



Beyond the Role-Play – Re-thinking Mediator Education

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Abstract

Just as mediation styles differ enormously, so too do approaches to training and educating mediators. In the midst of much discourse on standards and accreditation, the focus on what makes a quality learning experience can be lost. This article will focus on what happens during mediator training and how mediators are taught to practice their craft. Drawing on the author's own experience of mediation training in both professional and academic settings, this article will address what teaching methodologies are most appropriate to mediator education, and why.

The article shall take a fresh look at the experiential methodologies that are currently used in such training, and explore some alternative teaching and learning strategies to make the learning experience better, and the outcomes of mediation training more successful.

Keywords

Role-play, re-thinking, mediator, mediation, education,

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Tell me and I forget. Teach me and I remember. Involve me and I learn.

Benjamin Franklin

In training mediators, we tend to think we have understood and implemented Benjamin Franklin's advice. We design practical courses around role-plays and conflict scenarios. We let our students learn by doing. We believe in active learning, skill-building and offering our students an engaging and, wherever possible, fun experience. Training course feedback sheets, in the author's experience, regularly contain comments such as "more role-plays please!", "role-plays were particularly useful" and "really enjoyed the role-plays". But is this enough? Does role-playing a series of mediation scenarios over the course of a few days really *make* a mediator? This article will take a fresh look at the value of experiential learning in mediation training, with a view to making it a rich and impactful experience for the student, and ensuring that they can be the best they can be for their clients.

The background to this discussion is, of course, the increasingly noisy dialogue around standards and regulation. On a national and international level, discussions are taking place on how many hours



training are enough and what standards should be in place around accreditation and certification of mediators. As mediation develops into a stand-alone profession, there is an enhanced concern for regulation of mediation training requirements and methods. In addition to this, mediation training can be a financially lucrative endeavour, resulting in the number of trained mediators now greatly exceeding the number of cases available to them. As a result of all these factors, there is an increasing risk of focusing on the number of hours training to be undertaken, and the topics to be covered, to the detriment of true learning and successful training outcomes. This article seeks to step outside the regulatory framework into the learning experience itself and to explore how it can be enhanced.

Role-plays in Mediation Training

Role-plays and other simulation-type exercises are popular for obvious reasons. They move the learning out of the theoretical into the practical and expose students, to a degree anyway, to situations such as those they might experience when working in the field. Alexander and LeBaron (2009) outline a number of benefits of learning in this way, from the neurological – in that practising something mentally and physically improves one's skills - to the very practical, and for both students and trainers: role-plays, for example, are a training resource which, once designed, can be used repeatedly. For students, having the opportunity to test practical skills in a scenario that is as close to reality as a classroom can be, and in the presence of (hopefully) supportive peers is invaluable, and facilitates the conversion of theoretical concepts into practical strategies.

But what of the drawbacks? The same authors talk about “*the ambushed student*” (Alexander and LeBaron, 2009, 1) and the pressure some learners can feel in these situations. Performance anxiety and becoming triggered by aspects of the simulated situations are common and at times provoke strong emotions. Managing angry eruptions and tears is a significant part of the mediation trainer's job, particularly when training in sensitive areas such as family or elder mediation. Nor are such emotions confined to students new to mediation. The writer has both experienced and witnessed stress and anxiety, and its impact on the participants, in role-play situations in continuing professional development courses for mediators. This is not of itself a bad thing, the affective side of learning from experience can be a powerful tool for development. (Marsick, Sauquet and Yorks, 2014). In order for it not to “de-rail” the training experience, however, it must be carefully and sensitively managed by the trainer, which can be difficult if time is constrained. Effectively responding to these situations also requires skill, empathy and the ability to use the experiences to enhance the learning process.

Time constraints themselves cause another problem. If running a course over, say, 40 to 60 hours with up to 12 participants, in-depth role-playing time will be limited. This is particularly so when topics such as conflict theory and/or law are also to be covered. Every participant needs to be given an opportunity to act as mediator, and different scenarios have to be tried out. This limits the chances of participants really getting to the heart of the conflict scenarios they are playing out and thus, to as broad a range of skills as they will likely require when mediating for real. It also limits the amount of individualised feedback the trainer can give to students, particularly in large classes (Smith, 2012, 1) In the



author's experience student mediators are also vulnerable to their peers' propensity to either over- or underplay the roles they are given, thereby rendering a scenario unrealistic or creating a potential source of peer to peer conflict independent of the actual conflict scenario.

