

Out of the Rut and Into the Groove: Developing Excellence in Practice

by Michael Lang

I would like to talk to you about some ideas that I have developed over the years. I recognise that I am in the land of marvellous storytellers here in Ireland so I start with some trepidation to tell you a number of stories as a way of illustrating some points. I want to show you how these ideas emerged for me.



I began mediating in the late 70's but I had not taken a basic mediation skills course. My practice evolved out of my original training as a lawyer and subsequent training in family therapy; so it was a blending of both disciplines that provided the foundation for my introduction to mediation. I first became a mediator when two clients who were divorcing turned up at my law office asking me to represent their marriage. At first I declined, telling them I could not represent the marriage because of ethical constraints. Eventually we worked out an arrangement where I nominally represented one but met with the two of them.

For the next 6 or 7 years, my mediation practice was quite limited. Then in 1985 I decided to attend the second annual conference of the Academy of Family Mediators (AFM) in California. Not having had formal training in mediation and being the only mediator in my state, I wanted to learn whether what my practice bore any relationship at all to what was being called mediation. Nobody had ever observed my work so I did not know whether I was doing competent practice. The fact that clients were gratified with what I was doing and with the outcome was certainly helpful but it did not let me know whether it was the best I could do as a mediator.

Contrary to my own introvert personality style, I decided I would volunteer for opportunities to mediate in role plays during the conference in order to test myself. On the first morning there was a workshop entitled “Ericksonian Hypnotherapy Approaches to Mediation”. I knew a little about Milton Erickson’s work from my family therapy studies and idea of using his methods in mediation intrigued me. All around the walls of the room the presenters had prepared flip chart pages showing 25 to 30 different techniques and skills to be used if you were doing mediation in an Ericksonian way. For an hour and a half they talked us through each of these skills, occasionally demonstrating them. After the coffee break the presenters organized a role play and I was ready to volunteer. I mediated for 20 to 30 minutes. Time flew and everything around me was shut out. I was so nervous yet so focused on the people with whom I was mediating that I was unaware of the audience of 30 people around me. The presenters tapped my shoulder and said “it is time to stop and by the way that was absolutely brilliant”. Well imagine that sensation – I was quite elated.

“I watched a transformation taking place” In the role play, two participants in the workshop played a husband and a wife in a divorce mediation. The person who played the role of the wife

was a psychotherapist who was experiencing a particular problem with the wife in a divorce mediation. The woman participant played the husband. In this role-play the wife was experiencing difficulty being effective in the mediation. According to mediator's description of the parties, she was articulate and intelligent, a woman of considerable resourcefulness; yet his experience of this client in the mediation was that she was quiet, she was unable to track the conversation and she was unsettled, completely contrary to everything else he had known about her. Her behaviour was a real puzzle for him. He struggled to understand what was affecting her that made her so quiet in the mediation, so unable to take part and so unable to track a conversation. He had completed a psychological assessment to assure himself that she was not suffering from abuse or from any form of mental illness. Yet, the solution to this problem eluded him.

In the debrief that followed the role play, the man playing the wife said he could feel himself becoming calmer, more focused and being able to pay attention. He felt he was engaged in what was happening in the mediation. The woman playing the husband said: "I watched a transformation taking place". Other participants later commented to me, saying: "That was great." "You can't be a lawyer. Lawyers don't know how to do things like that". You can imagine what this meant to me.

At the conference, we stayed in dormitory rooms on a college campus and I lay on my bed at night thinking and wondering about what I had done. Despite the fact that everyone said I had done a good job, I had no idea what I had done that the participants and the workshop leaders thought was effective. I was clueless about why what I had done was useful – why it might have produced a positive response. I had no idea how to replicate those interventions in my practice. I had no idea what I would have done if I had made a mistake or it had fallen flat or if I had intervened in a way that was counter-productive. It was nice that people had thought I had done good work but it did not hold much value for me.

How do people learn what it is that we do?

