

The participants were interviewed after they completed the sort task to determine which items were the most difficult to sort; this discussion indicated which items the raters believed could be placed into more than one category. Raters were monetarily compensated for their participation.

Results. Three out of four raters (75% agreement) had to agree on the category in which an item was placed in order for the item to be retained. Fifty (81%) of the initial 62 items were retained, including 14 evaluative items, 11 facilitative items, 12 diagnostic items, and 13 transformative items.

Stage 3: Establishing Content Validity

Participants. Three professional mediators and four prominent mediation researchers participated. Claudia Cohen, Jonathan Hyman, and Robert Karlin served as the practitioner judges. Cohen currently serves as the Associate Director for the International Center for Conflict Resolution at Teachers College, Columbia University. Karlin is an Associate Professor of Psychology at Rutgers University with a specialization in clinical psychology. Lastly, Hyman is a law professor at Rutgers University who specializes in litigation and alternative dispute resolution. Practitioners had extensive mediation experience (10 years or more) in the domains of civil and divorce mediation and had law and psychotherapy training backgrounds.

Lisa Bingham, Deborah Kolb, Dean Pruitt, and Jim Wall served as the researcher judges. Bingham is a Professor at Indiana University in the School of Public and Environmental Affairs; her research extends across various ADR and legal areas (e.g., dispute resolution, dispute system design, mediation, administrative law, labor and employment law). Kolb is a professor at the Simmons School of Management and is an authority on gender issues in negotiation and leadership. Pruitt is a former professor at the State University of New York at Buffalo, where he taught for 35 years. His research interests included social conflict, negotiation, and mediation. Lastly, Wall is a professor of Management at the University of Missouri College of Business; his current research interests include dynamic bargaining processes, conflict resolution, and mediation. The mediation researchers have all contributed significantly to the empirical literature on mediation and negotiation and have written some of its most influential papers and books (e.g., Bingham, 2003; Kolb, 1983, 1994; Kolb & Williams, 2000; Pruitt, 2002; Pruitt & Carnevale, 1993; Wall & Stark, 1996; Wall, Stark, & Standifer, 2001).

Method. The expert raters were asked to review the 50-item pool that resulted from Stage 2. They essentially performed the same item reduction task that the participants in Stage 2 carried out. Again, this was a forced choice task, wherein the raters assigned an item into only one of the four style categories.

Additionally, raters were asked to create any new items they believed should be added to the item pool for each style category. The rationale behind this additional procedure was to create a possible item pool to draw additional items if the content analysis resulted in a disproportionate amount of items in any one style compared to the

others styles. Lastly, raters were monetarily compensated for their participation, only one participant declined compensation.

Results. Five of the seven raters (71%) had to agree on the category in which an item was placed in order for the item to be retained. Forty (80%) of the 50 items from Stage 2 were retained, including 12 evaluative items, 6 facilitative items, 11 diagnostic items, and 11 transformative items. To correct for a disproportionate amount of Facilitative items, four items were added to the facilitative item pool. Two items were created by two expert raters and two were developed after reviewing the remaining facilitative items and determining what aspects of the facilitative style were absent from the item pool; resulting in 10 facilitative items. At the conclusion of Stage 3, the ATMS item pool was comprised of 44 items (12 evaluative items, 10 facilitative items, 11 diagnostic items, and 11 transformative items).

Study 2

Assessing the Factor Structure of the ATMS

The goal of Study 2 was to determine the degree to which the ATMS is able to capture consistent and interpretable variations in mediator stylistic leanings. Study 2 determined the factor structure of the ATMS.

Method

Measurement

A web-based survey format was used to distribute the ATMS. There are several advantages to using a web-based format:

- *Dramatically decreased response times.* Typical turnaround time is four to six weeks with traditional mail surveys, two to three weeks for telephone surveys, and only 2 to 3 days for web-based surveys (Farmer, 1998; Lazar & Preece, 1999).
- *Reduced cost.* Costs for e-mail and web-based surveys can be substantially lower than for traditional mail surveys because there are no printing, postage, or stationery costs. (Bauman, Airey & Atak, 1998). Web-based surveys are 50% less expensive to implement than telephone surveys, and 20% less expensive than mail surveys (Farmer, 1998).
- *Efficient data entry.* An electronic survey can be configured to send data to a database or spreadsheet, eliminating the need for manual data entry (Granello & Wheaton, 2004).

The ATMS was hosted on the SurveyMonkey.com web site. SurveyMonkey.com is an interactive web-based data collection program that host surveys throughout the data collection process and stores all collected data for researchers (Finley, 2008).

In addition to the ATMS measure, participants were asked to complete a Biographical Data Form (See Appendix E). On this form, participants provided demographic (e.g., age, gender) and professional information (e.g., highest degree obtained, educational training, years of experience, type of mediation practiced).

Recruitment

Mediators were recruited from various professional mediation organizations using two methods: Contacting key personnel of national/regional mediation organizations (e.g., president or vice-president) or via publicly accessible website membership directories.

The first method involved emailing and calling key personnel within the organizations and inquiring if their members would be interested in completing the ATMS. Key personnel were emailed a copy of the ATMS to review and were also asked if they would distribute a listserv advert describing the study among the members of their organization (See Appendix F) along with a url link to a pre-screening webpage. The pre-screening webpage (See Appendix G) asked participants for their name, email, what organization referred them to the study, if they had practiced mediation in the last five years and the domain(s) of mediation in which they primarily practice. After reviewing the ATMS survey and listserv advert, key personnel then indicated their interest in participating in the study. Organizations that agreed to participate distributed the listserv advert via email to their members. Organizations that declined were thanked for their

time. In total, seven organizations were contacted using this method; six agreed to participate (e.g., Dispute Resolution Section of the American Bar Association, Association for Conflict Resolution, District of Columbia Ombuds Group, Institute for the Study of Conflict Transformation, National Association for Community Mediation, and the New Jersey Association of Professional Mediators).

Once potential participants provided the information requested on the pre-screening web page they were sent an email containing a general overview and purpose of the ATMS along with the url address to access the survey (See Appendix H). Mediators who had not practiced mediation in the last five years were not sent a url link to the ATMS but were thanked for their interest. A reminder email was sent to participants who did not complete the ATMS 10 days after the initial email request for participation and every 10 days thereafter until 250 participants completed the study.

The second method of recruitment involved acquiring the names and emails of potential participants from membership directories posted on mediation organization websites. Preference was given to mediators that practiced civil/small claims, community, family/divorce, educational, environmental, labor mediation, ombudsman, organizational and workplace/employment. Possible participants were sent an email containing a general overview and purpose of the ATMS along with the url address to access the survey (See Appendix I). As with the mediators recruited via the first method, a reminder email was sent to participants who did not complete the ATMS 10 days after the initial email request for participation and every 10 days thereafter until 250 participants completed the study. In total, membership directories of four mediation organizations were used to recruit participants (e.g., Ohio Mediation Association, Oregon

Mediation Association, Vermont Environmental Court Mediation, and the Washington Mediation Association).

Lastly, a small number of participants (16%) learned about the ATMS via a colleague. These participants typically received a copy of the listserv ad in a forwarded email message from a co-worker.

Participants

Of the 483 email invitations sent, 16 were returned because an inaccurate email address was given. Out of the 467 eligible participants that received the email invitation, nine opted out of completing the ATMS (e.g., participants blocked all future emails regarding the ATMS), 183 did not complete the ATMS and 25 partially completed the ATMS. The total combined sample of participants that completed the ATMS consisted of 250 mediators (54%). The response rate for Study 2 is comparable to traditional pen and paper survey response rates (40 to 50%, Kerlinger, 1986) and was 14.4% higher than the mean response rate to Internet surveys (39.6%, Cook, Heath, & Thompson, 2000).

As summarized in Table 3, more than half of the participants were recruited from national mediation organizations (55.6%) and 60.8% of the sample was recruited via key the ATMS listserv advert. Basic demographic and professional characteristics are provided in Table 4. Overall, the sample primarily consisted of older mediators ($M= 51.1$) with a legal background. The majority were trained in a facilitative approach, were fairly experienced ($M= 11.6$), and practiced primarily (up to one-third on their cases) in the areas of Family (41.2%), Workplace/Employment (40.8%), Civil (39.6%) and Community mediation (36%).

Table 3

Participant Recruitment, Study 2

Source	n	%
Type of Organization		
National Mediation Organizations	139	55.6
State Mediation Organizations	69	27.6
City/County Mediation Organizations	22	8.8
Colleague	11	4.4
Other	9	3.6
Method		
Listserv Advertisement	152	60.8
Membership Directories	57	22.8
Colleagues	41	16.4

Table 4

Mediator Characteristics, Study 2

	%	Minimum	Maximum	Mean	SD
Age (years)	--	22	76	51.1	12.4
Gender					
Male	41.2	--	--	--	--
Female	58.8	--	--	--	--
Ethnicity					
American Indian	0.4	--	--	--	--
Asian	2.4	--	--	--	--
African American/Black	4.4	--	--	--	--
Spanish/Hispanic	2.4	--	--	--	--
White	87.2	--	--	--	--
Other	3.2	--	--	--	--
Highest Degree					
High School	0.4	--	--	--	--
Bachelor's Degree	14.0	--	--	--	--
Master's Degree	28.0	--	--	--	--
MBA	2.4	--	--	--	--
Ph. D.	7.6	--	--	--	--
J.D.	37.6	--	--	--	--
Other	10.0	--	--	--	--

Table 4, cont.

Mediator Characteristics, Study 2

	%	Minimum	Maximum	Mean	SD
Field Highest Degree was Obtained					
Legal Field	42.0	--	--	--	--
Behavioral Sciences	14.8	--	--	--	--
Conflict Resolution	10.4	--	--	--	--
Business	4.8	--	--	--	--
Education	3.6	--	--	--	--
Political Science	3.2	--	--	--	--
Other	17.6	--	--	--	--
More than One Field Listed	3.6	--	--	--	--
Mental Health Training					
Psychological	21.2	--	--	--	--
Counseling/Therapy		--	--	--	--
Developmental Psychology	14.0	--	--	--	--
Abnormal or Personality	11.6	--	--	--	--
Psychology		--	--	--	--
Organizational Dynamics	28.8	--	--	--	--
Family Systems Theory	24.8	--	--	--	--
Marital or Family Therapy	14.0	--	--	--	--

Table 4, cont.

Mediator Characteristics, Study 2

	%	Minimum	Maximum	Mean	SD
Philosophy/approach in which participants were trained^a					
Facilitative/Interest Based	45.6	--	--	--	--
Transformative	15.8	--	--	--	--
Facilitative and Transformative	18.7	--	--	--	--
Evaluative	2.3	--	--	--	--
Facilitative and Evaluative	1.2	--	--	--	--
Transformative and Evaluative	0.6	--	--	--	--
Other	15.8	--	--	--	--
More than two approaches listed	3.2	--	--	--	--
Mediation Experience					
Years of Experience	--	1	39	11.6	7.7
Total Mediations	--	3	5000	540.1	777.0
Total Mediations in the Past Six Months	--	1	500	29.0	48.7

Note: ^aThe values only represent participants that indicated they were trained under a specific philosophy/approach to mediation. Seventy-nine (31.2%) mediators indicated they were not trained under a specific philosophy/approach to mediation.

Results

Factor Analysis

While some researchers prefer Exploratory Factor Analysis (EFA) when developing a scale (Bentler & Kano, 1990; Costello & Osborne, 2005), EFA is usually recommended when researchers have no hypotheses about the nature of the underlying factor structure of their measure (Yen, 2008). The ATMS was designed to have a four-factor structure. Therefore the common practice is to use Principle Component Analysis (PCA) to determine factor structure (Sesé, Palmer, & Montano, 2004).

Promax (oblique) rotation was conducted with the 44 mediation style specific (e.g., evaluative, facilitative, diagnostic, and transformative style) ATMS items. Costello and Osborne (2005) argue “since behavior is rarely partitioned into neatly packaged units that function independently of one another, oblique rotation should give a more accurate and reproducible solution than a varimax (orthogonal) rotation.” They also suggest that an orthogonal rotation results in a loss of valuable information if the factors are correlated.

To determine how many factors would be retained for further analysis, factors with eigenvalues less than one, factors defined solely by minor item loadings (e.g., $<.40$) and/or factors with less than three items with adequate loadings (e.g., $>.40$) were dropped. An initial solution with two factors with both adequate ($>.40$) and major ($>.50$) loadings met this criterion and accounted for 36% of the variance. There was a moderate positive correlation between the factors ($r = .35$). The items retained on each factor were examined to determine the appropriate name for each factor and the resulting factor structure represented a dichotomous split among the four proposed mediation approaches;

a Resolution-oriented approach and a Dialogue-oriented approach. The eigenvalues, item loadings, and variance accounted for by each factor are presented in Table 5.

Item Retention

The resolution-oriented scale retained 27 items and the dialogue-oriented scale retained six items. To correct for the disproportionate amount of items, a criterion was developed to reduce the number of resolution-oriented items. Resolution-oriented items were only retained if the item had a difference of at least .30 between their loading on the primary factor of the scale and their loading on the dialogue-oriented scale. Using this criterion, the resolution-oriented scale was reduced to 17 items. Weersing, Weisz, and Donenberg (2002), used a similar criterion to determine what items would be retained. In their study, items were removed if the difference between their loading on the primary factor of the scale and their loading on the other factors that emerged was less than .20. The value .30 was adopted in this study to further reduce the possibility of cross loading.

Scale Reliability

Cronbach's α was computed for the two scales. Two items were removed from the resolution-oriented scale and one item was removed from the dialogue-oriented scale because the item to total correlations were below .50. Netemeyer et al. (1996) suggests that items should be retained if the item to total correlation is between .50 and .80. Removing the one item from the resolution-oriented scale did not affect the alpha for the scale (.91). Removing the one item from the dialogue-oriented scale did improve the alpha for the scale (.73). However, it is important to note that after removing this item from the dialogue-oriented scale, the item to total correlations for four out of the five

Table 5
Factor Loadings, ATMS Scales

Item	Resolution-oriented Factor Loading	Dialogue-oriented Factor Loading
Resolution-oriented Scale		
Applying pressure on the parties to make concessions is an essential part of the mediator's role.	.40	-.38
A mediator should try to draw on the parties' commonalities in order to help them reach agreement.	.65	.15
A hallmark of a good mediation is the use of positive reinforcement (e.g., praising the parties for collaborative problem-solving) to encourage the parties.	.67	.20
A good way for a mediator to proceed is to explore the history of the dispute in order to identify situational factors or events that may have fueled tensions or distrust.	.61	.32

Table 5, cont.

Factor Loadings, ATMS Scales

Item	Resolution-oriented Factor Loading	Dialogue-oriented Factor Loading
Resolution-oriented Scale		
In cases where the parties are being unreasonable or inflexible in their positions, it is the mediator's job to be the voice of reality.	.67	-.40
Exuding optimism and enthusiasm are important tools a mediator should use when attempting to encourage problem-solving between the disputants.	.53	.08
It is important that a mediator point out the costs of continued disagreement to the parties in order to keep them on track.	.64	-.22
Where possible, I will assist solution generation by making the parties aware of hidden feelings or circumstances that have caused their conflict.	.63	.28

Table 5, cont.

Factor Loadings, ATMS Scales

Item	Resolution-oriented Factor Loading	Dialogue-oriented Factor Loading
Resolution-oriented Scale		
I strive to be seen as impartial by both sides, but at times, I may have to lean more heavily on one side than the other in the interests of getting a realistic settlement.	.56	-.29
Conflicts are often caused by latent causes of which the parties are unaware. It is part of the job of the mediator to help them understand such causes.	.54	.40
The mediator may need to move parties off unreasonable or overly rigid positions by asking hard questions or providing accurate, realistic information.	.71	-.26

Table 5, cont.

Factor Loadings, ATMS Scales

Item	Resolution-oriented Factor Loading	Dialogue-oriented Factor Loading
Resolution-oriented Scale		
As a mediator, I often ask questions to test ideas I begin to develop about underlying causes or motives that are fueling a conflict.	.73	.08
Caucuses can be especially helpful in providing a party candid feedback about their unrealistic or overly rigid negotiating position.	.69	-.20
Before addressing the substantive issues, I spend a lot of time trying to understand what has fueled the conflict.	.59	.35
Mediator warmth and a little humor can be helpful in encouraging disputant problem-solving.	.60	-.04
An important task for the mediator is to encourage the parties to generate possible solutions through brainstorming or similar techniques.	.61	.25

Table 5, cont.

Factor Loadings, ATMS Scales

Item	Resolution-oriented Factor Loading	Dialogue-oriented Factor Loading
Resolution-oriented Scale		
It is an important part of a mediator's job to confront parties that are being overly competitive, rigid or disrespectful.	.63	-.16
Caucuses can be useful as a way of helping each party become more aware of their underlying interests and the variety of ways they can be satisfied.	.52	.05
Asking a lot of questions about the history of the conflict can be extremely useful in helping the parties learn what has caused their dispute and what to do about ameliorating it.	.60	.34
Mediation is not therapy but there is some relevant diagnostic work that needs to be done about what produced the conflict and the circumstances and behaviors that maintain it.	.60	.24

Table 5, cont.

Factor Loadings, ATMS Scales

Item	Resolution-oriented Factor Loading	Dialogue-oriented Factor Loading
Resolution-oriented Scale		
A mediator should probe the parties about the history of their conflict in order to surface patterns of interaction that may have led to the dispute.	.61	.38
The mediator should postpone any consideration of possible terms of resolution until the parties have articulated their underlying needs and interests.	.47	.19
As a means for depolarizing conflict, a mediator must often be a practical diagnostician who attempts to help the parties understand where and why they have gotten stuck.	.63	.06

Table 5, cont.