The question has also been asked whether role-plays actually work; does their use lead to measurable training outcomes? Hinshaw and Wissler (2005), in their article, question whether mediation training works. They cite research carried out by Wissler in 2002 which found that whether mediation training involved role-play or not did not affect the trained mediator's ability subsequently to help settle disputes. Druckman and Ebner (2008), in reviewing a number of empirical studies, further found no significant differences in student learning outcomes between role-play based courses and those using more traditional teaching techniques. Whilst some of the research methodologies varied, Druckman and Ebner's meta- analysis showed that there were little of no measurable learning outcomes achieved by experiential exercises when compared with other learning methods. Specifically, students showed no measurable increase in understanding or grasp of concepts, though they did show better interest and motivation, and a higher level of retention of material over time.

These findings would be largely congruent with the author's experience. While role-plays do often bring out students' engagement and enthusiasm, this enthusiasm for the "drama" of a role-play can often interfere with real understanding of concepts such as re-framing or acknowledgment, as students get caught up in acting out their roles and overcoming – and sometimes overcompensating for, their discomfort at having to learn so publicly. The writer too remembers her own training role-plays, not for the skills they helped build but for their awkwardness and embarrassment.

Are Role-Plays Redundant?

If it is considered, therefore, that role-plays, while meeting some learning goals, are not the holy grail, does this mean rejecting them in favour of other methods? No. It just means using them differently. Druckman and Ebner's study found that beneficial learning outcomes were found when students themselves were engaged in designing role-plays and other simulation exercises. When one or a team of students took on the role of teacher and simulation designer, they found learning outcomes enhanced for all concerned. The obvious drawback of this methodology is of course that it is even more time-consuming than using pre-written role-plays.

Must we ask the question therefore whether other form of experiential learning can enhance and supplement role-plays? Based on the author's experience as a trainer and university lecturer, including some very specific feedback from students, approaching role-play or practical mediation scenarios from a different angle can be of help. Faced with students feelings of "not being able to see the wood for the trees" in some role-play exercises, between managing different sets of information, peer pressure, performance anxiety and classroom dynamics, observing professional mediators in video simulations of mediation can be very helpful. Seeing a mediator, or preferably a number of mediators in action can demystify the process, show students how different mediation styles and techniques can be and offer the opportunity to appraise and critique different tool and skills (Smith, 2012). One example of this is



available on Guiseppe Leoni's Virtual Mediation Lab, www.virtualmediationlab.com, a wonderful resource focused on, but not confined to, mediation by skype. On his site, a simulated scenario is mediated (by Skype) three separate times, by three separate mediators, using facilitative, transformative and narrative styles in mediation respectively. Seeing professional, experienced mediators in action, and having the opportunity to pause, re-play, review and assess individual interventions can show students the sometimes nebulous concepts like mutualising and normalising, for example. A trainer can also use such videos to encourage students to critically analyse mediation tactics and interventions in order to build their own style of mediation. In fact, this would be the most important aspect of using video as an interactive training tool; to ensure that it is used in a way that does not have the student merely copying the skills and interventions viewed, but that he or she is instead asked to analyse and appraise them and offer alternatives, where appropriate.

Adventure Learning

Taking experiential learning to a whole new level, adventure learning aims to take what is being taught out of the classroom and into the real world. Most of the research – and practical experience - of this type of learning is set out by Honeyman, Coben and their colleagues in their Rethinking Negotiation Teaching Series (2013). In their entertaining Chapter in *Venturing Beyond the Classroom* (Honeyman, Coben et al., 2010) they describe a series of negotiation learning exercises set in the unpredictable environment of Istanbul's grand market. Students were given some overt and some more oblique tasks to achieve in the market. While the course organisers openly acknowledged that some mistakes had been made in planning and implementation, it still transpired to be a valuable exercise in that it was, in the trainers' words, "*Learning by Doing it (Wrong)*" (Coben, Honeyman & Press, 2010:116).

