

ADR NOTABLE | 2022 White Paper

ENHANCE YOUR MEDIATION TRAINING WITH ADR NOTABLE: A PRACTICAL GUIDE



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Inspired by recent trends to simplify and be more efficient, I've found the 'Joy in Tidying' with Marie Kondo. However, as a lifelong learner, trainee, and trainer, imagine my shock and surprise at the chapter dedicated to books and training manuals. Marie Kondo boldly claims to have found that in her experience most people don't refer back to bookshelves of conference booklets, training manuals and handouts after a learning event. Marie encourages her clients to trust they have the knowledge needed and have already put it into practice. Therefore, we can confidently toss the binders, after expressing gratitude, of course.

As a trainer, I wonder if my students keep the training materials and job aids provided to them. More importantly, I wonder, has skill mastery occurred to the point I would be confident they can perform the skill if no training materials were within arms reach? If so, would they search out a website for the resource library? As a training *designer*, this idea causes me to pause and reflect on the question, "Can we design training with enough real-life experiential methods to a point we can nearly guarantee transfer of learning without training manuals?" I believe we can, and my recent experience with ADR Notable has strengthened that conviction.

Experiential. Just-in-time. Bite-sized. Facilitated learning. Buzzwords in the training industry that simplify the often-conflicting factors in designing effective training, training that is **realistic, timely, relevant, engaging and impactful.**

Mediation and conflict resolution training integrated with ADR Notable software can nearly guarantee transfer of learning to the job and make evaluating your training effectiveness simple and straightforward. **Here is how to do it.**

Know your learner to support your learner

Training managers for third-party resolution, informal dispute resolution, or mediation in the workplace presents a unique training challenge. Compared to full-time mediators or trained legal professionals, business managers may have little to no experience with third-party resolution prior to training. Additionally, they may not put their new skills to the test immediately upon completing training. These managers may have a desire to learn, usually understand concepts presented, and gain some practice during training role-plays, but the natural decay of knowledge and skill could set in before the first opportunity to perform a real mediation occurs.

Using ADR Notable during and after training, you are able to support learners with a system that reinforces skills, procedures, and best practices. ADR Notable is not a

learning management system; rather, when trained using ADR Notable, the training environment *becomes* the operational environment.

How: Turn your lecture presentation into a hands-on demonstration. If your mediation training covers steps or procedures, convert these to **checklists** within ADR Notable that learners can use during training. Then, in practice, they can call up the appropriate checklist in the platform, at the point that it is needed. This can allow the mediator to let the party be heard and *really listen* without also trying to mentally track whether all the important points were raised.

Save the expense of laminated job aids, or printing slide presentations. Learners simultaneously understand steps to mediation while using a technology that supports the *application* of the steps.

Realistic Case Studies: Scaffold Your Training

Most mediation training incorporates case studies. Consider a typical learning format: review the steps of mediation, watch a video example, discuss video observations as a class, then role-play for practice and evaluation. Of course, there can be a large gap from video observation to competent application of skill. Incorporating ADR Notable can actually give instructors valuable insight into how well learners are integrating the application of mediation skills.

Some may argue that learning to mediate is challenging enough and adding technology could create cognitive overload. Perhaps, and yet the structure offered can make the practice of mediation feel more manageable with the assistance of technology. The key is to scaffold your training.

How: Start with reviewing the steps of mediation in a lecture and orient learners to ADR Notable Checklists. (You will have to talk to the folks at ADR Notable to learn more about this, but as an ADR Notable Training Partner, your Checklists and other materials will be added to the Application *for your learners only* at no cost to you.) Review the case study and video using checklists from within ADR Notable to ensure that learners understand where to find checklists. If you usually provide a specific observation checklist to the video case study, add it to ADR Notable as a criterion test for locating and using checklists.

Next, invite all learners to prepare a case within ADR Notable based on a case study. To learn and practice active listening for issues, facts, and party proposals, invite all learners to re-watch the video and simultaneously enter issues, facts and

proposals into the ADR Notable digital noteboard. This could be a graded exercise to determine if learners are individually hearing pertinent information during video observation. At this point, learners have practiced using checklists, entering case information, and capturing issues, facts, and proposals, and it is time to put it all together.