I began thinking about the question of how it is that people learn how to do what it is that we do. Over the years I began as a student, as a teacher and as a colleague to talk with people and realised that the way mediation is taught is essentially as a set of skills and techniques. Whether in a 40-hour training or a 3-week intensive course, much of mediator training teaches skills. Upon completion we walk away with a shiny toolbox with lots of interesting tools that we have learned to use. But we don't always understand why we should use one particular tool versus another tool. We don't have the conceptual understanding to know why one tool worked effectively and another did not. We don't know which one to use except through trial and error. If one tool fails to achieve our intended objective, we reach into the toolbox and grab another one and then try it out. Eventually the job gets done, but we can't be certain why.

It is like trying to nail something, you may use a wrench, because it's handy, when you should

have used a hammer. The wrench is heavy and has a good solid edge to pound in the nail. Often your efforts are successful. Sometimes they are not, as when the wrench slips off the nail and damages the piece of wood. It may be that you have the skill to use the tool for its intended purpose, but you've chosen the wrong tool for the job. In other words, you are competent in using a number of skills, but you lack the ability to make good choices about which to use. You have difficulty knowing which task requires what skill, and why. If that's the case, you will be challenged in making the most effective use of the tools that you have.

The difference between a rut and a groove

All of this is background to why I described this talk "Out of the Rut and Into the Groove". I will describe the difference between a rut and a groove and then link it back to my own story and the shiny tool box.

I think of a rut as representing a time when we feel fairly leaden in our practice. Things are going well with our clients but we don't feel confident and we don't have that sense of competence that we would like to have. The work is laboured and perhaps at times we are actually bored. The story we listen to this morning sounds exactly like the story we heard yesterday afternoon; presenting similar issues and similar types of problems. We actually get to the point where we can fill in the blanks for the couple. We imagine: "Let me tell you what your story is and I will tell you what issues are and by the way this is the solution that will work for you." We may not necessarily practice in this unsophisticated and directive way, but the truth is we have closed our minds and stopped listening. We don't distinguish one story from another. Each case seems like the one before; one after another and mediation seems like drudgery. We are not working at our best when we are bored. We tend to pigeonhole things and see them in little boxes. This issue fits into this box and this problem fits into another box. We fail to see each client's unique patterns of interaction and perception of the issues they are struggling with. The work becomes a grind. While we may do capable and respectful work, we don't have a sense of joy, or a sense of accomplishment that we would like to be able to have.

On the other hand, the groove is when the work seems effortless – it simply flows. The experience is like being what athletes call "in the zone". A basketball player described the experience as seeing the basket and hitting the shots as though there was no one else on the court. A baseball player described seeing the seams on the ball coming at them and identifying the ball's rotation. I am sure in our practices we have all experienced moments when we have a connection with the clients that makes the work so effortless and graceful. Even if the problems are challenging and the conflict is intense, we don't necessarily see them as difficult. The conversation is relaxed, responsive and productive. We work in a way that is so intuitive, so instinctive. We are competent and effective. We can hear and see things in a way that might not be otherwise. There is a clarity about what is taking place. All of us have had moments like this. We have the capacity to have many more of those moments but we need additional assistance to avoid feeling that our efforts are rigid and laboured to one where we are relaxed and the work

seems effortless. What we want is the experience of being effective.

I am thinking of effectiveness in two respects. First in terms of the clients: the people with whom we have the privilege of working. They trust us by bringing us their struggles, their deeply held frustrations and confusions. For their sakes we want to work with them in a competent way and that includes coming up with an agreement. Secondly, being competent is a value for us as professionals. We want to be at our best - to pull together our skills, wisdom, talents and expertise in a way that is competent, resourceful and effective. So we are inspired to be in the groove for our own sakes and for our clients.

Making the shift from rut to groove

When Alison Taylor and I wrote our book, *The Making of a Mediator*, we borrowed the term “artistry from Donald Schön, author of *The Reflective Practitioner* as a way of talking about the groove. We think of artistry not as destination but a goal to which we aspire. The best footballer, the best ballerina and the best musician can have marvellous days and off days. They have performances or matches when they are constantly brilliant and others where they can’t seem to get their feet untangled. So I don’t think about artistry as achieving perfection but as a commitment to lifelong learning; of always being open to new experiences, new ideas and testing yourself out. It flows from the belief that there is always something new to learn. It cannot be a static condition; artistry requires us to be continually searching, active, engaged and curious.