Factor Loadings, ATMS Scales

Item	Resolution-oriented Factor Loading	Dialogue-oriented Factor Loading
Resolution-oriented Scale		
As a mediator, I try to inject something of my own energy and optimism about life and relationships; I am something of a “cheerleader” at times.	.55	-.12
It is part of a mediator’s job to confront people who are being unreasonable.	.60	-.28
It is important that a mediator help the parties gain insight into to what has caused their conflict.	.58	.44
Encouraging disputant problem-solving around substantive issues is the essence of good mediation.	.61	-.01
Dialogue-oriented Scale		
As a mediator, I am particularly interested that the parties learn something useful about themselves and the other.	.30	.47

Table 5, cont.

Factor Loadings, ATMS Scales

Item	Resolution-oriented Factor Loading	Dialogue-oriented Factor Loading
Dialogue-oriented Scale		
The role of the mediator is to create conditions for the parties to have a genuine dialogue about whatever it is that each wants to say relative to their conflict.	-.12	.62
A mediator should adhere to strict neutrality and not make any evaluations of the parties or the issues.	-.32	.43
Empowerment and recognition are the hallmarks of good mediation.	-.14	.49
A focus on settlement as the primary goal of mediation unnecessarily limits mediation's potential to help people grow and learn.	-.19	.66
I am a promoter of dialogue, not an orchestrator of agreements.	.26	.59

Table 5, cont.

Factor Loadings, ATMS Scales

Summary Statistics		
Eigenvalue	10.97	4.79
Variance Accounted for by Factor	25%	11%

Note: ATMS = Attitudes Toward Mediation Scale. Bolded values indicate adequate to significant factor loadings.

items remaining items were lowered. Removing these items would not only lower the scale's alpha, but would also reduce the dialogue-oriented scale to one item. As a result, the ATMS's resolution-oriented scale was comprised of 16 items and the dialogue-oriented scale consisted of five items.

In an effort to balance the scales once again, redundant items on the resolution-oriented scale were removed and additional items were drafted for the dialogue-oriented scale. For the resolution-oriented scale, five items that had similar wording were removed; the alpha for the scale was then reduced to .88. For the dialogue-oriented scale, items were created using descriptions of the transformative style as stated by Folger and Bush (1996), the most recognized practitioners and advocates of the transformative approach, a style which is distinctive for its emphasis on encouraging the parties' dialogue. Three new items were created for this scale (See Appendix J for a complete list of the new dialogue scale items and their origins). In conclusion, the resolution-oriented scale consisted of 11 items and the dialogue-oriented scale was comprised of eight items. The items are displayed in Table 6.

Discussion

The results revealed that the ATMS measures two latent constructs: a Resolution-oriented approach and a Dialogue-oriented approach. It was proposed that four separate factors would emerge (e.g., Evaluative, Facilitative, Diagnostic, and Transformative approach), however the factor analysis has shown that evaluative, facilitative, and diagnostic items loaded onto the resolution-oriented scale and transformative items loaded onto the dialogue-oriented scale.

Table 6

ATMS Items, Study 2

Scale	Item
Resolution-oriented	<p data-bbox="634 417 1419 527">A mediator should try to draw on the parties' commonalities in order to help them reach agreement.</p> <p data-bbox="634 564 1419 743">As a mediator, I often ask questions to test ideas I begin to develop about underlying causes or motives that are fueling a conflict.</p> <p data-bbox="634 781 1419 959">The mediator may need to move parties off unreasonable or overly rigid positions by asking hard questions or providing accurate, realistic information.</p> <p data-bbox="634 997 1419 1176">Exuding optimism and enthusiasm are important tools a mediator should use when attempting to encourage problem-solving between the disputants.</p> <p data-bbox="634 1213 1419 1392">An important task for the mediator is to encourage the parties to generate possible solutions through brainstorming or similar techniques.</p> <p data-bbox="634 1430 1419 1608">As a means for depolarizing conflict, a mediator must often be a practical diagnostician who attempts to help the parties understand where and why they have gotten stuck.</p> <p data-bbox="634 1646 1419 1766">It is part of a mediator's job to confront people who are being unreasonable.</p>

Table 6, cont.

ATMS Items, Study 2

Scale	Item
Resolution-oriented	<p>A hallmark of a good mediation is the use of positive reinforcement (e.g., praising the parties for collaborative problem-solving) to encourage the parties.</p> <p>Caucuses can be especially helpful in providing a party candid feedback about their unrealistic or overly rigid negotiating position.</p> <p>It is important that a mediator point out the costs of continued disagreement to the parties in order to keep them on track.</p> <p>Where possible, I will assist solution generation by making the parties aware of hidden feelings or circumstances that have caused their conflict.</p>
Dialogue-oriented	<p>The role of the mediator is to create conditions for the parties to have a genuine dialogue about whatever it is that each wants to say relative to their conflict.</p> <p>A mediator should adhere to strict neutrality and not make any evaluations of the parties or the issues.</p> <p>Empowerment and recognition are the hallmarks of good mediation.</p>

Table 6, cont.

ATMS Items, Study 2

Scale	Item
Dialogue-oriented	<p>A focus on settlement as the primary goal of mediation unnecessarily limits mediation’s potential to help people grow and learn.</p> <p>I am a promoter of dialogue, not an orchestrator of agreements.</p> <p>The responsibility for the outcome(s) of mediation should be left with the parties.</p> <p>It is important that a mediator emphasize other outcomes of mediation besides the narrow goal of reaching settlement.</p> <p>Reaching a settlement should not be a mediator’s primary goal.</p>

Note: ATMS = Attitudes Toward Mediation Scale

A possible explanation for this result could be the dichotomous split between various mediation approaches as noted by Kressel (2006). Kressel (2006) points out that most mediation approaches can be classified as problem-solving or relational in their stylistic emphasis. Under the problem-solving umbrella, there are evaluative, facilitative, and diagnostic mediation styles.

Though these styles do differ on several aspects (e.g., evaluative mediators are more likely to use pressure tactics, while diagnostic mediators choose to probe for

underlying causes of conflict), they all have a similar goal: reaching a settlement. The transformative style has been referred to as a relational style (Kressel, 2006, 2007), one that is less focused on settlement (Folger & Bush, 1996). It is, perhaps, for this reason that the evaluative, facilitative, and diagnostic items loaded onto the resolution-oriented factor and the transformative items loaded onto the dialogue-oriented factor. The participants in the study may have only been able to notice this major distinction (e.g., settlement focused versus non-settlement focused) as opposed to the more idiosyncratic differences between each of the four styles.

In general, the results of this study show that mediation style can be systematically measured among a varied group of professional mediators. Though the four proposed approaches identified in the earlier behavioral study (Butts & Kressel, 2006) did not emerge from the factor analysis, an important step was made in confirming the settlement versus non-settlement mediation style distinction. The following study will provide more evidence for this finding and affirm the stability of the ATMS.

Study 3

Confirmatory Factor Analysis and Reliability of the ATMS

The goal of Study 3 was to determine if the factor structure found in Study 2 would emerge in a different sample of professional mediators. Study 3 confirmed the resulting factor structure found in Study 2 and determined the ATMS test-retest reliability.

Method

Measurement

Again, the ATMS was hosted on the SurveyMonkey.com web site. In addition to the ATMS measure, participants were asked to complete a Biographical Data Form, a mediator-adapted Social Support Opinion Survey (SSOS), and the Work Environment Index (WEI) (See Appendixes K and L). The SSOS measured how directive mediators are when offering social support. The WEI asked mediators to describe their caseload, time pressure, and embeddedness within the organization in which they work. The data from these measures was used to assess the validity of the scale and will be discussed in Studies 4 and 5.

Recruitment

The recruitment methods in Study 3 were almost identical to the recruitment methods carried out in Study 2: Contacting key personnel of national/regional mediation organizations and collecting email addresses of professional mediators from publicly accessible website membership directories. A third method of recruitment involved contacting mediators that participated in the Mediator Behavioral Study (Butts & Kressel, 2006); the data obtained from these individuals was used for Study 3 and Study 4.

Key personnel at one additional organization — the Association of Family and Conciliation Courts – were contacted and agreed to participate. Additional members from organizations initially invited to participate in Study 2 that did not complete the ATMS were recruited to participate in Study 3. Three additional publicly accessible membership directories were used to recruit participants as well (e.g., Mediation Council of Illinois, Mediation Council of Western Pennsylvania, and the Southern California Mediation Association). Participants from the Mediator Behavioral study were sent an email requesting their participation in Study 3 (See Appendix M); mediators were also called if they did not respond to the initial email request.

Participants

Of the 316 email invitations sent, five were returned because an inaccurate email address was given. Out of the 311 eligible participants that received the email invitation, three opted out of completing the ATMS (e.g., participants blocked all future emails regarding the ATMS), 188 did not complete the ATMS and 13 partially completed the ATMS. The total combined sample of participants that completed the ATMS consisted of 111 mediators, a response rate of 36%.

According to Table 7, more than half of the participants were recruited from national mediation organizations (67.5%) and 76.6% of the sample was recruited via the ATMS listserv advertisement. The demographic and professional characteristics are provided in Table 8. Similar to Study 2's sample, this sample primarily consisted of older mediators ($M=52$) with a legal background. The majority were trained in a facilitative approach, were fairly experienced ($M=11.7$), and practiced primarily in the area of Community mediation (31.5 %) and Divorce (16.2%) mediation.

Table 7

Participant Recruitment, Study 3

Source	n	%
Type of Organization		
National Mediation Organizations	75	67.5
State Mediation Organizations	11	9.9
City/County Mediation Organizations	11	9.9
Mediator Behavioral Style Study	12	10.8
Colleague	2	1.8
Method		
Listserv Advertisement	85	76.6
Membership Directories	11	9.9
Mediator Behavioral Style Study	12	10.8
Colleagues	3	2.7

Table 8

Mediator Characteristics, Study 3

	%	Minimum	Maximum	Mean	SD
Age (years)	--	25	85	52	16
Gender					
Male	47.7	--	--	--	--
Female	48.6	--	--	--	--
Ethnicity					
Asian	0.9	--	--	--	--
African American/Black	4.5	--	--	--	--
Spanish/Hispanic	0.9	--	--	--	--
White	87.4	--	--	--	--
Other	3.6	--	--	--	--
Highest Degree					
Bachelor's Degree	6.3	--	--	--	--
Master's Degree	18.9	--	--	--	--
MBA	0.9	--	--	--	--
Ph. D.	4.5	--	--	--	--
J.D.	62.2	--	--	--	--
Other	4.5	--	--	--	--

Table 8
Mediator Characteristics, Study 3

	%	Minimum	Maximum	Mean	SD
Field Highest Degree was					
Obtained					
Legal Field	65.8	--	--	--	--
Behavioral Sciences	11.7	--	--	--	--
Education	3.6	--	--	--	--
Conflict Resolution	1.8	--	--	--	--
Business	1.8	--	--	--	--
History	1.8	--	--	--	--
International Affairs	1.8	--	--	--	--
Other	3.6	--	--	--	--
More than One Field Listed	4.5	--	--	--	--
Mental Health Training					
Psychological	23.4	--	--	--	--
Counseling/Therapy					
Developmental Psychology	13.5	--	--	--	--
Abnormal or Personality	15.3	--	--	--	--
Psychology					
Organizational Dynamics	16.2	--	--	--	--
Family Systems Theory	20.7	--	--	--	--
Marital or Family Therapy	13.5	--	--	--	--

Table 8, cont.

Mediator Characteristics, Study 3

	%	Minimum	Maximum	Mean	SD
Philosophy/approach in which participants were trained^a					
Facilitative/Interest Based	38.7	--	--	--	--
Transformative	11.3	--	--	--	--
Facilitative and Transformative	16.1	--	--	--	--
Evaluative	1.6	--	--	--	--
Facilitative and Evaluative	3.2	--	--	--	--
Transformative and Evaluative	3.2	--	--	--	--
Other	12.9	--	--	--	--
More than two approaches listed	12.9	--	--	--	--
Mediation Experience					
Years of Experience	--	1	32	11.7	7.8
Total Mediations	--	1	5000	557.2	991.7
Total Mediations in the Past Six Months	--	1	200	19.8	29.1

Note: ^aThe values only represent participants that indicated they were trained under a specific philosophy/approach to mediation. Forty - six (41.4%) mediators indicated they were not trained under a specific philosophy/approach to mediation.

Results

Confirmatory Factor Analysis

To confirm the factor structure found in Study 2, a maximum likelihood confirmatory factor analysis was conducted using AMOS 18.0. Confirmatory factor analysis (CFA) is useful for determining if an instrument has the same factor structure when administered to a similar, yet new sample of participants (Costello & Osborne, 2005). The most common measure of a model's fit is the chi-square (χ^2) index (Netemeyer et al., 1996). However, because χ^2 is susceptible to sampling fluctuations, such as sample size, other fit indices have been developed (Lim & Carnevale, 1990; Netemeyer et al., 1996; Harber, et. a., 2008). Goodness of fit (GFI), adjusted goodness of fit (AGFI), comparative fit index (CFI), and root mean square error of approximation (RMSEA) were also assessed in order to determine the hypothesized model's fit. GFI indicates the degree to which the model accounts for variances and any possible covariances (Lim & Carnevale, 1990; Harber, et. al., 2008) while AGFI adjusts for the number of model parameters (Lim & Carnevale, 1990) and CFI compares an existing model with a null model (Bresnahan, Donohue, Shearman, and Guan, 2009). All three indices range in value from 0 to 1.0, where values closer to 1 (e.g., .80 and higher) are indicative of a better fit (Lim & Carnevale, 1990; Netemeyer et al., 1996; Harber, et. a., 2008; Bresnahan, Donohue, Shearman, and Guan, 2009). RMSEA measures how well the correlation matrix implied by the hypothesized factor model approximates the observed correlation matrix (Lim & Carnevale, 1990) and values of .08 and lower are evidence of a reasonable fit (Kline, 2005).

The initial CFA model assumed the same factor structure found in Study 2. The 19 scale items from Study 2 served as observed variables while the Resolution-orientation and Dialogue-orientation served as two correlated latent variables. The 11 items that loaded onto the resolution-oriented factor in Study 2 were hypothesized to load onto the latent resolution-oriented factor and the eight items that loaded onto the dialogue-oriented approach in Study 2 were hypothesized to load onto the latent dialogue-oriented factor. This model did not provide an adequate fit, χ^2 (151, N = 111) = 388.0, $p < .001$ (GFI = .72, AGFI=.65, CFI = .75, RMSEA = .12). To correct for this, items with low factor loadings (e.g., .50 or lower) were removed and the model was run again. The amended model was an improvement over the initial model and was a fairly good fit, χ^2 (26, N = 111) = 263.6, $p < .010$ (GFI = .92, AGFI = .86, CFI = .95, RMSEA = .08). Table 9 presents the model indices for the initial model and the final model. For the final version of the ATMS, there were nine items in total; six resolution-oriented items and three dialogue-oriented items.

Table 9

Model Fit Indices for Confirmatory Factor Analyses of Initial and Final Models

Model	χ^2	<i>df</i>	<i>p</i>	GFI	AGFI	CFI	RMSEA
Initial Model	388.0	151	.001	.72	.65	.75	.12
Final Model	263.6	26	.010	.92	.86	.95	.08

Note. GFI = goodness of fit index; AGFI = adjusted goodness of fit; CFI = confirmatory fit index; RMSEA = root mean square error of approximation.

Scale Reliability

Cronbach's α was computed for the two scales. Items were only retained if the item to total correlation was between .50 and .80 (Netemeyer et al., 1996). The resolution-oriented scale had a reliability of .87 and the dialogue-oriented scale had a reliability of .80. Scale reliabilities for each scale were very good.

Test-Retest

Participants. Due to time constraints, only a subset of 109 participants from Study 2 and 78 participants from Study 3 were sent an email invitation to complete the ATMS a second time (See Appendix N). One hundred and nine participants from Study 2 were sent the invitation approximately two to four months after they had initially completed the ATMS and 78 participants from Study 3 were sent the invitation 1 month after they had initially completed the ATMS. Fifty-eight participants (53.2%) from Study 2 and 40 participants (51.3%) from Study 3 completed the ATMS a second time. In total, 98 participants formed the test-retest sample.

Results. The test-retest reliabilities were very good (Table 10). For the resolution-oriented scale, the correlation between time one and time two was .87. The reliability for the dialogue-oriented scale was split into two correlations, one for Study 2 participants and the other for Study 3 participants. Two separate correlations were computed because only five of the dialogue-oriented items that appeared on the initial version of the ATMS (Study 2) appeared on the second version of the ATMS (Study 3). As previously stated, three items were added to balance out the scales. Only the responses to the five items were comparable for participants from Study 2; whereas, participants from Study 3 completed the version of the ATMS that contained the five items and the three new items.

The correlation between time 1 and time 2 for the dialogue-oriented scale was .75 for Study 2 participants and .83 for Study 3 participants.

Table 10

Test-Retest Reliability of ATMS Scales

Scale	Test-Retest Study 3
Resolution-oriented	.87**
Dialogue-oriented	.80** ^a /.84** ^b

**p < 0.01

Note: a. participants from Study 2 only

b. participants from Study 3 only

Discussion

The confirmatory factor analysis was able to confirm the two-factor structure found in Study 2. The results reaffirm that professional mediators are able to make the settlement/non-settlement distinction. The results of the test-retest analysis verify the ATMS as a stable measure of mediator attitudes toward differing mediator approaches. Table 11 displays the final nine items that comprise the ATMS (See Appendix O for the survey format of the finalized ATMS); six resolution-oriented items and three dialogue-oriented items. The next study established the validity of the ATMS.