While this might seem like a step too far for many of those training mediators, there is no reason why some of the key hallmarks of adventure learning, such as authenticity, unpredictability and an element of risk cannot be built into more traditional learning structures. This could take the form, for example, of having students both design and play out a scenario based on a real-life conflict, belonging to them or someone else, as recommended by Druckman and Ebner (2008) and discussed above. If a real-life scenario is used, provided it is managed skilfully and empathetically, the emotions triggered will be more "real" and therefore provide a more realistic challenge for students in both roles, that of mediator and that of party. The mediator will get some sense of how his or her actions impact upon the parties who are experiencing these emotions, and the parties are less likely to over or underplay roles, as is often seen in role-plays. A colleague recently expressed frustration at having to assess a new mediator based on a role-play exercise where the students playing the parties made it, in her view, too easy for the mediator: agreeing readily, listening attentively and not expressing any emotion. At the other extreme, the author has seen parties play roles so dramatically that all subtlety and prospect of real learning was lost. Asking the students to engage with scenarios from their own worlds, even if not directly their own experiences, can go some way towards balancing these extremes. A further benefit to this approach, which is found in



adventure learning also, is that students, irrespective of what roles they are playing, become aware of their own triggers, reactions, thoughts and emotions. If properly worked with, these can be an immense source of learning.

To make the most of this type of learning, and those thoughts, emotions and reactions, scenario-based learning such as role-play, must be adequately and skilfully de-briefed. Many would argue that the real learning takes place not so much in the doing as in the de-briefing of the doing and the learning with teachers and peers and self, afterwards. Among many other goals of this element, Deason and his colleagues list “to develop and reinforce the learning goals of the exercise” as the primary purpose of de-briefing. (Deason et. Al., 2013: 303). In the author’s experience, students would place getting feedback at the top of the list of the value of role plays. Particularly because they may face a skills assessment at some stage during their training, students are anxious to receive feedback on their performance and skill level from tutors and peers. This process must be managed carefully. Tutors can easily underestimate the impact of poorly chosen words and criticism – perceived or actual – on learner’s confidence. Both Deason (2013) and Alexander and LeBaron (2009) suggest ways of improving de-briefing skills, and with them the learning experience of a role-play or an adventure learning exercise. In the seminal work on reflective learning, Lang and Taylor’s The Making of a Mediator (2000), the authors talk extensively about the importance of an elicitive rather than an evaluative approach to feedback. What this means, essentially, is that rather than the trainer offering a critique of a student’s performance, the student is assisted and encouraged to reflect on their own performance, the challenges and breakthroughs it brought and how these might be applied to future practice.

Taking this type of learning a step further out of the norm again, Alexander and LeBaron (2011) acknowledged that learning uses multiple intelligences. They draw on neuroscience, the arts and intercultural communication in using movement and dance in negotiation and mediation training as a way of bringing learning out of the head and into the body. This not only works with more than just the intellect of the learners, but suits those students whose learning style is less head-based than others. While some might describe these techniques as non-traditional, Alexander and Lebaron’s work draws significantly on traditional cultures around the world that have always used dance, song, movement and similar “non- intellectual” methods of addressing conflict. The author’s own experience of their work came in the form of a keynote address by Michelle LeBaron at the Mediator’s Institute of Ireland’s annual conference some years ago, where, much to everyone’s surprise, participants found themselves dancing, weaving and moving among the over one hundred and fifty chairs to different kinds of music and sensing their bodies and minds’ reactions. Mediators can spend a significant amount of time in their heads, listening, analysing, creating; and the value of learning techniques to tune back into one’s body is underestimated. Basic kinaesthetic exercises such as sensing one’s feet on the ground and one’s body in a space can help ground those working with conflicts, and thereby ground their clients too. This applies also to training mediators. Simple walking and moving exercises can bring students’ attention back into the training room, re-focus their energy and integrate learning at a physical level.