I want to talk about three aspects of how we get out of the rut and move into the groove.

1. Beginner’s mind

In talking to students about the idea of artistry, a woman offered a lovely example. She said: “My husband trains in martial arts and you know they get different coloured belts as they progress. There is a nine figure black belt which is the ultimate achievement in martial arts. Do you know what happens when they get to that point? They start over – they go back to the beginning.” She was describing beginner’s mind. These highly experienced and capable practitioners can’t simply go back to the beginning and abandon everything they have learned; they can’t discount their experiences. But they go back to the beginning with an openness to learning, to the possibility (perhaps even the certainty) that they can learn something new as they progress again from the beginning. They bring with them everything that they have already learned but do so with a fresh perspective, with “beginner’s mind”.

“Getting out of the rut and into the groove is to have a beginner’s mind - that sense of wonder of what I don’t know.”

Many of us have experience of responding to questions from a three year old child. What does a three year old do? They ask the question “Why?” and when we answer the question, what do they do next? Ask again, “Why?” Then they ask “why” over and over again, for as long as we are

willing to answer them or until something else attracts their attention. Now that's the kind of curiosity and openness that she was talking to me about – that sense of wonder of what I don't know, not just relying on what I do know. Beginner's mind is an attitude or disposition that is a prerequisite to achieving artistry and to get out of the rut and into the groove. In addition we have feel inspired to have hope, what we describe in the book as aspiration. To travel on the path to artistry we need to believe that we can practice at a higher level of competence. This is not some standard imposed by others, but our own sense of your capabilities. It is the belief that we can do more and we work with greater insight and resourcefulness. I am not talking about a slavish or compulsive approach to practice, driving ourselves in an relentless and unforgiving way to achieve perfection. Walking the path toward artistry, seeking the groove is about the process of discovery and fresh learning, of constant growth and re-education. In short, one of the ways of getting out of the rut and into the groove is to have this beginner's mind - that sense of wonder of what we don't know.

2. Constellation of theories

Let's come back to the tool box. We all have a variety of tools, skills and strategies we use to help our clients. We may be able to use these skills with competence and agility. We know what to do, how to use a tool effectively. What we often lack is an understanding of why we should use a particular tool at a certain time in order to accomplish an objective. In other words, when we learn to mediate we learn skills and strategies—the what of mediation. We generally do not learn theory—the why of mediation.

I can remember when I was fitted for my first set of glasses. A four year old, tiny in the huge consultation chair in the Doctor's office I look at a row upon row of little lenses in a polished wooden cabinet. The doctor put this heavy metal frame on my nose and began inserting lenses one by one into the frame until he determined which combination of lens would give me the best possible vision.

Our theories—and by this I mean not only the formal theories we learn from courses and in our readings, but also those beliefs and values that shape our understanding of our world—operate in the same way. They act like lenses. They help us to filter experiences, interactions, communications and behaviours and out of them to construct meaning. We all want to make sense out of experiences and to understand what things are all about. Our theories or belief systems operate like the lenses fitted into the metal frame; they help us focus on and organize information. They help us give meaning to the experiences we observe. In the process, our lenses, our theories cause us to focus on certain events or interactions while ignoring others. They help us by determining how to categorize, organize and attribute meaning.

There are a wide range of theories, beliefs and ideas which people use to make judgements and to give meaning to our experiences. My co-author Alison Taylor calls these our “constellation of theories”. We all have this bank of lenses—our constellation of theories—that we use to look at,

examine and attempt to understand events, behaviours, experiences and interactions. Included in our constellation of theories are the following:

- Core theories that we learn from life experiences, at home and in our religious institutions that are so significant that they shape all our experiences and interactions. They help determine how we see the world.
- Foundational beliefs about human nature that come from our basic education.
- Theories about interpersonal relations, such as jurisprudence, psychological theories (e.g. Jung, Freud, systems thinking)
- Theories that help explain conflict and conflict resolution, mediation and negotiation; that help us understand how people get into conflict with each other and what they may need in order to deal with those conflicts.