Table 11

Final ATMS Items

Resolution-oriented Items

As a mediator, I often ask questions to test ideas I begin to develop about underlying causes or motives that are fueling a conflict.

As a means for depolarizing conflict, a mediator must often be a practical diagnostician who attempts to help the parties understand where and why they have gotten stuck.

It is an important part of a mediator's job to confront parties that are being overly competitive, rigid or disrespectful.

Caucuses can be especially helpful in providing a party candid feedback about their unrealistic or overly rigid negotiating position.

It is important that a mediator point out the costs of continued disagreement to the parties in order to keep them on track.

The mediator may need to move parties off unreasonable or overly rigid positions by asking hard questions or providing accurate, realistic information.

Dialogue-oriented Items

I am a promoter of dialogue, not an orchestrator of agreements.

A focus on settlement as the primary goal of mediation unnecessarily limits mediation's potential to help people grow and learn.

Reaching a settlement should not be a mediator's primary goal.

Study 4

Establishing Construct Validity

The goal of Study 4 was to provide information about the construct validity of the ATMS. The construct validity of the scale was established using tests of convergent validity.

Convergent Validity

Establishing the convergent validity of the ATMS entailed determining if other independent measures of mediator style were highly correlated with the ATMS. Two measures were used to accomplish this: The Social Support Opinion Survey (SSOS, Harber et. al., 2008) and the data collected from the Mediator Behavioral Style study (Butts & Kressel, 2006). Due to survey length constraints, only the two aforementioned measures were used.

The purpose of the SSOS was to compare the ATMS measure of mediator style with an independent measure of the subjects' attitude toward directive or non-directive helping. The degree of mediator directiveness has long been noted as an important dimension of mediator behavior (Pruitt & Kressel, 1985; Kressel, 2006). The behavioral rating data from Butts & Kressel (2006) was used to compare an independent, observer based behavioral measure of mediator style and the ATMS.

Directiveness versus Non-Directiveness

The extent to which mediators press their views on the disputing parties along with the amount of control they maintain over the direction and focus of the session can be referred to as the mediators' degree of directiveness. Directiveness is an important

variable upon which mediators of different stylistic orientations might be expected to differ. For example, mediators with the goal of reaching a settlement are presumably more directive than those whose goal is helping the parties gain a better understanding of their conflict and their feelings about it. A reasonable method of determining convergent validity is comparing the responses on the ATMS with an established measure of directive versus non-directive social support.

Measure. Data were collected in Study 3. Participants were asked to complete a mediation-adapted version of the Social Support Opinion Survey (SSOS). The original SSOS is a 14-item measure in which respondents are asked to rate the degree to which they adhere to statements that describe directive (e.g., “*Encourage the person to get over his/her problem quickly*”) or non-directive (e.g., “*Let the person get over problems at his/her own pace*”) social support behavior.

The SSOS measure has solid test-retest reliability (directive subscale, $\alpha = .74$; non-directive subscale, $\alpha = .71$) and was minimally related to other measures; thus indicating that the SSOS is not redundant with or compromised by other well-established, individual difference constructs (e.g., *Ten-Item Personality Inventory*, Gosling, Rentfrow, & Swann, 2003).

The mediation-adapted version of the SSOS was reduced to 12 items (five directive and seven non-directive items). For example, the item “Decide for the person what kind of help they might need” was changed to “Decide for the disputant(s) what kind of help they might need.” Two items were removed because they were not relevant to mediation practice (See Appendix K for the original SSOS and the mediator-adapted version).

Hypothesis. In the Butts & Kressel (2006) laboratory study, agreement-oriented mediators were frequently described in the observer narratives as being concerned with reaching an agreement in the 30 minutes allotted for the session. In contrast, understanding oriented mediators were more often described as de-emphasizing a rapid march to settlement in favor of a more considered effort to encourage the parties to explore their feelings and exchange their views on the conflict. Such differences are consistent with the expectation that mediators of the two orientations should reliably differ in degree of directiveness as measured by the SSOS. Hence:

H1: Mediators with a strong resolution-orientation on the ATMS will be more likely to endorse directive social support as measured by the SSOS, compared to mediators with a strong dialogue-orientation on the ATMS; conversely, dialogue-oriented mediators will be more likely to favor non-directive social support as measured by the SSOS.

Results. To establish convergent validity, the ATMS resolution-oriented and dialogue-oriented scale scores were correlated with the SSOS directive and non-directive scale scores. A composite score was created for each scale wherein responses for each scale were summed and divided by the total number of items per scale. After the scale scores were computed, a correlation analysis was conducted.

Table 12 summarizes the results of the correlation analysis. There was a positive strong relationship between the ATMS resolution-oriented scale and the SSOS directive scale ($r=.59$, $p =.01$) and a positive moderate relationship between the ATMS dialogue-oriented scale and the SSOS non-directive scale ($r=.30$, $p =.01$). Additionally, there was a negative moderate relationship between the ATMS dialogue-oriented scale and the

SSOS directive scale ($r=-.43$, $p =.01$). The hypothesis was supported and convergent validity was established using the SSOS.

Table 12

Correlation Among SSOS and ATMS Factors

	ATMS Resolution-oriented	ATMS Dialogue-oriented
SSOS Directive	.59**	-.43**
SSOS Non-Directive	.05	.30**

** $p < 0.01$

Observed Mediator Behavioral Style

Participants. Data from the Butts and Kressel (2006) Mediator Behavioral Style study were also used to establish convergent validity. All 22 participants from the mediator behavioral study were contacted via email and informed about the nature of the study and the ATMS (Appendix M). This initial contact was aimed at creating rapport and answering any inquires potential participants may have had. Participants who could not be reached via email (e.g., non-responsive; invalid email address) were called and informed about the ATMS and were asked to participate. Twelve out of the 22 mediators (55%) who participated in the earlier mediator behavioral study agreed to participate. Those that did so received an email containing the on-line access information for completing the ATMS. The email invitations to the study were coded in a way so that each participant’s responses were tracked.

Measure. Data from the Global Evaluation of Mediator Behavior Survey (GEMS) were used to aid in establishing convergent validity. The GEMS was compromised of

five mediator stylistic scales: Latent Cause, Facilitative, Evaluative, Transformative and Supportive Scale. The scales were approximate descriptions of each style as depicted in the mediation practitioner literature and were rated on a 7-point Likert scale (1= Describes me poorly; 7 = Describes me well). In Butts and Kressel (2006), three independent observers rated mediator behavior using an observer version of the GEMS (Appendix B); these independent observer ratings were then averaged and a single rating for each scale was computed.

Hypothesis. Since the ATMS and GEMS assess the same construct (i.e., mediator style), mediators' scores on both measures should be highly correlated. Hence:

H2: The ATMS resolution-oriented scale scores will highly correlate with the more "resolution-oriented" GEMS ratings in Butts & Kressel (2006) and conversely, The ATMS dialogue-oriented scale scores will highly correlate with the more "dialogue-oriented" GEMS ratings.

Results. For this analysis the composite ATMS resolution-oriented and dialogue-oriented scores were used again. To create variables that were comparable to the ATMS resolution-oriented and dialogue-oriented scores, the observer GEMS scales ratings were used. The Latent Cause and Evaluative scale ratings were summed and divided by 2; this resulted in an observer GEMS resolution-oriented composite score. These scales were used because the ATMS resolution-oriented scale is comprised of latent cause and evaluative items. The observer GEMS transformative scale was used as the observer GEMS dialogue-oriented score. This scale was used because the ATMS dialogue-oriented scale is comprised of largely transformative items.

A correlation analysis was then conducted between the GEMS scores and the ATMS resolution-oriented and dialogue-oriented scores. According to Table 13 there is a significant relationship between the ATMS dialogue-oriented score and the GEMS dialogue score ($r=.60$, $p=.04$). However, there is no relationship between the ATMS resolution-oriented score and the GEMS resolution score ($r=-.02$, $p=.95$). Convergent validity was established, but only for the ATMS dialogue-oriented scale.

Table 13

Correlation Among GEMS and ATMS Factors

	ATMS Resolution-oriented	ATMS Dialogue-oriented
GEMS Resolution-oriented Score	-.02	.22
GEMS Dialogue-oriented Score	-.31	.60*

* $p < 0.05$

Discussion

In general, the results of Study 4 have shown sufficient convergent validity between the ATMS and other measures of mediator approaches. The SSOS directive and non-directive scales were respectively correlated with the ATMS resolution-oriented and dialogue oriented scales. This finding also gives more support to the assertion that directiveness is an important factor that shapes mediator behavior (Kolb, 1983; Riskin, 2003; Bercovitch & Gartner 2006; Goldfien & Robbennolt, 2007; Kressel, 2007; Alexander, 2008).

In regards to the mediator stylistic behavioral measure and the ATMS, convergent validity was only found for the dialogue-oriented scale. One possible explanation for this finding is that the small sample size weakened the results. Another viable explanation is that a dialogue-oriented approach may be more rooted in theory than the resolution-oriented approach. As a reminder, the dialogue-oriented items were derived from the transformative mediation approach. Beck & Sales (2001) have noted that Bush and Folger's transformative mediation theory is one of the few mediation theories that have a straightforward, defined, and conceptually unified basis; additionally this style has a clear and direct link to training. It is possible that the cohesiveness of the transformative approach permits consistency across both behavioral measures (e.g., Butts' & Kressel's mediator behavioral study) and more attitudinal, cognitive measures (i.e., ATMS). By contrast, despite the similar underlying goal of reaching an agreement, behaviors described in the items on the ATMS resolution-oriented scale are quite different. For example, items on the resolution-oriented scale use 1. Pressure and 2. Diagnosing underlying issues as a means to help the parties reach a settlement. Moreover, the comparable composite GEMS resolution-oriented scale was also compromised of items that described considerably different approaches. Perhaps the hodgepodge GEMS and ATMS resolution-oriented scales did not correlate not because the goals of mediation are different, but because the behaviors differ.

Study 5

Establishing Criterion Validity

The goal of Study 5 was to provide information about the criterion validity of the ATMS. The criterion validity of the scale was established by correlating various aspects of a social context and other characteristics (e.g., gender, discipline of origin).

Criterion Validity

There is considerable suggestive evidence from field studies of mediator behavior, particularly in-depth case studies (Kolb, 1983; Silbey & Merry, 1986; Kressel & Gadlin, 2009), that mediator stylistic variation is not merely idiosyncratic, but is shaped in important ways by the social context in which mediators work and by certain mediator background characteristics. The development of the ATMS, a psychometrically reliable and valid measure of mediator style, permits a more systematic exploration of this perspective than has previously been possible. Because research on the relationship between mediator style and its various social and personal determinants is presently only rudimentary, aside from gender, other firm hypothesis regarding the ATMS's criterion validity could not be made and Study 5 was largely exploratory.

Method

Measures

The data for these explorations were collected during Study 3 by means of the Biographical Data Form and the Work Environment Index. The primary correlates of mediator style that were examined included the mediator's primary or preferred conflict practice domain (Biographical Data Form), aspects of the mediator's work environment

(Work Environment Index), and the mediator's gender and discipline of origin (Biographical Data Form). Correlation and regression analyses were used to determine the relationship between these variables and the ATMS resolution-oriented and dialogue-oriented scale scores.

Domain of Mediation

Though no studies have directly measured the relationship between domain of mediation and mediator style, there is some evidence that different mediation styles may be more common in some domains than others. For example, Kressel (2006) has suggested that the evaluative style (i.e. a resolution-oriented approach) appears most common in small claims or general civil court cases, whereas the diagnostic style (i.e. a resolution-oriented approach) is more common in divorce mediation or organizational mediation. A close reading of a recent issue of *Conflict Resolution Quarterly* (2004), focusing on differing domains of mediation, also showed some indirect indication that mediator style is influenced by conflict domain. Thus, mediators who were highly directive, evaluated parties' positions, and reminded parties of the cost on non-settlement (i.e., resolution-oriented mediators) were more likely to be described in the context of court-connected mediation. Mediators who eschewed evaluating the parties and encouraged the parties to share in the resolution generating process (i.e., resolution-oriented mediators) were more often described in the context of family and educational mediation. Lastly, mediators that did not stress settlement, allowed parties to control the mediation session, wanted parties to gain a better understanding of the conflict (i.e., dialogue-oriented mediators) were more apparent in environmental mediation.

Results

On the Biological Data Form, participants were asked to indicate the percentage of their total mediation experience among 11 domains of mediation (e.g., Civil, Community, Divorce, Education, Employment, Environmental, Family, Ombudsman, Organizational, Small Claims, and Workplace/Employment mediation). According to Table 14 only two domains were significantly correlated with the ATMS’s subscales. A resolution-oriented approach is more likely to be used by mediators who practice in Community mediation, whereas a dialogue-oriented approach is less likely to be used in Community mediation. Additionally, a dialogue-oriented approach is more likely to be used in Family mediation.

Table 14

Correlation Among Mediation Domain and ATMS Factors

	Resolution-oriented	Dialogue-oriented
Civil Mediation	-.12	.07
Community Mediation	.30**	-.40**
Divorce Mediation	.02	.02
Education Mediation	-.10	.04
Environmental Mediation	.09	-.08
Family Mediation	-.04	.23*
Labor Mediation	.10	-.05
Ombuds Mediation	.07	-.05
Organizational Mediation	.12	-.02
Small Claims Mediation	.14	.01
Workplace/Employment Mediation	.00	.06

*p < 0.05

**p < 0.01

Social Context

Social context may play a major role in the shaping of and the manner in which mediator stylistic behavior is enacted in session (Klein, 1998; Herrman, 2006; Kressel, 2007). Social context creates the cultural framework that makes up a mediator's work environment. This cultural framework presumably influences mediator thinking and thus affects mediator behavior (Herrman, 2006).

Deborah Kolb (1983) first noted the significance of social context in her classic labor mediator study. Kolb (1989) defined context as: "...the organizational setting in which mediators work, their status and position within the organization, the ideology that guides practice, the kinds of parties they routinely encountered, the interplay between parties and their desires, and the issues brought and outcomes sought."

The labor mediators who participated in her study were divided into two groups: federal and state mediators. The state mediators working in the public sector used different strategies (e.g., directive dealmaking approach) than federal mediators working in the private sector (e.g., non directive orchestrating approach) and Kolb attributed these differences to training and organizational cultures (e.g., social context), among other variables. For example, regarding contextual differences, the *dealmaking* state mediators worked with inexperienced parties that lacked focus and had little time to consult with colleagues while the *orchestrating* federal mediators worked with experienced spokespersons that represented the disputing parties and had ample time to consult with their colleagues. These differences were believed to influence how the mediators approached disputes, wherein dealmakers chose to direct the solution making process and orchestrators chose to be passive and allow the parties to do the lion's share of the

solution generation and only offer help when needed. Thus Kolb's study gave insight into a possible contextual influence on mediator style.

The Work Environment Index (WEI), created for this study, was used to measure five aspects of social context: 1. Mediator embeddedness; 2. Time pressure; 3. Opportunity to consult with colleagues; 4. Types of issues mediated; and 5. The nature of the disputing parties' relationship with each other (See Appendix L for WEI).

Embeddedness within the organization. On the basis of several case studies, Kressel has argued (2006) that the diagnostic or latent cause style is particularly likely to occur when mediators have deep domain knowledge that comes from being "repeat players" in the social and institutional environment from which their cases arise. Embeddedness within the organization is a proxy for the degree and depth of domain knowledge the mediator may be presumed to have about the cases which he or she mediates. Embeddedness was measured by item 1 and participants were asked if they were an employee of an organization in which they provide mediation service to employees of the same organization (e.g., as an ombuds mediator); participants who worked in such settings were considered to be embedded. In contrast, participants were also asked if they worked as private practitioners, charging a fee for service; volunteered in a community or social service organization; or were employees of an organization which employed them to provide mediation service to other organizations or individuals seeking help. The aforementioned settings were not embedded.

Time Pressure. A few studies have shown that time pressure influences mediator behavior (see Carnevale, O'Connor, and McCusker, 1993 for a comprehensive review). The main finding has been that when under time pressure mediators tend to use more

assertive tactics — e.g., reminding parties of the costs of non-settlement, threats of punishment, or reduced benefits (Carnevale & Conlon, 1988; Kressel & Pruitt, 1989; Ross & Wieland, 1996). These are all behaviors suggestive of a resolution-oriented style. One could also presume that in the absence of perceived time pressure, and depending on other predisposing conditions, mediators might be more inclined to use a dialogue-oriented approach.

Time pressure was measured by items 2 through 5 of the WEI. Each item approached time pressure from a slightly different vantage point. Perceived time pressure is defined in several different ways. It may refer to the amount of time mediators spend mediating a case (item 2), if they would prefer more time to mediate a case (item 3), whether or not they feel pressured to reach a resolution in the time allotted to meet with disputants (item 4) and the three most important sources of pressure (item 5).

Consultation with Colleagues. Though no studies have expressly examined the role of consultation on mediation style, Kressel and Gadlin (2009) and Kressel, et. al., (1994) suggested that having time to reflect with colleagues was a significant characteristic of the deep problem solving style, presumably because the diagnostic approach benefits from exchanging perspectives about a case with other professionals. However, it is not clear whether consulting with colleagues is only associated with a less resolution focused style. Consulting with colleagues was measured by items 6 through 10 of the WEI. Consultation with colleagues includes discussing a case before it begins (items 6 and 7) and after it is resolved/completed (items 8 and 9), and the duration of consultation (item 10).

Issue characteristics. The manner in which issues are handled in session appear to vary by mediation style. In our mediator behavioral style study, we found that even though multiple intangible issues were embedded in our conflict, mediators who used an evaluative or facilitative approach choose to focus on the narrow, tangible issues (e.g., cleaning the messy room). Conversely, the diagnostic mediators chose to explore other issues that may have been fueling the conflict, including intangible issues such as the roommates' growing communication problem. Lastly, though transformative mediators did not directly probe the parties, they did encourage the parties to discuss as many issues as the parties' wanted to, both tangible and intangible. It is possible that regularly mediating cases that center around tangible issues would warrant a resolution-oriented approach, while mediating cases that center around intangible issues would warrant a dialogue-oriented approach.