Many of those who have trained in mediation, or indeed attended other training courses, will be familiar with so-called ‘ice-breakers’ and other exercises that involve movement, designed to stimulate energy, diffuse nerves and shyness and foster cohesion within a group, all of which break down barriers to learning. When undertaking advanced training in mediation, the author experienced a situation where a role-play had proved to be a very negative experience for a number of members of the group. The experience had such an impact on the group as a whole that an extensive de-brief with trainers was required afterwards to address what had happened. This proved very useful, but what turned the energy in the group around was an exercise, led by the tutors, which involved everyone simulating a rainstorm, and its cessation, by means only of various physical movements and noises such as stamping of feet and rubbing of hands. No words were used and none were needed. Reflecting afterwards on that exercise and the value it added to the training, it could be said that this approach to managing the small crisis without using too many words and analysing the situation excessively taught the participants that words aren’t always needed to solve a problem. In a talk-based intervention like mediation, this is worth knowing. It taught the participants the value of using something other than words to work through a problem. While participants may not use the same approach with their clients, it might allow them to feel more comfortable with silence in the mediation room, or might prompt them to allow parties to move or re-arrange their seating in situations of discomfort.

Another personal experience at a weekend’s further training which featured song, dance and poetry as an integral part of its programme, consisted of an exercise, the credit for which can be taken by Daniel Bustelo, a well-known Spanish mediator and trainer. Participants were put into pairs and asked to hold a stick between them using just their fingertips. They then had to “dance” around the room gently without knocking into other participants. All this was done with closed eyes. It was a wonderful exercise for building trust, tuning in with the body, recognising intuition and sensing another person’s energy. Again, no words were used.

Such personal qualities, like trust, intuition and self-awareness must be learned in the mediation context, in the same way that re-framing or active listening skills must. Developing these skills requires different learning strategies however. Chief among these and the foundation stone of true mediator education, is reflective practice.

Reflective Learning and Teaching

Discussion on the value of reflective practice in mediation has been quite extensive. Lang and Taylor’s seminal work *The Making of a Mediator* (2000) introduced the notion of artistry to mediation, and mapped out a model for integrating artistry to practice by means of reflective practice. The idea that mediation is less of a mechanical process and more of an art, drawing on a number of skills and competencies, as set out above, has been voiced in many different contexts, including the complex and emotionally challenging area of family mediation (Parkinson, 2014). Reflective practice is a method of building and internalising these competencies by reflecting on an experience, be it in training or practice, and analysing what happened, why and what the implications thereof are for future learning and practice.



This type of reflection also offers an opportunity to integrate theory with practice. “(O)ne’s ability to generate and refine theory becomes all the greater as one learns from mistakes and experience” (Macfarlane and Mayer, 2005: 6). This would be one of the many reasons the author would give to her, sometimes initially reluctantly reflective students, for engaging in the discipline of reflection. Students are often keen to move into practical exercises and skills as soon as possible, and less enthusiastic about the theoretical components of a course. Reflective learning offers the opportunity for bringing these two aspects together with a view to using skills intentionally and with an understanding of their theoretical underpinnings.

A very practical way of engaging in reflective practice is by keeping a learning journal (Moon, 1999). This exercise ought to be an integral part of every mediation course, whether short or long. Not only does it offer students the time and space to integrate what they are learning in the classroom and from their peers with the real world, but it offers an invaluable tool for teachers to assess how their students learning is progressing and where the possible challenges and gaps in the curriculum lie. The author has been consistently impressed and indeed humbled by the depth of learning and insight recorded by her students in such journals. Students’ journals illustrate that what has been learned is being internalised and carried forward, whether in the relation to mediation or in other aspects of their lives.

This success of students’ self-reflection exposes a gap in our teaching– that of teaching reflectively. All too often trainers require students to engage in detailed reflective exercises without engaging in any reflection themselves. Trainers make no enquiry into their teaching beyond glancing at course evaluation sheets and ensuring materials are up to date. If trainers do not reflect on the nature and impact of their teaching, it is disingenuous to expect students to reflect on their learning. Brockbank & McGill (2007) talk about the concept of a “reflective dialogue”. “It is only by explicitly examining my intentions and behind those, my values, that I can begin to aim for my intentions to be congruent with my practice.” (Brockbank & McGill 2007: 72). This is not necessarily a new concept. Biggs (1999) noted the value of the educator-learner relationship being a collaborative one, suggesting that “a good dialogue elicits those activities that shape, elaborate and deepen understanding.” (Biggs, 1999: 13).