Scaffold the next level of application by putting learners into groups of three or four, inviting one learner to role-play as mediator using all the knowledge and skills learned. Invite two group members to play the parties in conflict. Provide each learner character information to use in the role-play as well as some hints for facts, issues, and proposals. Assign the fourth group member to be an observer to the role-play or invite him or her to practice capturing facts, issues, proposals and counter-proposals in ADR Notable.

After the role-play, instruct learners to review the experience, providing constructive feedback to the mediator on mediation abilities. As a group, review what was entered into ADR Notable and discuss the lessons learned. The structure of the ADR Notable digital noteboard makes it particularly easy to review how well the learners were able to identify the key issues and how the process of making and working through proposals and counter-offers unfolded. Consider rotating on the same case study so all learners have an opportunity to practice as the mediator and enter dialogue into ADR Notable in real time.

Break 'It' Down: Preliminary Meetings

Often in mediation training learners go from an overview of mediation steps via lecture into role-play practice. The time to practice role-playing is condensed compared to real life mediation meetings. Learners may not know exactly what to role-play, groups may not have enough rapport to role-play realistically, nor have enough time to role-play every type of mediation skill. ADR Notable can provide the structure to break apart specific skills of mediation while simultaneously learning the ADR Notable software.

How: Here, I would suggest breaking role-plays into smaller chunks, using three separate checklists in ADR Notable that address three specific stages of preparing for a mediation. Start by creating groups of three learners.

First, teach and role-play a preliminary pre-mediation session focusing on ensuring that the party understands the **ground rules to participate** in mediation. Rotate which learner is the mediator and prompt a second role-play (using a second checklist) that focuses on establishing **the role of the mediator** during the mediation. Lastly, rotate again and role-play **opening remarks** of the mediation

session, again using an ADR Notable checklist or a document in their ADR Notable Training Materials Library.

Unlike simulations of an entire session, these role-plays can be quite short, providing an opportunity to practice each skill, reinforced by the use of your checklists embedded in ADR Notable.

Break 'It' Down: Mediation

One of the greatest values of ADR Notable is the real-time capture and triage of issues, facts, and proposals live during mediation. This, however, is a new skill to learn and practice within mediation training. Often when conducting role-play exercises, learners are working under time constraints and are motivated to agree easily. In other situations, learners don't have enough case study details for their role or time to creatively improvise, resulting in unrealistic role-play exercises. Both of these situations hinder the ability to learn and practice the ADR Notable issue-capture feature. There is a solution.

How: Use scaffolding yet again. First, before role-playing, during the lecture when issues, facts, and proposals are discussed, introduce and orient learners to this ADR Notable feature. Give learners a few minutes to practice entering issues, using @name and #issue while typing a note, or, alternatively, tapping the buttons with a mouse or touchscreen to assign attribution and identify the note as an issue. It's a very intuitive process and learners are likely to pick it up quite easily.

Next, revisit a mediation video or dialogue between parties. Invite learners to practice capturing issues, facts, and proposals while they watch the video. Debrief this activity, ensuring that learners heard and captured issues, facts, and proposals accurately.

Lastly, implement ADR Notable into a role-play of the mediation session. It will be important to provide issues, facts, and proposals to each learner who is role-playing a party so that the focus of the role-play exercise can be for the mediator to actively listen and practice using ADR Notable. Rotate groups so each learner has the opportunity to practice mediating using ADR Notable. Debrief both the *experience* of mediating and the *use* of ADR Notable. Conclude with a review of tips for both mediation and tips for using ADR Notable.

Transfer of learning is the goal

Begin with the end in mind. When using ADR Notable within training, learners can leave class with a real case prepared and ready for the next step. To support this, invite

learners to bring a real-life conflict situation or potential case for mediation to class. Build time into the training schedule after specific activities to apply and test what has just been learned to their real case.

For example, a great place to insert this is when discussing the sequence from intake to post-mediation follow-up. Take time to review ADR Notable features and give instructions on how to set up a new case, send out intake packets, request documents, prepare an informal term sheet memo (if applicable), and decide which files and notes get retained and which should be securely deleted (again, provided within ADR Notable). Then, after this instruction or as a cumulative application capstone project at the end of training, offer one to two hours of class time for students to set up their Firm information and create and prepare a real case with assistance and coaching from the trainer.