Types of issues mediated was measured by items 11 through 14. In mediation, the types of issues that are negotiated can be of different sorts. Cases can involve one primary issue (item 11), or can be comprised of multiple issues (item 12). The issue or issues may be tangible (e.g., money, property) (item 13) or intangible (e.g., interpersonal/psychological concerns, communication patterns) (item 14).

The parties' relationship. Though no studies have directly investigated the link between disputant relationship status and mediation style, Kressel (2007) noted that NIH ombudsmen regularly mediated disputes between parties with ongoing relationships, and in Kressel et. al. (1994) the family divorce mediators also had repeated experience mediating disputes in which the parties had an ongoing relationship. The approaches used in both of these studies balanced a concern with reaching agreement with a more

fundamental interest in sound problem-solving via dialogue and the discovery of latent issues fueling the conflict. This suggests that regularly mediating cases wherein parties' have an ongoing relationship may affect mediation style. Mediators that have a higher frequency of mediating cases in which the parties have an on going relationship may be more likely to use a mediation approach that is less focused on reaching a resolution and more focused on creating an atmosphere wherein the parties can have a dialogue about their current conflict. Conversely, Mediators that normally deal with parties with no ongoing relationship may be more likely to use a mediation approach that is more focused on reaching a resolution and less on creating an atmosphere wherein the parties can have dialogue about their current conflict.

The parties' relationship was measured by items 15 and 16. Cases can involve parties that have a continuing relationship beyond the mediation process (e.g., parents and children; co-workers) (item 15) or disputants that will not have an ongoing relationship once the mediation session(s) is over (item 16).

Possible Relationship between the Different Areas of Social Context. With the limited research on work environment and its relation to mediation style, it is difficult to make specific hypotheses on how each of the aforementioned variables may affect mediation style use in session. However, there may be some intercorrelation within these variables that may cumulatively influence mediator style. Work environments wherein mediators experience more time pressure, less embeddedness with an organization, minimal time to consult with colleagues, mediate cases that involve a signal tangible issue, and parties' that do not have an ongoing relationship may lend themselves to the resolution-oriented approach.

Conversely, environments with less experienced time pressure, embeddedness with an organization, more time to meet with colleagues, cases that have multiple intangible issues and parties that have ongoing relationships may lend themselves to a dialogue-oriented approach. Being that this investigation was exploratory, a number of different social context combinations may be more closely related to one approach versus another.

Results

A composite WEI score was computed with the purpose of creating an index that measured the two aforementioned work environments: An environment that is more likely to foster a resolution-oriented approach and an environment that is more likely to foster a dialogue-oriented approach. Items 1 through 4, 6, 8 and items 10 through 16 were used to create the composite WEI score. Items that were not originally accompanied by a five-point scale were adapted (e.g., items 1, 2, and 10). After all items obtained a five-point scale, resolution-oriented items were given the lowest score on the scale (e.g., 1) and dialogue-oriented items were given the highest score on the scale (e.g., 5), see Appendix P. The 13 items were then summed; the lower composite WEI scores indicate a propensity towards a resolution-oriented approach and the higher WEI composite scores signify a dialogue-oriented approach ($M=38$, $SD=7.13$). Item 5 was not used because the item could not be converted to a five-point scale; items 7 and 9 were omitted because inclusion would lower the n for this analysis to 88 participants.

After the composite WEI score was calculated, a partial correlation analysis between the composite score and the ATMS Resolution-oriented and Dialogue-oriented scales were completed (See Table 15). Partial correlations were run in order to correctly

assess the relationship between each approach and the WEI score without the influence of the other approach. The WEI composite score was negatively correlated with the resolution-oriented scale meaning the lower the WEI score, the more likely the mediator uses a resolution-oriented approach. The WEI composite score was positively correlated with the dialogue-oriented scale meaning the higher the WEI score the more likely the mediator uses a dialogue-oriented approach.

Table 15

Correlation Among WEI and ATMS Factors

	Resolution-oriented	Dialogue-oriented
WEI Composite Score	-.32**	.26**

**p < 0.01

To determine if any single element of the mediator’s work environment was more strongly correlated with the ATMS’ subscales, separate partial correlations and a step-wise regression analysis were completed. For both analyses, the 13 items were grouped by the five WEI elements (e.g., Embeddedness within the organization – item 1; Time Pressure – items 2 to 4; Consultation with Colleagues – items 6, 8, and 10; Issue Characteristics – items 11 to 14; and Parties’ Relationship – items 15 and 16) and then summed.

Table 16

Correlation Among WEI Subscales and ATMS Factors

	Resolution-oriented	Dialogue-oriented
Embeddedness within the Organization	.06	.07
Time Pressure	.25**^a	-.05
Consultation with Colleagues	-.13	.08 ^a
Issue Characteristics	-.15	.22*
Parties' Relationship	-.32*	.26**

Note:^a WEI composite score was reverse coded

**p < 0.05

**p < 0.01

Table 16 reports the results of the partial correlation analysis. Resolution oriented mediators were likely to work under time pressure and work with parties with no ongoing relationships. Dialogue oriented mediators were more likely to work with multiple intangible (e.g., interpersonal issues, communication problems) issues and parties with an ongoing relationship. The Parties' Relationship was the only Work Environment Index variable that correlated with both ATMS' subscales.

The results of the step-wise regression analysis indicated that Parties' Relationship was the best predictor of mediation style. I used the five WEI elements as predictor variables and each ATMS's subscale score as the criterion. Parties' relationship was the sole WEI element entered on a step for both the resolution-oriented and dialogue-

oriented subscales. Parties' relationship accounted for 19% of the variance in resolution-oriented scores and there was a negative relationship between these two variables, $F(1,100) = 23.29$, $p < .001$, $\beta = -.19$. Whereas 16% of the variance in dialogue-oriented scores was explained by the parties' relationship and there was a positive relationship between these two variables, $F(1,100) = 18.97$, $p < .001$, $\beta = .21$.

Mediator Characteristics

Along with social context, certain personal qualities of the mediator may also influence stylistic behavior. Two of these characteristics are gender and discipline of origin. There is evidence that the gender of the mediator does influence mediator behavior, however there are few articles that explore the relationship between discipline of origin and mediation style. An investigation of both characteristics will add to the mediation style literature concerning mediation behavior and what factors influence what styles are used in practice.

Gender

Mediators tend to vary on the degree to which they will probe for and/or attempt to help the parties reconcile relational issues related to the disputants' conflict. In Butts & Kressel (2006), for example, the mediators differed primarily in how they approached relational issues. The Agreement-making group focused on reaching a settlement and chose not delve too deeply into possible underlying causes of conflict. The Understanding-oriented mediators focused on helping the parties gain a better understanding as to why they were in conflict and helped the parties have a dialogue in which emotions related to the conflict could be explored.

A review of the literature has shown that the emphasis that an individual puts on the relational issues of conflict may be influenced by their gender (Weingarten & Douvan, 1985; Pinkley, 1990, 1992; Kolb & Coolidge, 1991; Malach-Pines, Gat, and Tal, 1999; Florea and colleagues, 2003; Kray & Babcock, 2006; Katz et. al. 2008). Weingarten and Douvan (1985), for example, interviewed 24 mediators and found that when men described their role as a third party they emphasized solving a conflict, whereas women focused on the parties' relational dynamics. After surveying 88 mediator-practitioners, Picard (2004) reported, like Weingarten and Douvan, that women mediators tended to use more socioemotional traits (e.g., desire to help parties to communicate and better understand each other) when describing mediation while men tended to be more pragmatic (e.g., process-focused, directed at helping parties achieve a resolution to their dispute). Kolb and Coolidge (1991) found that women were more cognizant of the negotiating parties' relationship and perceive conflict resolution as a small part of the larger context of the disputants' relationship; thus, making substantive issues less of the primary focus of the negotiating process. Additionally, women place more emphasis on the interpersonal aspects of negotiations (Kray & Babcock, 2006) and tend to use more relational arguments based on interpersonal responsibility to a relationship when negotiating (Malach-Pines, Gat, and Tal, 1999).

With these considerations in mind, it was predicted that:

H3: Women will be more likely to use a dialogue-oriented approach whereas men will be more likely to use a resolution-oriented.

Discipline of origin

Another mediator characteristic that may influence stylistic behavior is the mediator's discipline of origin. Stempel (2000) suggested that lawyers are more likely to use an evaluative approach and non lawyers are more likely to use a facilitative approach. Our laboratory study provided some support for this assertion. In Butts and Kressel (2006), we found that certain styles were more likely to be congenial to mediators with legal backgrounds and others to mediators with backgrounds in mental health or organizational development. Mediators with a legal background were more likely to use an evaluative approach to mediation whereas mediators that used a diagnostic approach had mental health training. However, since no other studies have explored the relationship between discipline of origin and mediation style, it is not possible to make any firm hypotheses.

Results

A correlation analysis and t-tests were conducted. As shown in Tables 17 and 18, older mediators and men are more likely to use a resolution-oriented approach while younger mediators and women were more likely to use a dialogue-oriented approach. Hypothesis three was supported and the age distinction was an unexpected finding. Additionally, mediators that use a dialogue-oriented approach are more likely to have received training in a specific approach to mediation. However, no significant relationship was found between discipline of origin and mediation style.

Table 17

Correlation Among Age and the ATMS Factors

	Resolution-oriented	Dialogue-oriented
Age	.37**	-.26**

**p < 0.01

Table 18

Comparing Means for Mediator Gender and Mediation Training

	<u>Resolution -oriented</u>				<u>Dialogue-oriented</u>			
	t	df	M	SD	t	df	M	SD
Gender	2.5**	105			-3.3**	105		
Male			5.2	1.2			4.0	1.5
Female			4.6	1.5			5.0	1.5
Trained in a Specific Approach	-1.2	105			2.4**	105		
Yes			4.8	1.5			4.8	1.5
No			5.1	1.1			4.1	1.7

**p < 0.01

Discussion

This study sought to investigate the relationship between mediation domain, social context, mediator characteristics and mediation style. No previous studies have directly explored the possible correlates of mediator style. Though some hypotheses were made, this study was exploratory in nature.

Domain. A relationship was found between mediation domain and mediation style. The results indicated the resolution-oriented approach was more likely to be used in Community mediation as opposed to the dialogue-oriented approach. Multiple approaches have been cited in the community mediation literature; ranging from those that are more resolution-oriented to styles that are more dialogue-oriented. Hedeem (2004) noted that community mediators are primarily trained in a facilitative or transformative model of mediation; while Wissler (2002) reported in his study that community mediators from a court-connected mediation program tended to assist parties in evaluating the value of their case, suggested possible settlement options, and recommend a particular settlement. Being that participants in this study were only asked to indicate the % of the majority of cases mediated in this domain; the nature of the disputes (e.g., small claims dispute in community mediation) cannot be ascertained from the data collected. It is unclear if these results are suggesting that the majority of Community mediators use a resolution-oriented approach or if the results are only a characteristic of this sample. Further research is needed.

Additionally, the dialogue-oriented approach was more likely to be used in Family mediation. However, in the family mediation literature there is no consensus on what styles are used more frequently than other styles. Kelly's (2004) article on family mediation research attempted to find empirical support for the domain by summarizing nine family mediation studies. In regards to mediator approaches, several styles were cited; however, some studies did not list any information about the mediation styles used in session. Contradictory to the findings in this study, four studies in Kelly's article cited resolution-oriented approaches (e.g., evaluative and facilitative). Again, more studies

need to be carried out to determine if this approach is favored by large samples of Family mediators.

Social Context. Social context was also found to be related to mediation style. Both the Resolution-oriented and Dialogue-oriented mediators reported working in environments that promoted their orientation. These findings further support the argument that social context does play a role in mediator behavior (Kolb, 1983 and 1989; Klein, 1998; Herrman et. al., 2003; Picard, 2004; Herrman, 2006; Kressel, 2007).

However, the directional relationship between social context and mediation style stills requires examination. From the current study, it is unclear whether social context influences a mediator approach or if a mediator's approach influences the context they work in. For example, perhaps resolution-oriented mediators indicated experiencing time pressure due to their amplified focused on reaching a resolution; they may feel as though they need to reach a resolution quickly and thus feel pressured to do so. Moreover, the relationship between social context and mediation style may be circular wherein both variables are constantly effecting and molding one another. Future studies will need to examine these possibilities.

Mediator Characteristics. Relationships between mediator style, age, gender, and training were found. The gender difference was anticipated, however mediator age was an unexpected discovery. Similar styles that can be classified as resolution-oriented approaches have a long-standing history in the field of mediation (Kolb, 1983; Silbey & Merry, 1986). Possibly, older mediators are more acquainted with a resolution-oriented approach whereas younger mediators have chosen a dialogue-orientation; a contrasting and novel approach to mediation wherein settlement is not the primary goal. In addition,

dialogue-oriented mediators were also more likely to have received training in some specific model of mediation. One could make the assumption these mediators were trained in the transformative approach being as the dialogue-oriented approach and the transformative approach have many common elements (e.g., settlement is not the primary goal; dialogue is emphasized over settlement).

In general, Study 5 established criterion validity and demonstrated that domain of mediation, social context and mediator characteristics are important elements of mediator style. This study only scratches the surface of the possible correlates of mediator style. Future research should extensively examine each element within the various mediation domains using larger national samples of professional mediators.

General Discussion

Mediation style has been a topic of interest for over two decades (Kolb, 1983; Brett et. al., 1986; Silbey & Merry, 1986; Kressel & Pruitt, 1989; Baker & Ross, 1992; Kressel, et. al., 1994; Golann, 2000; Kressel, 2000; Lande, 2000; Stempel, 2000; Herrman et. al., 2003; Wood, 2004; Picard, 2004; Alberts et. al., 2005; Beardsley et. al., 2006; Goldfien & Robbennolt, 2007; Kressel, 2007; Alexander, 2008; Charkoudian et. al., 2009; Kressel & Gadlin, 2009), yet no study to date has successfully created a psychometrically valid instrument to measure the variants of mediation style. The value of the current set of studies is that they provide such a measure in the ATMS.

In Study 1, items were carefully selected for the ATMS. Derived from the mediation style literature and actual mediator behavior, the ATMS items are a mix of both mediation theory and practice. Both face validity and content validity were established. Unlike other studies, this study insured that the items not only superficially appeared to measure mediator style (e.g., face validity), but also provided evidence that the items are theoretically representative of the various styles (e.g., content validity).

After the items for the ATMS were finalized, the next steps involved determining if the ATMS could capture varying mediator styles along with confirming the styles that emerged. To accomplish this Studies 2 and 3 were carried out. In Study 2, mediators from various national, regional, state and domain specific organizations were asked to complete the ATMS. Using PCA factor analysis, it was discovered that only two major mediator approaches existed among the sample of the mediators: Resolution-oriented and Dialogue-oriented approaches. Originally, four styles were proposed: Evaluative, Facilitative, Diagnostic and the Transformative styles. As discussed in Study 2,

mediators possibly had trouble distinguishing the four styles because the settlement vs. non-settlement distinction was easier to identify among the 44 items. Other studies have reported the same distinction (Bush & Folger, 1994; Kolb, 1994), thus these findings provided further support for this overarching dichotomy. The following study (Study 3) confirmed the resolution and dialogue-oriented approaches and established the test-retest reliability of the ATMS. The ATMS factor structure was replicated using a different sample of professional mediators and the subscales were shown to be stable over time.

In Study 4 the construct validity of the ATMS was established when the ATMS subscales were shown to be correlated with the mediation-adapted SSOS (a measure of mediator directiveness) and the GEMS (a behavioral measure of mediator style). As hypothesized, the resolution-oriented subscale was positively correlated with directive SSOS items and the dialogue-oriented subscale was positively correlated with the non-directive SSOS items. Additionally, the GEMS dialogue-oriented scale was positively correlated with the ATMS dialogue-oriented subscale. These findings reaffirm the assumption that level of directiveness is an important factor in mediator style (Wissler, 2002; Wood, 2004; Bercovitch & Gartner, 2006; Goldfien & Robbennolt, 2007; Kressel, 2007; Alexander, 2008; Charkoudian, et. al., 2009) and show a relationship between independent observer behavioral ratings and self-report cognitive measure of mediator style.

Lastly, Study 5 established the criterion validity of the ATMS. Domain of mediation, social context (via the WEI) and mediator characteristics were related to the ATMS. Resolution-oriented mediators were more likely to be Community mediators, older, male, and work in environments that were believed to foster such an approach (e.g.,

time pressure is present and parties have no on-going relationship). Whereas, dialogue-oriented mediators were more likely to be Family mediators, younger, women, have received mediation training and work in environments that were believed to promote said approach (e.g., cases involve multiple intangible issues and parties do have any ongoing relationship).

Overall, the ATMS and the WEI results suggests that stylistic variation can be systematically measured among a varied group of professional mediators and that work environment and other personal mediator characteristics are related to style choice.

Caveats

There are two noteworthy limitations about this research. The first addresses the cautions of self-report data and the second involves possible alternative explanations for the social context findings.

Self-report Data. The ATMS relies on self-reported mediator attitudes toward practice and while the participants' attitudes were found to be reliable across two different samples, their actual behavior may vary. This was made quite apparent when the three mediator styles (evaluative, facilitative, and diagnostic styles) loaded onto the resolution-oriented factor. Though one possible explanation for this was previously discussed (e.g., settlement/non-settlement distinction is the easiest to make), another issue could be that mediators' attitudes toward mediation differ from their behavior in practice. Their self-reported preference or default approach, though important to mediation practice, may not completely translate in session. Future research should address this issue.