Equally important for a trainer is to be seen by their students to be ‘walking the walk’ and being open to reflect on the impact of their own values, biases and life experience on their teaching. Taking this approach to teaching can be a challenging one, and is viewed by some as too risky, particularly if coming from and having experienced more autocratic forms of teaching and training. Admitting to students that one was not aware of a bias coming through in our feedback on a role-play, or even what our own conflict style is, when exploring such matters can produce feelings of vulnerability and exposure. The way to deal with such feelings and concerns? More reflection of course. This trainer reflection need not of course all be carried out in the presence of one’s students. Peer group reflection is invaluable, as is personal reflection and meta-reflection, whether in written or less formal form. The author found taking and then reflecting on a Teaching Perspectives Inventory (see: www.teachingperspectives.com) very useful. Such exercises challenge tutors to think about why they are teaching, what their values are and how they hope to achieve such values. Preparing a teaching philosophy statement can be of similar



benefit (Fitzmaurice, 2013). Trainers must be seen, in however they do so, to model reflective practice if their students are to engage with this form of learning in any serious way. (Hardy, 2009)

Mindfulness

Very much a fashionable concept at present, mindfulness rightly has its place in mediator education. It is defined differently by different authors in different contexts, and is often equated with meditation but in this context, Jon Kabat Zinn's definition is appropriate, "mindfulness means paying attention in a particular way; on purpose, in the present moment, and non-judgmentally" (<http://en.wikipedia.org/wiki/Mindfulness>). Riskin, who has written extensively on mindfulness for legal practitioners and dispute resolution professionals, likens the necessity of mindfulness for mediators to the necessity of strength and muscle building exercises for footballers.

"(F)or a person to appropriately implement the strategies associated with the new approaches to mediation and negotiation and lawyering, she must have a set of foundational capacities including awareness, emotional sophistication, and understanding." (Riskin, 2008: 3).

This idea is congruent with the principles of reflective practice set out above, and the two practices are ideally combined for maximum benefit. The hurdle for many of those educating mediators, is the view, particularly among "traditional" professions such as the legal one, that mindfulness is a little bit "alternative". Images of cross-legged students meditating (rather than mediating) spring to mind and therefore, tutors are often loath to introduce such practices into training particularly when they don't yet know who their students are. On closer inspection however, the goals of learning, and ultimately mediating mindfully, are also the goals of any successful mediator – sensitivity to the individual, management of emotions, ethical practice, self-regulation and empathy. Mindfulness techniques, built into the education process from the start, provide the building blocks for such skills which are relevant to individuals in all "helping" professions of which mediation is just one. (Watts, 2104)

Finally, building mindfulness exercises into mediation training is, in the author's experience, a wonderful way of coming to terms with and truly comprehending what a colleague calls "the fiddly bits" of conflict and mediation. These are the aspects of human behaviour, psychology and neuroscience that are being studied and recognised as playing a significant part in the work of conflict resolution professionals – concepts such as heuristics, cognitive ease, anchors and similar, which mediators may understand intellectually, from reading such fascinating writings as Kahnemann's "Thinking Fast and Slow" (2014), but can't really "see" or which they can sense, but can't identify or address. Even a simple technique, such as asking students to close their eyes and guiding them through a brief exercise in which they focus on their breath at the beginning and end of a training session can help calm and clear the mind. By encouraging students to learn to acknowledge but then release any thoughts that arise during such an exercise will give a glimpse of how thoughts are less powerful than many assume them to be. Combining some of the theory on the human mind and how it works, with the experiential practice of observing it mindfully will enrich a mediator's learning and future practice more than what some traditional training courses have to offer.



Conclusion

It is necessary to re-think the standard approach to mediation training. Experiential learning exercises, and role-plays in particular, are essential to such learning, but only if they are designed and used thoughtfully, and de-briefed reflectively. Blindly following role-play based curricula, particularly over a mere few days, will not give students the opportunity to become mediators that know their skill and know themselves.

More is acquired to achieve this aim. Not just more time, but more types of learning that include multiple opportunities for analysis and reflection, in written form, with peers and tutors, using live or recorded mediations carried out by others. Trainers should be encouraged to be bolder in their curriculum design and in their selection of training tools. They can bring their learning exercises into the real world, or into the physical domain in the form of movement or mind-body exercises. Introducing unpredictability will equip students with the skills to manage unpredictability in real life mediation. Above all things trainers must keep their training fresh and dynamic and not settle for the comfort of traditional techniques. Only by doing this can the quality of mediation and mediators be ensured.



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