Unfortunately, we haven't gotten much in our training about how to use those theories in deciding what is going on and what we should be doing about it – if anything. Also, it is important to acknowledge that for the most part, and unless we make a determined effort to use them, these theories tend to operate out of our direct awareness.

We all have this bank of lenses that we use to look at, examine and attempt to understand what's taking place

Seeing the relationship between beliefs and practice In a recent organisational workplace dispute we mediated, my wife and I were brought in at the point where members of a small work group found excuses not to talk to each other—this was how the problem was first presented to us. In order to decide whether we would intervene and how we might respond, we first analysed the conflict, trying to understand the source of these interpersonal disputes. Among the possibilities we considered were:

- Was this a gender dispute primarily between the only male group member and the female Department Head?
- Did the dispute grow out of the fact that one is a person with many year's experience in the department and the other is an experienced professional who was new to this organisation?
- Was it based in boundary (territorial) conflict between a professional and a technician?
- Was there some other structural concern or condition that has to do with misunderstandings around the role of the Head of the Department and her responsibilities?

As you see, the dispute can be analysed in a number of ways? Those who have an interest in gender related issues might be drawn to consider the possibility that the conflict grows out of gender differences. Or, some might see the conflict as involving professional jealousies. The point is the way we start to look at this conflict situation is shaped by our constellation of theories. It happens tacitly and intuitively. Often this process operates without our being aware that we are viewing the conflict through specific lenses. As we will see later, aspect of artistry is the ability to use our theories, our beliefs, intentionally and purposefully.

I look at things from a relational perspective, and as a result, I listen for the stories people tell

about their interactions – those that work well and those that are problematic. This orientation led me to speculate that an earlier problem of communication diminished their trust in one another. The frame that I have (my constellation of theories) directs my focus on certain information and to ignore or give less importance to others. When using my “lens” I naturally include some events and behaviours and exclude others. This orientation might lead to an intervention that encourages the parties to talk about what happened. I would likely be interested in the precipitating events that dislodged what otherwise had started out to be a positive and constructive working relationship.

Whereas my wife assesses conflict situations through a lens in which things structural concerns predominate. She might ask questions such as: What do we know about the structural conditions in which this group of people are operating? Are the roles carefully defined? Are there misunderstandings related to the duties and responsibilities of the department members? Is there miscommunication from above regarding duties, mission or expectations? Her orientation might lead her to look more carefully at the ways in which the organizational structures (or the lack of clarity or absence of them) are contributing to the problems in communication.

She was not unmindful of the relational pieces in just as I was not unmindful of the possibilities that structural factors were behind or contributing to the conflict. The types of interventions that we might think about will be very different because our lenses cause us to make sense of the conflict situation in different ways.

Without theory, we are like a sailboat without a keel. You will be blown around by the wind without much ability to respond

Recently, mediators were invited, perhaps even challenged, by some in our field to consider the relationship between our beliefs and our practice. One’s orientation to practice has become a significant and defining issue for practitioners. One thing is certain beliefs absolutely shape, guide and influence every practice decision we make. By being more aware of our beliefs, we can make more effective and resourceful use of them. Without theory, we are like a sailboat without a keel, blown about by the wind without much ability to do the kind of responsiveness that we want. Instead, we need to use the wind to guide our direction. We therefore need to become very clear of your own beliefs and how they shape your practice.

3. The reflection in/on action loop

There are an endless number of moments in mediation when we are called upon to make a choice, to exercise our skills and knowledge, to act. Alison and I have called these opportunities, critical moments: choice points or places where the mediator chooses to do something. These are not necessarily dramatic moments. The interaction we observe may call for a relatively uncomplicated response. The mediator’s intervention can be quite small (such as asking a question, gesture, or non-verbal response) or it can involve a significant process decision (such as

reframing, deciding whether and how to remind parties of their ground rules or suggesting a caucus). For example the many choices we have are:

When we reach this point, how do we make that decision? My belief is that we recognise that something is happening in the interaction between the parties - something that prompts us to say: “There is something going on here. I am not exactly sure what it is, but I do sense that I might need to do something in response.” These critical moments, these choice points, are opportunities for mediators to apply their beliefs first to assess the situation and then to decide whether and how to intervene.