Alternative explanations for WEI correlations. Secondly, the correlations between the ATMS and WEI lend themselves to alternative explanations. Though it was argued that work environment shapes mediator behavior, it is quite possible that the one-way relationship described could be reversed or occurs in a cycle, wherein work environment and mediator behavior continuously influence one another. For example, resolution-oriented mediators may not be motivated to consult with others for a variety of reasons as opposed to their work environment fostering this behavior. More research is needed to pin point the exact nature of this relationship.

Future Studies

Looking to the future, there are several possible applications for the ATMS. First, the ATMS can be used to identify styles across various mediation domains and collapse the numerous styles that are currently presented in the literature under the Resolution-oriented and Dialogue-oriented approaches. A review of mediation style literature reveals that multiple terms are used to label very similar mediation styles. For example, Kolb (1983) labeled the very directive and settlement focused labor mediators in her study Dealmakers, whereas Silbey & Merry (1986) labeled labor mediators that exhibited the same behavior as Bargaining mediators and Riskin (1996) placed similarly behaving lawyer-mediators under the Evaluative mediation style. Using the ATMS, these styles and others like it could be placed under the resolution-oriented approach. Researchers could then make comparisons across domains and possible variations within each approach could be identified as well.

Another application of the ATMS could focus on measuring mediator efficacy in relation to mediation style. For example, mediation outcomes (e.g., settlement rates,

amount of monetary awards) can be compared across the resolution-oriented and dialogue-oriented approaches. Moreover, researchers can determine how efficacy varies across domains. Such questions can be answered: “Does the resolution-oriented approach foster greater disputant satisfaction in small claims disputes versus family/divorce disputes?”; “Does the dialogue-oriented approach produce agreements that parties are more likely to adhere to in community mediation versus workplace mediation?” This line of research can also lie to rest the debate about which styles are better and will offer the alternative perspective wherein certain styles are better suited for certain conflict situations.

A third application of the ATMS could explore the relationship between self-reported mediation style, style flexibility and actual mediator behavior in session. There is some evidence of a discrepancy between self-reported style and actual mediator behavior (Kressel & Butts, 2006; Charkoudian, 2009), however until now, a valid metric of mediator style did not exist. Using the ATMS, mediators can self identify their approach to mediation and subsequently independent observer can rate the mediator’s behavior in session. Perhaps the ATMS could be adapted into an observer version therefore comparisons between the ATMS and the observers ratings would be more reliable. Additionally, an observer version of the ATMS could be used to monitor mediator style flexibility to determine if mediators use the same approach throughout a session.

Lastly, more research determining the relationship between the ATMS and a mediator’s work environment is needed. The current study provided some evidence that work environment does play a role in mediator style. However, larger samples of

mediators across various domains are needed to do more thorough investigations of how work environments affect mediator style. As mentioned in the caveats, it is unclear how the relationship between work environment and mediator style functions. Future studies could verify the exact nature of the work environment-mediator style dynamic.

Conclusions

This dissertation created the first psychometrically valid and reliable measure of mediator style among a varied national sample of mediators and provided evidence that age, gender, domain of mediation, mediation training, and work environment are related to mediation style. Though other studies have attempted to measure mediator style and its correlates, no other study has assessed the validity and/or reliability of the instrument used to assess style. Without those necessary scale development methods, it cannot be determined what the instruments were actually measuring and that the results obtained could be replicated with different samples. The ATMS is a viable resource for researchers and practitioners alike because it can serve as a standard metric of mediator style.

Though studies have hinted at a relationship between mediation domain, mediator characteristics and style, this dissertation provides support that there is a correlation between style used and the domain in which a mediator practices, gender, age, and training. Additionally, a relationship between work environment and mediation style was established. Though the exact nature of this relationship is still in question, such a finding helps expand our knowledge on how different styles are shaped and what environments lend themselves to certain approaches.

In conclusion, the ATMS was created to help fill the void of a valid and reliable measure of mediator style in both the research and practitioner community. The studies

carried out in this dissertation also help shed more light onto other variables that are related to mediation style. Developing a metric of mediator is only the beginning in furthering the theory building efforts in mediation practice and improving mediation services overall.

REFERENCES

- Alberts, J. K., Heisterkamp, B. L., & McPhee, R. M. (2005). Disputant perceptions of and satisfaction with a community mediation program. *International Journal of Conflict Management*, 16, 218-244.
- Alexander, N. (2008). The mediation metamodel: Understanding practice. *Conflict Resolution Quarterly*, 26, 97-122.
- Baker, C. & Ross, W. H. (1992). Mediation control techniques: A test of Kolb's "Orchestrators" vs. "Dealmakers" model. *International Journal of Conflict Management*, 3, 319-340.
- Bauman, S., Airey, J., & Atak, H. (1998). *Effective use of Web-based technology: Using the Internet for data collection and communication applications*. Paper presented at the 53rd Conference of the American Association for Public Opinion Research, St. Louis, MO. Retrieved March 2, 2008, from <http://www.wirthlin.com/strategic/casefiles/wes.phtml>
- Beardsley, K. C., Quinn, D. M., Biswas, B., & Wilkenfeld, J. (2006). Mediation Style and Crisis Outcomes. *Journal of Conflict Resolution*, 50, 58-86.
- Beck, C. J. A & Sales, B. D. (2001). Future mediation theory. In Beck, C. J. A & Sales, B. D (eds.) *Family mediation: Facts, myths, and future prospects*. Washington, DC: American Psychological Association, p.181-204.
- Bentler, P. M. & Kano, Y. (1990). On the equivalence of factors and components. *Multivariate Behavioral Research*, 25, 67-74.
- Bercovitch, J. & Gartner, S.S. (2006). Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation. *International Interactions*, 32, 329-354.
- Bingham, L. B. (2003). *Mediation at work: Transforming workplace conflict at the United States postal service*. Arlington, VA: IBM Center for The Business of Government.
- Bresnahan, J. M., Donohue, W.A., Shearman, S. M. & Guan, X. (2009). Research note: Two measures of conflict orientation. *Conflict Resolution Quarterly*, 26, 365-379.
- Brett, J.M., Drieghe, R. & Shapiro, D.L. (1986). Mediator style and mediation effectiveness. *Negotiation Journal*, 2, 277-285.

- Briggs, S., & Koy, D. J. (1990). An empirical investigation of public sector mediator effectiveness. *Journal of Collective Negotiations in the Public Sector*, 19, 129-140.
- Butts, T. & Kressel, K. (2006, November). Explorations of Mediator Schema. In J. Kerwin (Chair), *Conflict Dynamics and the ADR Process*. Symposium conducted at the meeting of the University of Massachusetts-Boston Conflict Studies Conference, Boston, MA.
- Carnevale, P.J.D., Conlon, D. E., Hanisch, K. A., & Harris, K. L. (1989). Experimental Research on the Strategic-Choice Model of Mediation. In K. Kressel, D. G. Pruitt, and Associates (eds.), *Mediation Research: The Process and Effectiveness of Third-Party Intervention*. San Francisco: Jossey-Bass, 1989.
- Charkoudian, L., de Ritis, C., Buck, R., Wilson, C. L. (2009). Mediation by any other name would smell as sweet--or would it? The struggle to define mediation and its various approaches. *Conflict Resolution Quarterly*, 26, 293-316.
- Coleman, D. (2007). Further factorial validity of a scale of therapist theoretical orientation. *Research on Social Work Practice*, 17, 474-481.
- Coltri, L. S. (2004). *Conflict diagnosis and alternative dispute resolution*. Upper Saddle River, NJ: Prentice Hall.
- Cook, C., Heath, F., & Thompson, R. L. (2000). Meta-analysis of response rates in Web- or Internet- based surveys. *Educational and Psychological Medicine*, 60, 821-836.
- Conflict Resolution Quarterly (2004). Jones, T. (Ed), 22, 3-320.
- Costello, A. B. & Osborne, J. (2005). Best practices in exploratory factor analysis: four recommendations for getting the most from your analysis. *Practical Assessment Research & Evaluation*, 10, 173-178.
- Digman, J. M. (1967). The Procrustes class of factor-analytic transformations. *Multivariate Behavioral Research*, 2, 89-94.
- Donohue, W. A, Allen, M. & Burrell, N. (1985). Communication strategies in mediation. *Mediation Quarterly*, 10, 75-89.
- Esser, J. K. & Marriott, R. G. Mediation tactics: A comparison of field and laboratory research. (1995). *Journal of Applied Social Psychology*, 25, 1530-1546.
- Farmer, T. (1998). *Understanding this thing we call Internet research*. Retrieved March 5, 2008 from http://infotekononline.com/Info_Online_New/White_paper_on_internet.htm

- Feltovich, P. J., Prietula, M. J., Ericsson, K. A. (2006). Studies of Expertise from Psychological Perspectives. In Ericsson, K. A., Charness, N., Feltovich, P. J., & Hoffman, R. R. *The Cambridge handbook of expertise and expert performance*. New York, NY, US: Cambridge University Press, p. 41-67.
- Finley, R. (2008). *Survey Monkey*. Retrieved April 25, 2008 from <http://www.surveymonkey.com/>
- Florea, N. B., Boyer, M. A., Brown, S. W., Butler, M. J., Hernandez, M., Weir, K., Meng, L., Johnson, P. R., Lima, C., and Mayall, H.J. (2003). Negotiating from Mars to Venus: Gender in simulated international negotiations. *Simulation & Gaming*, 34, 226-248.
- Folger, J. P & Bush, R. A. (1996). Transformative mediation and third-party intervention: Ten hallmarks of a transformative approach to practice. *Mediation Quarterly*, 13, 263-278.
- Folger, J. P. & Bush, R. A. (2005). *The promise of mediation: The transformative approach to conflict*. San Francisco, CA.: Jossey-Bass.
- Geller, J. D. & Berzins, J. I. (1976). A-B distinction in a sample of prominent psychotherapists. *Journal of Consulting and Clinical Psychology*, 44, 77-82.
- Golan, D. (2000). Variations in Mediation: How And Why Legal Mediators Change Styles in the Course of a Case. *Journal of Dispute Resolution*, 2000, 41- 61.
- Goldfien, J. H. & Robbennolt J. (2007). What If the Lawyers Have Their Way?: An Empirical Assessment of Conflict Strategies and Attitudes Toward Mediation Styles. *Ohio State Journal of Dispute Resolution*, 22, 277-319.
- Gosling, S. D., Rentfrow, P. J, & Swann, W. B., Jr. (2003). A very brief measure of the Big Five personality domains. *Journal of Research in Personality*, 37, 504-538.
- Granello, D. H. & Wheaton, J. E. (2004). Online data collection: Strategies for research. *Journal of Counseling & Development*, 82, 387-393.
- Harber, K.D., Jussim, L., Kennedy, K., Freyberg, R., & Baum, L. (2008). Social support opinions. *Journal of Applied Social Psychology*.
- Hedeen, T. (2004). The Evolution and Evaluation of Community Mediation: Limited Research Suggests Unlimited Progress. *Conflict Resolution Quarterly*, 22, 101-133.
- Herrman, M. S. (2006). Introduction. In Herrman, M. S. (ed.) *The Blackwell Handbook of Mediation: Bridging theory, research and practice*. Malden, MA: Blackwell Publishing, p. 3-18.

- Herrman, M. S., Hollett, N. L., Goettlerr-Eaker, D., & Gale, J. (2003). Mediator reflections on practice: Connecting select demographics and preferred orientations. *Conflict Resolution Quarterly*, 20, 403-427.
- Hilsenroth, M. J., Blagys, M. D., Ackerman, S. J., Bonge, D. R. & Blais, M. A. (2005). Measuring Psychodynamic-Interpersonal and Cognitive-Behavioral Techniques: Development of the Comparative Psychotherapy Process Scale. *Psychotherapy: Theory, Research, Practice, Training*, 42, 340-356.
- Irving, P. G. & Meyer, J. P. (1997). A multidimensional scaling analysis of managerial third-party conflict intervention strategies. *Canadian Journal of Behavioural Science/Revue canadienne des sciences du comportement*, 29, 7-18.
- Jacobs, S. (2002). Maintaining neutrality in dispute mediation: Managing disagreement while managing not to disagree. *Journal of Pragmatics*, 34, 1403-1426.
- Katz, R., Amichai-Hamburger, Y., Manisterski, E., and Kraus, S. (2008). Different orientations of males and females in computer-mediated negotiations. *Computers in Human Behavior*, 24, 516-534.
- Kelly, J. B. (2004). Family Mediation Research: Is There Empirical Support for the Field? *Conflict Resolution Quarterly*, 22, 3-35.
- Kerlinger, F. N. (1986). *Foundations of behavioral research*. New York: Holt, Rinehart & Winston.
- Klein, G. A. (1998). *Sources of power: How people make decisions*. Cambridge, Mass: MIT Press.
- Kline, R. B. (2005). *Principles and practice of structural equation modeling* (2nd ed.). New York: Guilford.
- Kolb, D. (1983). *The mediators*. Cambridge, MA: MIT Press.
- Kolb, D. (1994). *When Talk Works*. San Francisco: Jossey-Bass.
- Kolb, D. & Coolidge, G.G. (1991). Her place at the table: A consideration of gender issues in negotiation. In Rubin, J.Z. & Breslin, J.W. *Negotiation theory and practice*. Cambridge, MA: Harvard Program on Negotiation, p. 261-277.
- Kolb, D. & Williams, J. (2000). *The Shadow Negotiation: How Women Can Master the Hidden Agendas that Determine Bargaining Success*. New York : Simon & Schuster.

- Kray, L. & Babcock, L. (2006). Gender in negotiations: A motivated social cognitive analysis. In Thompson, L., *Negotiation theory and research*. Madison, CT, US: Psychosocial Press, 203-224.
- Kressel, K. (2006). Mediation revisited. In Deutsch, M., Coleman, P. T. & Marcus, E. C., *The handbook of conflict resolution: Theory and practice*. San Francisco: Jossey Bass, p. 726-756.
- Kressel, K. (2007). The strategic style in mediation. *Conflict Resolution Quarterly*, 24, 251-284.
- Kressel, K. & Gadlin, H. (2009). Mediating among scientists: A mental model of expert practice. *Negotiation and Conflict Management Research*, 2, 308-343.
- Kressel, K., Frontera, E., Forlenza, S., Butler, F., and Fish, L. (1994). The Settlement Orientation vs. The Problem-Solving Style in Custody Mediation. *The Journal of Social Issues*, 50, 67-84.
- Kressel, K. & Kolb, D. (1994). The realities of making talk work. In D. Kolb, *When talk works: Profiles of mediators*. San Francisco: Jossey Bass, p. 459-493.
- Kressel, K., Hyman, J., Lev, E., Kennedy, C., & Taylor, L. (2002). Managing conflict in an urban health care setting: What do “experts” know? *Journal of Health Care Law & Policy*, 5, 364-446.
- Kressel, K., & Pruitt, D. G. (1989). A research perspective on the mediation of social conflict. In K. Kressel & D. G. Pruitt (Eds.), *Mediation research: The process and effectiveness of third party intervention* (pp. 394-435). San Francisco: Jossey-Bass.
- Lazar, J. & Preece, J. (1999). Designing and implementing Web-based surveys. *Journal of Computer Information Systems*, 39(4), 63-67.
- Lim, R. G & Carnevale, P. J. (1990). Contingencies in the mediation of disputes. *Journal of Personality and Social Psychology*, 58, 259- 272.
- Malach-Pines, A., Gat, H., and Tal, Y. (1999). Gender differences in divorce mediation. *Sihot/Dialogue: Israel Journal of Psychotherapy*, 13, 231-239.
- McDermott, E.P. and Obar, R., I. (2004). *What’s going on: What really happens in the mediation of charges before the EEOC*. Retrieved August 15, 2009, from http://www.conflict-resolution.org/sitebody/acrobat/ABASan_Antonio_final.pdf

- McEwen, C. (2006). Examining Mediation in Context: Toward Understanding Variations in Mediation Programs. In Herrman, M.S. (ed.) *The Blackwell handbook of mediation: Bridging Theory, Research, and Practice*. Malden, MA: Blackwell Publishing, p 81-96.
- McLaughlin, M. E., Carnevale, P. & Lim, R. G. (1991). Professional mediators' judgments of mediation tactics: Multidimensional scaling and cluster analyses. *Journal of Applied Psychology*, 76, 465-472.
- Netemeyer, R.G., Bearden, W. O., & Sharma, S. (2003). *Scaling procedures: Issues and applications*. Thousand Oaks, CA: Sage Publications.
- Picard, C. A. (2004). Exploring an Integrative Framework for Understanding Mediation. *Conflict Resolution Quarterly*, 21, 295-311.
- Pinkley, R. L. (1990). Dimensions of conflict frame: Disputant interpretations of conflict. *Journal of Applied Psychology*, 75, 117-126.
- Pinkley, R. L. (1992). Dimensions of conflict frame: Relation to disputant perceptions and expectations. *International Journal of Conflict Management*, 3, 95-113.
- Pinkley, R. L., Brittain, J., Neale, M. A., & Northcraft, G. B. (1995). Managerial third-party dispute intervention: An inductive analysis of intervener strategy selection. *Journal of Applied Psychology*, 80, 386-402.
- Pruitt, D. G. (2002). Mediator behavior and success in negotiation. In Bercovitch, J. (Ed.), *Studies in international mediation*. New York: Palgrave Macmillan, p. 41-54.
- Pruitt, D. G. & Carnevale, P. J. (1993). *Negotiation in social conflict*. Belmont, CA: Thomson Brooks/Cole Publishing Co.
- Pruitt, D. G. & Kressel, K. (1985). The mediation of social conflict: An introduction. *Journal of Social Issues*, 41, 1-10.
- Riskin L. L. (1996). Understanding Mediators' Orientations, Strategies, and Techniques: A Grid for the Perplexed, *Harvard Negotiation Law Review*, 1, 7-51.
- Riskin, L. L. (2003). Decision making in Mediation: The New Old Grid and the New New Grid System. *Notre Dame Law Review*, 79, 1-53.
- Roberts, M. J. (2002). *Choosing the Right Mediator. A Guide to Effective Mediation Styles*. Retrieved September 15, 2009, from <http://mediate.com/articles/roberts3.cfm>
- Rogers, C.R. (1961). *On becoming a person*. Oxford, England: Houghton Mifflin.

- Ross, K. G., Shafer, J. L., Klein, G. (2006). Professional Judgments and "Naturalistic Decision Making" In Ericsson, K. A., Charness, N., Feltovich, P. J., Hoffman, R. R. (Eds.) (2006). *The Cambridge handbook of expertise and expert performance* (pp. 403-419). New York, NY: Cambridge University Press.
- Ross, W. H. & Wieland, C. (1996). Effects of interpersonal trust and time pressure on managerial mediation strategy in a simulated organizational dispute. *Journal of Applied Psychology*, 81, 228-248.
- Sesé, A., Palmer, A. L. & Montano, J. J. (2004). Psychometric Measurement Models and Artificial Neural Networks. *International Journal of Testing*, 4, 253-266.
- Silbey, S.S. & Merry, S.E. (1986). Mediator settlement strategies. *Law and Policy*, 8, 7-16.
- Stempel, J. (2000). Identifying Real Dichotomies Underlying the False Dichotomy: Twenty-First Century Mediation in an Eclectic Regime. *Journal of Dispute Resolution*, 2000, 371-390.
- Thompson, B. (1994). The pivotal role of replication in psychological research: Empirically evaluating the replicability of sample results. *Journal of Personality*, 62, 157-176.
- Thompson, B. (1995). Exploring the replicability of a study's results: Bootstrap statistics for the multivariate case. *Educational & Psychological Measurement*, 55, 84-94.
- Thompson, B. (2004). *Exploratory and confirmatory factor analysis: Understanding concepts and applications*. Washington, DC: American Psychological Association.
- Wade, T. C. & Baker, T. B. (1977). Opinions and use of psychological tests: A survey of clinical psychologists. *American Psychologist*, 32, 874-882.
- Wall, J. A. Jr. & Chan-Serafin, S. (2009). Processes in civil case mediations. *Conflict Resolution Quarterly*, 26, 261-291.
- Wall, J. A. Jr. & Stark, J. B. (1996). Techniques and sequences in mediation strategies: A proposed model for research. *Negotiation Journal*, 12, 231-240.
- Wall, J. A. Jr., Stark, J. B. & Standifer, R. L. (2001). Mediation: A current review and theory development. *Journal of Conflict Resolution*, 45, 370-391.
- Weersing, V. R., Weisz, J. R. & Donenberg, G. R. (2002). Development of the Therapy Procedures Checklist: A therapist-report measure of technique use in child and adolescent treatment. *Journal of Clinical Child and Adolescent Psychology*, 31, 168-180.

- Weingarten, H. R., & Douvan, E. (1985). Male and Female Visions of Mediation. *Negotiation Journal*, 1, 349-358.
- Welton, G. L., Pruitt, D. G; & McGillicuddy, N. B. (1988). The role of caucusing in community mediation. *Journal of Conflict Resolution*, 32, 181-202.
- Williams, E. N. (2007). Review of How psychotherapists develop: A study of therapeutic work and professional growth. *Psychotherapy Research*, 17, 391-392.
- Wissler, R. (2002). Court-Connected Mediation in General Civil Cases: What We Know from Empirical Research. *Ohio State Journal on Dispute Resolution*, 17, 641-703.
- Wogan, M. & Norcross, J. C. (1985). Dimensions of therapeutic skills and techniques: Empirical identification, therapist correlates, and predictive utility. *Psychotherapy: Theory, Research, Practice, Training*, 22, 63-74.
- Wood, J. (2004). Mediator styles: subjective descriptions of mediators. *Conflict Resolution Quarterly*, 21, 437-450.
- Vasco, A. B. & Dryden, W. (1994). The development of psychotherapists' theoretical orientation and clinical practice. *British Journal of Guidance & Counselling*, 22, 327-341.
- Yen, W. J. (2008). Validation of the Chinese version Scale of Needs (SON) for caregivers of mentally ill patients. *Journal of Psychiatric and Mental Health Nursing*, 15, 52-58.
- Zubek, J. M., Pruitt, D. G., Peirce, R. S., McGillicuddy, N. B., & Syna, H. (1992). Disputant and mediator behaviors affecting short-term success in mediation. *Journal of Conflict Resolution*, 36, 546-572.

Appendix A

Observer stylistic narrative

Mediator 18's stylistic narrative written by an independent observer:

“I see my primary goal as assisting the parties resolve their differences in a mutually acceptable way. Since they typically come to mediation with specific issues on the table, I assume that the most likely resolution will be a set of agreements around the issues they bring to the table. However, I see my primary job as to ensure a good process of conflict management, not the reaching of settlements, per se. For me, a good conflict resolution process involves thorough information gathering about the relevant history of the dispute; direct communication between the parties about possible solutions, and an agreed upon and concrete procedure for monitoring the agreements reached (if that happens). I am also a staunch believer in respecting the parties' autonomy. They have the right not to agree and also the right to decide on the scope of the agreements and issues they want to address. Because parties who come to mediation are often deeply polarized and distrustful of each other, I see other major functions as serving as a communication facilitator and diagnostician of where they have gone off track with each other. I accomplish these aims by beginning with individual caucuses with each side so I can establish rapport, understand the perspectives and goals of each, make some assessment of the process they have been using up until now to manage their conflict, and gauge their capacity for participating in the kind of informed problem-solving that I prefer to do. Where possible, I believe it is useful to develop with the parties some understanding for the possible reasons for their conflict, especially when these reasons involve or imply

Appendix A, cont.

Observer stylistic narrative

mutual responsibility. I find that such insight often helps to depolarize the conflict and restore a measure of mutual appreciation. When possible I also try to encourage parties to tell each other about feelings or vulnerabilities that, up until now, they have been either unaware of themselves or withholding out of fear or defensiveness.”

Appendix B

Global Evaluation of Mediator Behavior Rating Scales (GEMS) Observer Version

Instructions: Below are descriptions of five contrasting mediator styles. The descriptions are *idealized* types which describe a central focus or emphasis of mediator activity. None of them would perfectly capture this mediator's style or that of any other experienced mediator. However, we are interested in the approximate fit of each style to the style of mediator you have just finished watching. For each description circle the number which best expresses **the degree to which the mediator's general style as a mediator is adequately described by each description.**

a) **Style A:** Style A mediators believe that a frequent cause of polarized conflict are **important latent source of difficulty in the parties' relationship or circumstances of which they are unaware** (e.g. a flawed communication pattern; an unrecognized need for resources) Consequently, mediators enacting Style A give priority to determining whether such **latent causes** are fueling the conflict. If diagnostic inquiry suggests that this is the case the mediator tries to make use of this knowledge in helping the parties reach agreements.

1	2	3	4	5	6	7
Describes them poorly						Describes them well

b) **Style B:** Style B mediators believe that a frequent cause of polarized conflict is **the tendency of disputants to talk only about their respective positions, rather than the underlying needs and interests behind those positions.** Consequently, mediators

Appendix C

Initial item pool for the ATMS

Evaluative Items (n = 17)	
Item	This Item Describes a(n)
I am not particularly interested in what has caused the parties conflict; I am interested in focusing on what we can do to resolve it.	Behavior
Applying pressure on the parties to make concessions is an essential part of the mediator's role.	Behavior
I am not against using pressure and logic to unblock rigid positions.	Behavior
I strive to be seen as impartial by both sides, but at times, I may have to lean more heavily on one side than the other in the interests of getting a realistic settlement.	Behavior
It is important that a mediator point out the costs of continued disagreement to the parties in order to keep them on track.	Behavior
Mediation at its best is an orchestrated series of compromises and concessions.	Goal
In cases where the parties are being unreasonable or inflexible in their positions, it is the mediator's job to be the voice of reality.	Behavior
My job is to help people reach agreements on the substantive issues they have brought to mediation-not to improve relationships.	Goal
It is part of a mediator's job to confront people who are being unreasonable.	Goal

Appendix C, cont.

Initial item pool for the ATMS

Evaluative Items (n = 17), cont.

Item	This Item Describes a(n)
Allowing the parties to dwell on their feelings is not as useful as focusing on positions and interests.	Behavior
Improving the parties' relationship may be a byproduct of mediation but it should not be the mediator's primary goal.	Goal
I think of myself as primarily an evaluator of the parties' negotiating positions.	Attitude
The majority of the substantive ideas should come from the mediator; not the less knowledgeable parties.	Attitude
A mediator's basic job is to get a clear understanding of what each side wants and then to orchestrate a series of bridging concessions that both sides can live with.	Goal
The mediator may need to move parties off unreasonable or overly rigid positions by asking hard questions or providing accurate, realistic information.	Behavior
It is an important part of a mediator's job to confront parties that are being overly competitive, rigid or disrespectful.	Behavior
Caucuses can be especially helpful in providing a party candid feedback about their unrealistic or overly rigid negotiating position.	Behavior

Appendix C, cont.

Initial item pool for the ATMS

Facilitative Items (n = 16)

Item	This Item Describes a(n)
As a mediator, I try to inject something of my own energy and optimism about life and relationships; I am something of a “cheerleader” at times.	Behavior
A major task for the mediator is to create a productive negotiating climate by expressing optimism and enthusiasm for the work of reaching agreements.	Behavior
Exuding optimism is an important tool a mediator should use when attempting to encourage problem solving between the disputants.	Behavior
A mediator must often be gently persistent in getting each side to be more receptive to the other’s point of view.	Behavior
Applying too much pressure to either party can undermine efforts at settlement.	Behavior
In working towards settlement, mediators must avoid creating applying too much pressure.	Behavior
An important task for the mediator is to encourage the parties to generate possible solutions through brainstorming or similar techniques.	Behavior/Goal
I think of myself primarily as a facilitator of the parties own efforts to reach settlement.	Attitude
A mediator should try to draw on the parties’ commonalties in order to help them reach agreement.	Behavior

Appendix C, cont.

Initial item pool for the ATMS

Facilitative Items (n = 16), cont.

Item	This Item Describes a(n)
Even where the mediator disagrees with a party's position or behavior, it is crucial for the mediator to be nonjudgmental.	Behavior
I will often suggest my own ideas but I am careful not to press my views too hard.	Behavior
Mediators must sometimes act like a "coach" by advising the parties to engage in acts of goodwill and mutual appreciation.	Behavior
A mediator should explore the interests that lie behind the parties' positions.	Goal
Mediation improves relationships through producing agreements, not the other way around.	Goal
The longer the parties explore the past in mediation the worse things are likely to get.	Goal
Caucuses can be useful as a way of helping each party become more aware of their underlying interests and the variety of ways they can be satisfied.	Behavior

Appendix C, cont.

Initial item pool for the ATMS

Diagnostic Items (n = 16)	
Item	This Item Describes a(n)
It is important that a mediator help the parties gain insight into to what has caused their conflict.	Goal
Before addressing the substantive issues, I spend a lot of time trying to understand what has fueled the conflict.	Behavior
Where possible I will assist agreement making by making the parties aware of hidden feelings or circumstance that have caused their conflict.	Behavior
A good way for a mediator to proceed is to explore the history of the dispute in order to identify situational factors or events that may have fueled tensions or distrust.	Behavior
Asking a lot of questions about the history of the conflict can be extremely useful in helping the parties learn what has caused their dispute and what to do about ameliorating it.	Behavior
A mediator should probe the parties about the history of their conflict in order to surface patterns of interaction that may have lead to the dispute.	Behavior
Conflicts are often causes by latent causes of which the parties are unaware. It is part of the job of the mediator to help them understand such causes.	Goal/Attitude
Often the problems that need to be solved in mediation are lying beneath the surface.	Goal/Attitude

Appendix C, cont.

Initial item pool for the ATMS

Diagnostic Items (n = 16), cont.

Item	This Item Describes a(n)
As a means for depolarizing conflict, a mediator must often be a practical diagnostician who attempts to help the parties understand where and why they have gotten stuck.	Goal
Mediation is not therapy but there is some relevant diagnostic work that needs to be done about what produced the conflict and the circumstances and behaviors that maintain it.	Goal
As a mediator, I often ask question to test ideas I begin to develop about underlying causes or motives that are fueling a conflict.	Behavior
Identifying and addressing dysfunctional communication patterns is one of the more useful things a mediator can do.	Behavior/Goal
I see my primary job as to ensure a good problem solving process, rather than the reaching of settlements, per se.	Goal
Early caucuses with each side can be useful for helping the mediator understand the process the parties have been using to manage their conflict.	Behavior
Bringing hurt feelings or other painful emotions to the surface is often the most valuable thing a mediator can do.	Behavior
Mediation at its best is a learning experience and it is the mediator's role to be an attentive and active "teacher."	Goal

Appendix C, cont.

Initial item pool for the ATMS

Transformative Items (n = 13)	
Item	This Item Describes a(n)
A focus on settlement as the primary goal of mediation is to unnecessarily limit mediation's potential to help people grow and learn.	Goal
A central belief of mine is that it is the parties, not the mediator, who should determine what happens in mediation.	Goal
A mediator should ask the parties how they want to use the mediation process, rather than to impose a process on them.	Behavior
Perhaps the most essential tool of the mediator is the frequent and accurate summarizing of what each of the parties is saying and feeling.	Behavior
Empowerment and recognition are the hallmarks of good mediation.	Behavior
The role of the mediator is to create conditions for the parties to have a genuine dialogue about whatever it is that each wants to say relative to their conflict.	Goal
I am a promoter of dialogue, not an orchestrator of agreements.	Goal
I try hard not to shape the parties' dialogue towards goals or ideas of my own.	Behavior
A mediator should adhere to strict neutrality and not make any evaluations of the parties or the issues.	Behavior

Appendix C, cont.

Initial item pool for the ATMS

Transformative Items (n = 13), cont.

Item	This Item Describes a(n)
Mediators make a mistake when they try to inject their own views on substantive issues.	Behavior
As a mediator, I am not particularly interested in whether or not the parties come to an agreement, but rather whether they learn something useful about themselves and the other.	Goal
Most times, parties are in conflict because they have not had the chance to have an open and honest discussion about their own and the other party's perception of the conflict.	Attitude
I rarely if ever will use a caucus because caucuses tend to interfere with the kind of open and honest dialogue that I prefer to foster.	Behavior

Appendix D

Rater instructions, face validity stage of Study 1

What is Mediator Style?

- Mediators share some core attitudes and behaviors (e.g. managing the climate of the mediation session, the importance of rapport) but that there is evidence for distinct mediator stylistic differences.
- Mediator style can be defined as the implicit definition mediators have of their role. This role definition has two primary components:
 1. The appropriate goals to strive for.
 2. The behaviors that are particularly salient for reaching those goals.
- Various styles of mediation exist.

What Are the Different Types of Mediator Style?

- Previous research suggests that there may be four distinctive styles of mediation:
 - Style A
 - Style B
 - Style C
 - Style D
 - I want to **develop a scale** that will measure these stylistic differences. I am seeking your assistance in developing the scale.
 - I currently have 62 items that I have written for the scale and I need you help in reducing this item pool even further.
 - Your task is to complete a sorting task using the 62 items by placing each item into the style category you think it best represents.
-

Appendix D, cont.

Rater instructions, face validity stage of Study 1

Sorting Task:

- You will receive a stack of note cards
- On each note card is a possible scale item.
- You will also receive **descriptions of each style** that highlight the style's goal, hallmark behaviors and its similarities and differences with the other 3 styles.
 - I will review each stylistic description and answer any questions you may have regarding each style's unique qualities and its differences from the other styles.
- You will then begin the sort task.
- You are being asked to place each item **into the one style you believe the item best fits with.**
- **Please assign every item into only one style category.**
- Using the separate sheet of paper provided, you can write down the number of any item that you had difficulties placing in a single style category. **We will discuss these items and the reasons you found them difficult to sort after the sorting task is completed.**
- You should refer back to the style descriptions and style difference summary as you sort the items.

Compensation:

- You will receive an invoice to fill out.
 - You will receive payment approximately 10 to 14 days after the task is completed.
-

Appendix D, cont.

Rater instructions, face validity stage of Study 1

Mediator Style Descriptions - Style A

Goal: The primary goal of Style A mediators is **to produce a negotiated settlement around the substantive issues that the parties have brought to the table.** Impasse is thought to be the result of the parties' negotiating inexperience, naiveté, and rigidity. **Style A mediators tend to think of themselves as the voice of reason and reality. They feel themselves to be domain experts on matters of substance** (e.g. what a court or other reasonable authority would rule if the matter cannot be resolved in mediation), with a corresponding responsibility to infuse this knowledge into the negotiating process.

Hallmark Behaviors: The hallmark behaviors of Style A mediators are a willingness to use **logic, argument and personal opinion and experience to challenge disputant perceptions, behaviors, or bargaining positions.** Style A mediators **openly share their opinions** of the parties' positions or behaviors when they feel these are impeding the negotiations. More than mediators of any other style, **Style A mediators are also willing to risk challenging the parties' sensibilities in the interests of educating them and reaching a realistic agreement.** Because of their dedicated focus on reaching a negotiated settlement on the substantive issues, Style A mediators are **largely uninterested in exploring the parties' emotions and past conflicts** because such matters are distracting and **not easily negotiable.**

Relationship to other Styles: *Style A is most akin to Style B. Both styles emphasize reaching a negotiated settlement as the primary goal.* Neither style is particularly

Appendix D, cont.