In *The Making of a Mediator*, we describe ways that mediators can use these critical moments as opportunities to deepen our understanding of the conflict and the parties, to develop a set of possible assumptions (we call these formulations or hypotheses), and to experiment (another term borrowed from Donald Schön) by choosing to intervene in an intentional manner in order to learn whether our perception matches that of the parties. We refer to this as the reflection-in-action.

- The first step in this reflective process is to just stop and exercise your curiosity. “I wonder why this is happening?” “That is surprising and interesting.”
- Curiosity will lead you to the second step, developing an formulation or hypothesis about the conflict: “Why could this possibly be happening?” At this stage, you may develop 5 or 6 explanations for the parties’ behaviour.
- In stage three, you select the hypothesis that most fits what you know about the parties and their conflict. We call this “choosing a hypothesis” or “using a formulation”.
- Experimenting, that is testing your hypothesis is the fourth stage. Design and implement an intervention that will help you learn whether your understanding of the parties’ behaviour is consistent with their experience.
- Lastly, observe how the parties respond to your intervention. Find out whether your sense of what’s going on matches their experience. To the extent I have a clear understanding of their needs, concerns, interests, and proposals, I am better able to design interventions that help them achieve their goals.

This five-stage process continues throughout the mediation. It is a constant loop. I watch how they respond and I am curious and I say that’s interesting. Either that’s exactly what I predicted they might do or that’s completely out of my expectation. Then I ask myself: Why did that happen? What are the possible explanations? I choose one. I experiment—create an intervention. I intervene and see what happens. The process goes on and on.

We can also learn, using the five-stage process by reflecting-on-action. Begin to reflect on what happened in the mediation. Why did the parties interact in the way they did? Were my interventions particularly helpful? Were they counter-productive? Or were they just flat? This reflective process helps us to learn about ourselves as mediators and what the parties need from their point of view.

After more than ten years of teaching this reflective process, I can report that when mediators get it, they will love using it. Using the process will become very natural and easy. Practitioners literally see a change in their attitude toward mediation and in the quality of their services. The effect is dramatic and tangible. They will feel more relaxed. Also mediators learn to ask more questions and make fewer statements. There's a paradox here: while it may seem like more work to apply the reflective process, in fact the mediator does not have to work nearly as hard. While mediation remains challenging and demanding, mediators feel relaxed, confident and effective.

When you get it, you will love it

Learning how to ride the bicycle again

When we first start to use the reflective process, we are likely to feel awkward. It is similar to the experience of first learning to ride a bicycle or to drive an automobile. Those first experiences will seem laboured and self-conscious. However, once we have learnt how to use the reflective process, we become relaxed, proficient and confident.

When most of us began to mediate, we learnt how to use a checklist to do the introduction. Most of us get to the point after a while that we don't need the checklist anymore. We know what to talk about and it does not matter whether the clients interrupt and the introduction proceeds do it in a different order or later. We become confident and competent after a while. The same is true about using this process of reflection in action and on-action.

The zone of artistry

So when we get to the point that we can reliably and comfortably use the process of self-reflection, we will find ourselves operating more and more frequently in the zone of artistry. We will have moved out of the rut and into the groove. We become aware of our beliefs. We are able to exercise the child-like wonder of openness and curiosity about the parties and ourselves. We are ready to explore the unknown terrain and we see it exactly as that way rather than experiencing the same thing over and over again. It is some place new. It is like seeing the rising and setting sun. Each morning the sun rises in the East, and at the end of each day, it sets in the West. But every sunrise and every sunset is unique. Those in a rut will simply observe the beginning and ending of the day; those in the groove will see the uniqueness in each experience. So too for mediators. For those in a rut, disputes begin to appear the same; stories will blur into one another. Their responses will be laboured and they will likely follow a rigid pattern. But, for the mediator who is in the groove, each mediation is unique, each conflict situation and the parties involved will be seen as distinctive. Their approach will be characterized by wonder and curiosity. Their interventions will be effortless, timely, appropriate and effective. They are on the path to artistry.

References

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