Rater instructions, face validity stage of Study 1

Mediator Style Descriptions - Style A, cont.

interested in discussing the parties' past conflicts or emotions (behaviors more prominent in Styles C and D). *Style A can be distinguished from Style B by its much greater comfort with challenging the parties' behaviors and bargaining positions.* (Style B mediators are dedicated to a nonjudgemental stance) and its greater doubt about the parties' own problem-solving abilities.

Mediator Style Descriptions - Style B

Goal: The primary goal of Style B mediators is to produce a **negotiated settlement around the substantive issues that the parties have brought to the table.** Impasse is thought to be primarily the result of tension and lack of trust between the parties and their failure to articulate clearly the underlying interests that lie behind their respective positions. Style B mediators tend to think of themselves as experts at reducing tensions, with a corresponding responsibility to lighten the negotiating climate so that the parties can find their own way to a negotiated agreement flexibly and creatively.

Hallmark Behaviors: The hallmark behaviors of Style B mediators are a focus on strategies for **improving the negotiating climate** and **helping the parties generate and explore new substantive ideas.** Style B mediators are careful to remain nonjudgmental so as not to add to the existing tensions. They are also wary of giving too much attention to the parties' past grievances and emotions. Instead, they use their own optimism,

Appendix D, cont.

Rater instructions, face validity stage of Study 1

Mediator Style Descriptions - Style B, cont.

experience, and enthusiasm to help structure a collaborative exchange of settlement ideas and encourage a greater willingness to problem-solving creatively. They are the benevolent “cheerleaders” of the negotiating process.

Relationship to other Styles: *Style B is most akin to Style A. Both styles emphasize reaching a negotiated settlement as the primary goal.* Neither style is particularly interested in discussing the parties’ past conflicts or emotions (behaviors more prominent in Styles C and D). ***Style B can be distinguished from Style A by its disavowal of being critical or challenging of the parties’ positions or behaviors, its dedication to a positive, nonjudgmental stance, and its relatively greater optimism about the parties’ problem-solving abilities***

Mediator Style Descriptions - Style C

Goal: The primary goal of Style C mediators is **to encourage quality problem-solving** focused around **an understanding of latent sources of difficulty in the parties’ relationship or circumstances** (e.g. a flawed communication pattern; an unrecognized need for resources) which may be fueling their conflict. Impasse is thought to be primarily the result of ignorance of these latent sources and their consequences. Style C mediators tend to think of themselves as experts at helping the parties’ uncover these latent problems and deciding what to do about them. Agreement making is important to

Style C mediators, but Appendix D, cont.

Rater instructions, face validity stage of Study 1

Mediator Style Descriptions - Style C, cont.

less so than diagnostic understanding and its practical relevance to decision-making around the problems that have brought the parties to mediation.

Hallmark Behaviors: Mediators enacting Style C give priority to determining whether **latent causes of which the parties are unaware** are fueling their conflict. They do this through expressing curiosity about how and when the parties ran afoul of each other as well as through intensive and informed question-asking about the kinds of latent difficulties which, in their understanding, tend to produce polarized conflict. If diagnostic inquiry suggests that such causes are relevant, the Style C mediator tries to make use of this knowledge in helping reduce tensions (e.g. by suggesting improved ways of relating or more constructive interpretations of past events) and considering their practical implications for agreement making.

Relationship to Other Styles: Style C mediators share some elements with the 3 other styles, but with distinctively different emphases. They share with Styles A and B an interest in agreement-making, but this interest is less intense and unequivocal. Thus, whereas Style A and B mediators focus strictly on the substantive issues as presented by the parties, Style C mediators are likely to widen the focus beyond the presenting issues. Surfacing the latent sources of the conflict and orchestrating a fair and reasonable discussion of what, if anything, to do about them, is a more prominent theme.

Style C mediators share with their Style D colleagues an openness to exploring issues beyond those presented by the parties and an interest in encouraging dialogue around such

Appendix D, cont.

Rater instructions, face validity stage of Study 1

Mediator Style Descriptions - Style C, cont.

matters. However, unlike Style D mediators, who tend to strongly defer to the parties wishes about what to discuss, Style C mediators exert considerable agenda control, driven by their diagnostic acumen and interests. Relative to Style D mediators, Style C mediators are also more inclined to accept the reaching of a negotiated settlement as an important and reasonable goal. (Style D mediators reject settlement as a useful objective for the mediator).

Mediator Style Descriptions - Style D

Goal: The primary goal of Style D mediators is to enhance the parties' sense of autonomy, self-knowledge, and empathic understanding of the other through genuine and open dialogue. These goals are captured by the watchword terms "empowerment" (self-understanding) and "recognition" (understanding of other). A focus on settlement per se is viewed as misplaced because it too severely limits the scope of what is discussed during mediation. Impasse is thought to be primarily the result of the parties' inability to have an open and honest dialogue with each other, in part because they are too narrowly focused on arguing about their respective substantive positions. It is the mediator's job to create the conditions for a more expansive and "intimate" dialogue and Style D mediators think of themselves as experts at creating those conditions.

Hallmark Behaviors: The hallmark behaviors of Style D mediators is empathic and active listening and a focus on explicitly deferring to **the parties right and obligation to**

Appendix D, cont.

Rater instructions, face validity stage of Study 1

Mediator Style Descriptions - Style D, cont.

determine what is discussed during the mediation session. Style D mediators are extremely reluctant to express their own views on matters of substance or behavior.

Nonjudgemental acceptance of the parties is emphasized along with an encouragement of self-disclosure through repeated and accurate summarizing of each side's thoughts and feelings.

Relationship to Other Styles: Style D mediators are similar to Style C mediators in that both are willing to discuss the parties' emotions, prior history, and other matters that go beyond the ostensible concrete issues in dispute.

However, unlike Style C, Style D mediators reject the search for latent causes or "quality" problem-solving as legitimate mediator objectives since these impose a mediator perspective on the parties' right to self-determination. Style D mediators stand in even stronger contrast to both Style A and B mediators, since unlike those two approaches, they totally reject the negotiation of settlement agreements as an appropriate objective (unless the parties themselves are insistent on that goal) and they would under no circumstances confront or criticize a party (as would Style A mediators).

Appendix E

Biographical Data Form

The following questions are intended to gather demographic and professional information.

Background Information

1. Age _____
2. Gender _____
3. Ethnicity (please choose one)
 - American Indian _____
 - Asian _____
 - Black or African American _____
 - Spanish/Hispanic _____
 - White _____
 - Other (please specify) _____

Education

4. The highest degree you have obtained? (check only one option)
 - High School _____
 - Bachelor's Degree _____
 - Master's Degree _____
 - MBA _____
 - Ph.D. _____
 - Juris Doctor _____
 - Doctor of Education _____
 - Other (Please Specify) _____

Appendix E, cont.

Biographical Data Form

5. Field in which your highest degree was obtained? _____

(e.g., law, psychology, accounting)

6. Have you had any training in the following fields beyond the bachelor's degree?

(check **all** the apply)

Psychological Counseling/Therapy _____

Developmental Psychology _____

Abnormal or Personality Psychology _____

Organizational Dynamics _____

Family Systems Theory _____

Marital or Family Therapy _____

Mediation Experience

A. Overall experience

7. Were you trained in a specific philosophy/approach to mediation?

Yes _____

No _____

8. If you answered YES to question 7, please specify the philosophy/approach in which you were trained

9. Approximately how many years of mediation experience have you had? _____

10. Approximately how many mediations have you done in your entire experience?

Appendix E, cont.

Biographical Data Form

11. On average, approximately how many disputes do you mediate in a given six month period? _____

B. Type of mediation experience

12. For each type of mediation you have done indicate the percentage of **your total mediation experience** which that type represents.

Type of mediation	% of experience
Civil Mediation	_____
Community Mediation	_____
Divorce Mediation	_____
Education Mediation	_____
Environmental Mediation	_____
Family Mediation	_____
Labor Mediation	_____
Ombudsman Mediation	_____
Organizational Mediation	_____
Small Claims Mediation	_____
Workplace/Employment Mediation	_____

Appendix F

Listserv Advert

National Research Study on Mediation

Seeking Participants for Web Survey

The Psychology Department at Rutgers University is seeking mediators for a national study on how mediators' beliefs about their role and the nature of conflict influence mediation practice. Participation in the study will take no more than fifteen to twenty minutes and includes completing a brief web survey.

Participants completing the study will be entered into a drawing for a \$75 VISA gift card and will receive a summary of the study's results when they are available, along with an account of how their organization's participants' views compare to the views of mediators from other ADR organizations.

If you would like to participate in this study, please click the link below:

http://www.surveymk.com/s.aspx?sm=U7lQbFgVFUE3d6ZF99Se9Q_3d_3d

Appendix G

Pre-screening Webpage

Thank you for agreeing to participate in the mediation study. In order to receive the link to the survey, we will need your name and email address. Please use the email address that you frequent the most. After we have received this information you will be sent the link and instructions for completing the survey.

Thank you again for your participation,

Study on Mediator Beliefs

Department of Psychology, Rutgers University, Campus at Newark

Kenneth Kressel, Ph.D.

Professor of Psychology and Chair

Tiffany Butts, M.A.

Research Associate - Graduate Program

1. First Name _____

2. Last Name _____

3. Email Address _____

4. Please indicate the organization in which you learned about this study

American Bar Association _____

Association for Conflict Resolution _____

Association of Family and Conciliation Courts _____

Institute for the Study of Conflict Transformation _____

International Ombudsman Association _____

National Association for Community Mediation _____

Appendix G, cont.

Pre-screening Webpage

Other (please specify) _____

Have you practiced mediation in the past 5 years?

Yes _____

No _____

5. Please check the mediation domain(s) in which you currently do/ have done the majority of your practice

*indicate no more than TWO domains

6. Civil Mediation _____

7. Community Mediation _____

8. Divorce Mediation _____

9. Education Mediation _____

10. Environmental Mediation _____

11. Family Mediation _____

12. Labor Mediation _____

13. Ombudsman Mediation _____

14. Organizational Mediation _____

15. Small Claims Mediation _____

16. Workplace/Employment Mediation _____

17. Other (please specify) _____

Appendix H

Email Containing the General Overview/Purpose of the ATMS

and the Survey url Link

Listserv Participants

Subject: Rutgers National Mediation Study - Web Survey Link and Instructions

[FirstName],

We have received your information and have provided the link to the survey below:

<http://www.surveymk.com//s.aspx>

This link is uniquely tied to this survey and your email address, please do not forward this message.

Instructions

Before You Complete the Survey:

- You are required to read the electronic informed consent form. Please read this page in its entirety.
- You are not obligated to participate in this study and you may exit the survey at any time.

After You Complete the Survey:

- You will have the opportunity to review your responses before you submit your survey.
- After the survey has been submitted, you will not be able to review or change your responses.

Appendix H, cont.

Email Containing the General Overview/Purpose of the ATMS

and the Survey url Link

Listserv Participants

- Once your completed survey is received your name will be entered in to a random drawing for a \$75 VISA gift card.
- If you are recipient of the gift you will be notified via email.
- Additionally, at the conclusion of this study, you will receive a summary of the study's results; this summary will include an individual profile detailing the mediation approaches you are more or less inclined to use.

Thank you again for your participation!

Study on Mediator Beliefs

Department of Psychology, Rutgers University, Campus at Newark

Kenneth Kressel, Ph.D.

Professor of Psychology and Chair

Tiffany Butts, M.A.

Research Associate - Graduate Program

Important - Possible Troubleshooting Issues:

1. JavaScript and cookies will need to be enabled on any browser in order for the site and surveys to work properly.
2. The following browsers are recommended for completing this survey:

Internet Explorer 6.0 or 7.0

Appendix H, cont.

Email Containing the General Overview/Purpose of the ATMS

and the Survey url Link

Listserv Participants

Firefox 2.0.x or 3.0

Netscape 4.72 or later

Netscape 7.1 or later

Safari 2.0 or later

3. This link is uniquely tied to this survey and your email address, please do not forward this message.

Please note: If you do not wish to complete this survey or receive further emails from us, please click the link below, and you will be automatically removed from our mailing list.

<http://www.surveymk.com//optout.aspx>

Appendix I

Email Containing the General Overview/Purpose of the ATMS

and the Survey url Link

Membership Directory Participants

Subject: Rutgers University National Mediation Study is Seeking Participants

Dear [FirstName],

The Psychology Department at Rutgers University is seeking mediators for a national study on how mediators' beliefs influence mediation practice. We believe evidence will be found that there are discretely different professional mediator approaches.

Participation in the study will take no more than fifteen to twenty minutes and includes completing a brief web survey.

Participants that complete the study will be entered into a drawing for a \$75 VISA gift card and will receive a summary of the study's results when they are available;

this summary will include an individual profile detailing the mediation approaches he/she is more or less inclined to use.

If you would like to participate in this study, please read the instructions for completing the survey below.

After you have read the instructions, you can access the survey by clicking this link:

<http://www.surveymk.com//s.aspx>

Appendix I, cont.

Email Containing the General Overview/Purpose of the ATMS and the Survey url

Link

Membership Directory Participants

This link is uniquely tied to this survey and your email address, please do not forward this message.

Survey Instructions

Before You Complete the Survey:

- You are required to read the electronic informed consent form. Please read this page in its entirety.
- You are not obligated to participate in this study and you may exit the survey at any time.

After You Complete the Survey:

- You will have the opportunity to review your responses before you submit your survey.
- After the survey has been submitted, you will not be able to review or change your responses.

Thank you for your participation!

Study on Mediator Beliefs

Department of Psychology, Rutgers University, Campus at Newark

Kenneth Kressel, Ph.D.

Professor of Psychology and Chair

Tiffany Butts, M.A.

Appendix I, cont.

Email Containing the General Overview/Purpose of the ATMS and the Survey url

Link

Membership Directory Participants

Research Associate - Graduate Program

Important - Possible Troubleshooting Issues:

1. JavaScript and cookies will need to be enabled on any browser in order for the site and surveys to work properly.
2. The following browsers are recommend for completing this survey:

Internet Explorer 6.0 or 7.0

Firefox 2.0.x or 3.0

Netscape 4.72 or later

Netscape 7.1 or later

Safari 2.0 or later

3. This link is uniquely tied to this survey and your email address, please do not forward this message.

Please note: If you do not wish to take this survey or receive further emails from us, please click the link below, and you will be automatically removed from our mailing list.

<http://www.surveymk.com//optout.aspx>

Appendix J

New Dialogue - oriented Scale Items

Item	Item is an example of a(n)
The responsibility for the outcome(s) of mediation should be left with the parties.	Attitude
It is important that a mediator emphasize other outcomes of mediation besides the narrow goal of reaching settlement.	Behavior
Reaching a settlement should not be a mediator's primary goal.	Goal

Note. Items were derived from Folger and Bush (1996)

Appendix K

Social Support Opinion Survey, Original Version

Instructions: Think of a person in your life who is very important to you and whom you like very much. For each question, select the response that best matches your opinion about how to help this person cope with a problem he or she is having. Please note: There are no “right” answers to these questions.

When supplying help for a major problem, how important is it to you to:	Not at all important	Slightly Important	Moderately Important	Very Important	Extremely Important
1. Take charge of as much as possible. (D)	1	2	3	4	5
2. Encourage the person to get over his/her problem quickly. (D)	1	2	3	4	5
3. Know when to back off from being helpful. (N)	1	2	3	4	5

Appendix K, cont.

Social Support Opinion Survey, Original Version

When supplying help for a major problem, how important is it to you to:	Not at all important	Slightly Important	Moderately Important	Very Important	Extremely Important
4. Let the person get over problems at his/her own pace. (N)	1	2	3	4	5
5. Listen to problems without making any judgments. (N)	1	2	3	4	5
6. Take charge of solving problems. (D)	1	2	3	4	5
7. Try to see things from the person's point of view. (N)	1	2	3	4	5

Appendix K, cont.

Social Support Opinion Survey, Original Version

Instructions: Think of a person in your life who is very important to you and whom you like very much. For each question, select the response that best matches your opinion about how to help this person cope with a problem he or she is having. Please note: There are no “right” answers to these questions.

When supplying help for a major problem, how important is it to you to:	Not at all important	Slightly Important	Moderately Important	Very Important	Extremely Important
8. Decide for the person what kind of help they might need. (D)	1	2	3	4	5
9. Let the person know that you are on his/her side. (N)	1	2	3	4	5
10. Advise others on how to help the person. (D)	1	2	3	4	5

Appendix K, cont.

Social Support Opinion Survey, Original Version

Instructions: Think of a person in your life who is very important to you and whom you like very much. For each question, select the response that best matches your opinion about how to help this person cope with a problem he or she is having. Please note: There are no “right” answers to these questions.

	Not at all	Slightly	Moderately	Very	Extremely
When supplying help for a major problem, how important is it to you to:	important	Important	Important	Important	Important
11. Accept the person's wish to be alone, even if you think company is what is needed. (N)	1	2	3	4	5
12. Only give help that is asked for, even if you think that other things should be done. (N)	1	2	3	4	5

Appendix K, cont.

Social Support Opinion Survey, Original Version

Instructions: Think of a person in your life who is very important to you and whom you like very much. For each question, select the response that best matches your opinion about how to help this person cope with a problem he or she is having. Please note: There are no “right” answers to these questions.

When supplying help for a major problem, how important is it to you to:	Not at all important	Slightly Important	Moderately Important	Very Important	Extremely Important
13. Push the person to take charge of his/her problem. (D)	1	2	3	4	5
14. Support solutions that the person comes up with, even if you disagree with them. (N)	1	2	3	4	5

Note. D = Directive; N = Nondirective. Directive and nondirective subscales should be computed by summing and averaging across their respective items. The directive and nondirective subscales are mutually independent, and a cumulative score should not be computed for this measure.

Appendix K, cont.

Social Support Opinion Survey, Mediation Version

Think of a typical mediation session. For each question, select the response that best matches your opinion about how to help the disputant(s) handle the problem(s) he or she is having. Please note: There are no “right” answers to these questions.

When working with a disputant(s), how important is it <u>to you</u> to:	Not at all important	Slightly Important	Moderately Important	Very Important	Extremely Important
1. Take charge of as much as possible. (D)	1	2	3	4	5
2. Encourage the disputant(s) to resolve his/her problem(s) quickly. (D)	1	2	3	4	5
3. Know when to back off from being helpful. (N)	1	2	3	4	5
4. Let the disputant(s) get over problems at his/her own pace. (N)	1	2	3	4	5

Appendix K

Social Support Opinion Survey, Mediation Version

Think of a typical mediation session. For each question, select the response that best matches your opinion about how to help the disputant(s) handle the problem(s) he or she is having. Please note: There are no “right” answers to these questions.

When working with a disputant(s), how important is it <u>to you</u> to:	Not at all important	Slightly Important	Moderately Important	Very Important	Extremely Important
5. Listen to problems without making any judgments. (N)	1	2	3	4	5
6. Take charge of solving problems. (D)	1	2	3	4	5
7. Try to see things from the disputant(s) point of view. (N)	1	2	3	4	5
8. Decide for the disputant(s) what kind of help they might need. (D)	1	2	3	4	5

Appendix K

Social Support Opinion Survey, Mediation Version

Think of a typical mediation session. For each question, select the response that best matches your opinion about how to help the disputant(s) handle the problem(s) he or she is having. Please note: There are no “right” answers to these questions.

When working with a disputant(s), how important is it <u>to you</u> to:	Not at all important	Slightly Important	Moderately Important	Very Important	Extremely Important
9. Let the disputant(s) know that you are on his/her side. (N)	1	2	3	4	5
10. Only give help that is asked for, even if you think that other things should be done. (N)	1	2	3	4	5
11. Push the disputant(s) to take charge of his/her problem(s). (D)	1	2	3	4	5

Appendix K

Social Support Opinion Survey, Mediation Version

Think of a typical mediation session. For each question, select the response that best matches your opinion about how to help the disputant(s) handle the problem(s) he or she is having. Please note: There are no “right” answers to these questions.

When working with a disputant(s), how important is it <u>to you</u> to:	Not at all important	Slightly Important	Moderately Important	Very Important	Extremely Important
12. Support solutions that the disputant(s) comes up with, even if you disagree with them.	1	2	3	4	5
(N)					

Note. D = Directive; N = Nondirective. Directive and nondirective subscales should be computed by summing and averaging across their respective items.

The directive and nondirective subscales are mutually independent, and a cumulative score should not be computed for this measure.

Appendix L

Work Environment Index (WEI)

We are interested in learning more about the setting in which you work.

We want to you think of the work environment in which you do the majority of your mediation (e.g., where you spend at least 60% of your time mediating).

Please check the option that is best representative of the work setting.

Embeddedness

1. Mediators work in different contexts. Please select the context in which you do the majority of your practice.

As a private practitioner, charging a fee for service. _____

As a volunteer in a community or social service organization. _____

As an employee of an organization in which you provide mediation service to employees of the same organization (e.g., as an ombuds mediator). _____

As a worker of an organization which employs you to provide mediation service to other organizations or individuals seeking help. _____

Other (please specify)

Appendix L, cont

Work Environment Index (WEI)

Time Pressure

2. On average, how many hours do you spend mediating a case? _____

3. Do you wish you had more time to mediate your given cases?

Always _____

Often _____

Sometimes _____

Rarely _____

Never _____

4. Do you feel pressured to reach a resolution during sessions?

Always _____

Often _____

Sometimes _____

Rarely _____

Never _____

Appendix L, cont

Work Environment Index (WEI)

5. Please indicate below the three most important sources of such pressure:

- The parties _____
- Judges _____
- Court Administrator _____
- Attorneys _____
- Unit Manager/Supervisor _____
- Myself _____
- Not Applicable _____
- Other (please specify) _____

Consulting with Colleagues

6. On average, how often do you consult with others about a case BEFORE it is resolved/completed?

- Mostly Always _____
- Often _____
- Sometimes _____
- Rarely _____
- Almost Never _____

Appendix L, cont

Work Environment Index (WEI)

7. On Please answer the following question ONLY if you answered sometimes, rarely or almost never for question 6:

How often do you wish you had the opportunity to consult with others about a case BEFORE it is resolved/completed?

- Always _____
- Often _____
- Sometimes _____
- Rarely _____
- Never _____

8. On average, how often do you discuss with others about a case AFTER it is resolved/completed?

- Mostly Always _____
- Often _____
- Sometimes _____
- Rarely _____
- Almost Never _____

Appendix L, cont

Work Environment Index (WEI)

9. On Please answer the following question ONLY if you answered sometimes, rarely or almost never for question 8:

How often do you wish you had the opportunity to consult with others about a case AFTER it is resolved/completed?

- Always _____
- Often _____
- Sometimes _____
- Rarely _____
- Never _____

10. When you do consult with others, how long do you discuss your case(s)?
(if not applicable, you may skip this question)

- less than 1 hour _____
- 1 to 2 hours _____
- 3 to 4 hours _____
- 4 to 5 hours _____
- more than 5 hours _____

Type of Issues Mediated

11. What % of your cases involve a single primary issue? _____
12. What % of your cases involve more than one issue? _____

Appendix L, cont

Work Environment Index (WEI)

13. What % of your cases involve a variety of tangible (e.g., money, property) issues? _____
14. What % of your cases involve a variety of intangible (e.g., interpersonal/psychological concerns, communication patterns, apologies, rules for problem-solving in the future) issues? _____

Parties' Relationship

15. What % of your cases involve parties who have a continuing relationship beyond mediation (e.g., neighbors, parents)? _____
16. What % of your cases involve parties who do not have a continuing relationship beyond mediation (e.g., store owner/customer)? _____
-

Appendix M

Email Containing the General Overview/purpose of the ATMS and the Survey url Link

Former Mediator Behavioral Style Study Participants

Subject: Rutgers University National Mediation Study

Dear [FirstName],

The Psychology Department at Rutgers University is seeking mediators for a national study on how mediators' beliefs influence mediation practice. We believe evidence will be found that there are discretely different professional mediator approaches.

Given that you participated in the Mediator Behavioral Study conducted by Kenneth Kressel and Tiffany Butts, your participation in this study will be greatly appreciated.

The study will take no more than fifteen minutes and includes completing a brief web survey.

Participants that complete the study will be entered into a drawing for a \$75 VISA gift card and will receive a summary of the study's results when they are available; this summary will include an individual profile detailing the mediation approaches he/she is more or less inclined to use.

If you would like to participate, please read the instructions for completing the survey below.

After you have read the instructions, you can access the survey by clicking this link:

<http://www.surveymk.com/s.aspx>

Appendix M, cont.

Email Containing the General Overview/purpose of the ATMS and the Survey url

Link

Former Mediator Behavioral Style Study Participants

This link is uniquely tied to this survey and your email address, please do not forward this message.

Survey Instructions

Before You Complete the Survey:

- You are required to read the electronic informed consent form. Please read this page in its entirety.
- You are not obligated to participate in this study and you may exit the survey at any time.

After You Complete the Survey:

- You will have the opportunity to review your responses before you submit your survey.
- After the survey has been submitted, you will not be able to review or change your responses.

Thank you for your participation!

Study on Mediator Beliefs

Department of Psychology, Rutgers University, Campus at Newark

Kenneth Kressel, Ph.D.

Appendix M, cont.

Email Containing the General Overview/purpose of the ATMS and the Survey url

Link

Former Mediator Behavioral Style Study Participants

Professor of Psychology and Chair

Tiffany Butts, M.A.

Research Associate - Graduate Program

Important - Possible Troubleshooting Issues:

1. JavaScript and cookies will need to be enabled on any browser in order for the site and surveys to work properly.

2. The following browsers are recommend for completing this survey:

Internet Explorer 6.0 or 7.0

Firefox 2.0.x or 3.0

Netscape 4.72 or later

Netscape 7.1 or later

Safari 2.0 or later

3. This link is uniquely tied to this survey and your email address, please do not forward this message.

Please note: If you do not wish to complete this survey or receive further emails from us, please click the link below, and you will be automatically removed from our mailing list.

<http://www.surveymk.com//optout.aspx>

Appendix N

Email Containing the General Overview the ATMS Test-Retest Procedure and the
Survey url Link

Subject: Rutgers National Mediation Study - Your participation is once again
requested

Dear [FirstName],

A few months/weeks ago you provided vital assistance in developing a new survey
of mediation, the Approach to Mediation Survey (ATMS).

An important element in developing measures is establishing their test/re-test
reliability. For that reason I am requesting that you complete the 19 item measure a
second time. This will only take 5 minutes or so to complete.

The ATMS is likely to be an important tool for the mediation profession. Your help
this second, and final, time is therefore greatly appreciated.

The link to the ATMS portion of the National Mediation Survey is provided
below:

<http://www.surveymk.com//s.aspx>

This link is uniquely tied to this survey and your email address, please do not
forward this message.

Survey Instructions

Before You Complete the Survey:

Appendix N, cont.

Email Containing the General Overview the ATMS Test-Retest Procedure and the
Survey url Link

- You are required to read the electronic informed consent form. Please read this page in its entirety.

- You are not obligated to participate in this study and you may exit the survey at any time.

After You Complete the Survey:

- You will have the opportunity to review your responses before you submit your survey.

- After the survey has been submitted, you will not be able to review or change your responses.

Thank you for your participation!

Study on Mediator Beliefs

Department of Psychology, Rutgers University, Campus at Newark

Appendix N, cont.

Email Containing the General Overview the ATMS Test-Retest Procedure and the
Survey url Link

Important - Possible Troubleshooting Issues:

1. JavaScript and cookies will need to be enabled on any browser in order for the site and surveys to work properly.

2. The following browsers are recommend for completing this survey:

Internet Explorer 6.0 or 7.0

Firefox 2.0.x or 3.0

Netscape 4.72 or later

Netscape 7.1 or later

Safari 2.0 or later

3. This link is uniquely tied to this survey and your email address, please do not forward this message.

Please note: If you do not wish to take this survey or receive further emails from us, please click the link below, and you will be automatically removed from our mailing list.

<http://www.surveymk.com//optout.aspx>

Appendix O

Approach to Meditation Scale (ATMS)

Final Version

Below are statements describing mediator behaviors, mediator goals and attitudes toward mediation.

We are interested in the approximate fit of each statement to your **typical/usual approach to mediation**.

For each description select the number which best expresses the degree to which your **general** approach as a mediator is adequately described by each statement.

1. It is important that a mediator point out the costs of continued disagreement to the parties in order to keep them on track. (R)

Describes my approach poorly								Describes my approach well
1	2	3	4	5	6	7		

2. Reaching a settlement should not be a mediator's primary goal. (D)

Describes my approach poorly								Describes my approach well
1	2	3	4	5	6	7		

3. It is an important part of a mediator's job to confront parties that are being overly competitive, rigid or disrespectful. (R)

Describes my approach poorly								Describes my approach well
1	2	3	4	5	6	7		

Appendix O, cont.

Approach to Meditation Scale (ATMS)

Final Version

Below are statements describing mediator behaviors, mediator goals and attitudes toward mediation.

We are interested in the approximate fit of each statement to your **typical/usual approach to mediation**.

For each description select the number which best expresses the degree to which your **general** approach as a mediator is adequately described by each statement.

4. As a mediator, I often ask questions to test ideas I begin to develop about underlying causes or motives that are fueling a conflict. (R)

Describes my
approach poorly

Describes my
approach well

1 2 3 4 5 6 7

5. I am a promoter of dialogue, not an orchestrator of agreements. (D)

Describes my
approach poorly

Describes my
approach well

1 2 3 4 5 6 7

6. Caucuses can be especially helpful in providing a party candid feedback about their unrealistic or overly rigid negotiating position. (R)

Describes my
approach poorly

Describes my
approach well

1 2 3 4 5 6 7

Appendix O, cont.

Approach to Meditation Scale (ATMS)

Final Version

Below are statements describing mediator behaviors, mediator goals and attitudes toward mediation.

We are interested in the approximate fit of each statement to your **typical/usual approach to mediation**.

For each description select the number which best expresses the degree to which your **general** approach as a mediator is adequately described by each statement.

7. As a means for depolarizing conflict, a mediator must often be a practical diagnostician who attempts to help the parties understand where and why they have gotten stuck. (R)

Describes my approach poorly								Describes my approach well
1	2	3	4	5	6	7		

8. A focus on settlement as the primary goal of mediation unnecessarily limits mediation's potential to help people grow and learn. (D)

Describes my approach poorly								Describes my approach well
1	2	3	4	5	6	7		

Appendix O, cont.

Approach to Meditation Scale (ATMS)

Final Version

Below are statements describing mediator behaviors, mediator goals and attitudes toward mediation.

We are interested in the approximate fit of each statement to your **typical/usual approach to mediation**.

For each description select the number which best expresses the degree to which your **general** approach as a mediator is adequately described by each statement.

9. The mediator may need to move parties off unreasonable or overly rigid positions by asking hard questions or providing accurate, realistic information. (R)

Describes my
approach poorly

Describes my
approach well

1 2 3 4 5 6 7

Note. R = Resolution; D = Dialogue. Resolution and Dialogue subscales

should be computed by summing and averaging across their respective items.

The resolution and dialogue subscales are mutually independent, and a

cumulative score should not be computed for this measure

Appendix P

Items Used to Compute the Composite WEI Score

(Item scores in parentheses)

Embeddedness

1. Mediators work in different contexts. Please select the context in which you do the majority of your practice.

Court Employee (1)

As a private practitioner, charging a fee for service. (2)

As an employee of an organization which employs you to provide mediation service to other organizations or individuals seeking help. (3)

As a volunteer in a community or social service organization. (4)

As an employee of an organization in which you provide mediation service to employees of the same organization (e.g., as an ombuds mediator). (5)

Other (please specify) (0)

Time Pressure

2. On average, how many hours do you spend mediating a case?

0 to 4 hours (1), 5 to 8 hours (2), 9 to 12 hours (3), 13 to 16 hours (4), 17 to 20 hours (5)

3. Do you wish you had more time to mediate your given cases?

Always (1), Often (2), Sometimes (3), Rarely (4), Never (5)

Appendix P, cont.

Items Used to Compute the Composite WEI Score

(Item scores in parentheses)

4. Do you feel pressured to reach a resolution during sessions?

Always (1), Often (2), Sometimes (3), Rarely (4), Never (5)

Consulting with Colleagues

6. On average, how often do you consult with others about a case BEFORE it is resolved/completed? -Reverse scored

Always (1), Often (2), Sometimes(3), Rarely(4), Never(5)

was recoded to: Always (5), Often (4), Sometimes (3), Rarely (2), Never (1)

8. How often do you consult with others about a case AFTER it is resolved/completed? - Reverse scored

Always (1), Often (2), Sometimes(3), Rarely(4), Never(5)

was recoded to: Always (5), Often (4), Sometimes (3), Rarely (2), Never (1)

10. When you do consult with others, on average, how long do you discuss your case(s)?

Do not consult with colleagues (1), Consult for less than 1 hour (2), Consult for 1

to 3 hours (3), Consult for 3 to 5 hours (4), Consult for more than 5 hours (5)

(Lower ratings = Resolution-oriented; Higher ratings = Dialogue-oriented)

Appendix P, cont.

Items Used to Compute the Composite WEI Score

(Item scores in parentheses)

Types of Issues

11. What % of your cases involve a single issue?

Always: 81 to 100% (1), Often: 61 to 80% (2), Sometimes: 41 to 60% (3), Rarely:
21 to 40% (4), Almost Never: 0 to 20% (5)

12. What % of your cases involve more than one issue?

Always: 81 to 100% (5), Often: 61 to 80% (4), Sometimes: 41 to 60% (3), Rarely:
21 to 40% (2), Almost Never: 0 to 20% (1)

13. What % of your cases involve tangible (e.g., money, property) issues?

Always: 81 to 100% (1), Often: 61 to 80% (2), Sometimes: 41 to 60% (3), Rarely:
21 to 40% (4), Almost Never: 0 to 20% (5)

14. What % of your cases involve intangible (e.g., interpersonal/psychological concerns, communication patterns, apologies, rules for problem-solving in the future) issues?

Always: 81 to 100% (5), Often: 61 to 80% (4), Sometimes: 41 to 60% (3), Rarely:
21 to 40% (2), Almost Never: 0 to 20% (1)

Parties' Relationship

15. What % of your cases involve parties who currently have a continuing relationship beyond mediation (e.g., neighbors, parents, co - workers)?

Always: 81 to 100% (5), Often: 61 to 80% (4), Sometimes: 41 to 60% (3), Rarely: 21 to
40% (2), Almost Never: 0 to 20% (1)

Appendix P, cont.

Items Used to Compute the Composite WEI Score

(Item scores in parentheses)

16. What % of your cases involve parties who do not currently have a continuing relationship beyond mediation (e.g., store owner/customer)?

Always: 81 to 100% (1), Often: 61 to 80% (2), Sometimes: 41 to 60% (3), Rarely:
21 to 40% (4), Almost Never: 0 to 20% (5)

(Lower ratings = Resolution-oriented; Higher ratings = Dialogue-oriented)

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