Post-training Coaching

An added value of integrating ADR Notable within mediation training is the unique opportunity for personalized post-training coaching. As noted earlier, your training materials, articles, and sample forms would be pre-loaded into a proprietary Library within the application and are available to your learners once they are back on the job. But to take it one step further, trainers can also offer post-training support on real cases.

How: You might opt to build a one-year subscription to ADR Notable into the cost of your training program, or you might leave it up to the learners to choose to subscribe and whether to do so on a monthly or annual basis. Either way, learners can seek out coaching from their trainer to receive specific support as they proceed in their first mediated case by “inviting you to the case” at no additional charge to them or to you. (And here, keep in mind that the “comprehensive package” option not only gives your learners a secure and effective structure in which to implement what they have learned in your course *and* an entire year to fully learn all the many features of the platform, it also provides a steadier co-marketing revenue stream for the trainer.)

One-Stop Resource

Eliminate hard-copy checklists and handouts and create a document library in ADR Notable. After you have presented the steps to mediate, take your students into ADR Notable and show them where to find the resources. Did you have a handout of great questions for mediators to use to encourage dialogue or overcome an impasse? Add these handouts to the library. Students can comment and collaborate on the usefulness of the questions after training, leading to continuous improvement of the resource. Moving away from lecture-based, knowledge-level instruction to hands-on experience

using ADR Notable will increase your engagement with your learners and the rigor of the training. Training organizations releasing updated materials directly into ADR Notable offer unique value to their student graduates. Students could be guaranteed timely updates to checklists, forms, and resources directly into their mediation workspace, eliminating email notifications, downloading, printing or other “downstream distribution” methods.

Cultivating a mediation competency

Despite our best intentions to create and deliver rigorous mediation training, there are many skills to master in developing both confidence and competence to mediate disputes. There are bound to be situations that challenge a newly-trained mediator. Delivering training using the cloud-based ADR Notable platform creates an important structure to perform mediation. All the technical resources from checklists, clauses, agreement templates, and standard forms to scheduling tools become skills learned during training.

In addition, the ability to *mediate to a standard* is developed through coaching both during and after training. Trainers who embody a coach mindset during and immediately after training bring immense value to students. Once on the job, coaching from seasoned mediators or firm managers are critical for skill mastery. Trainers who train, coach, and collaborate with firm managers ensure that the competency of mediation is truly cultivated within a firm.

Firm managers leveraging ADR Notable are well positioned to instill confidence and conflict management competency among their staff. This can be done by offering post-training coaching to staff (with Trainer support if requested) such as reviewing issue statements, monitoring checklist completion and dialogue with mediators throughout the mediation process. Trainers could offer additional modules for firm administrators on advanced time saving techniques, ADR Notable reporting features, and how to monitor new mediators. Ultimately, *training for firm administrators* using ADR Notable enables trainers to monitor a firm's return on their investment in training.

A Word on Return-on-Investment in Workplace Conflict Management

There is no better evidence of a successful mediation than an agreement. Or is there? For workplace-type conflict, evidence of return on investment for managerial mediation can include time spent within the mediation process, fewer formal grievances filed, and the avoidance of litigation costs.

Yet there are more intangible benefits that are difficult to quantify in the short-term but may result in lower turnover, more teamwork, and higher productivity. And in this period in which many organizations are feeling their way through managing a workforce that is somewhere on a spectrum between fully on-site and fully remote, **lower turnover, more teamwork, and higher productivity** are precious commodities indeed. Consider the implications of a more favorable experience for managers and employees in the reporting and resolving of employee disagreements. Repaired relationships between the disputants and higher quality or more balanced agreements lead to increased trust in management, commitment to organizational values, and a sense of belonging within the organization.

There is also value in the process. While the output of mediation is an agreement, the outcome from the *process of mediation* is of equal or greater value. When an organization has standards for how managers conduct informal mediation meetings, trust in the conflict resolution process grows. These standards can be monitored and enforced by firm managers by using checklists and templates. Monitoring an informal conflict resolution program can add great value to executives who want to keep a pulse on the organizational culture. An enterprise adoption of ADR Notable for conflict management enables standards in both formal and informal dispute resolution. Firm administrators can oversee all mediators to customize coaching, manage workloads, and assess the scope of continuing education and training needs.

The Transfer

Whether you are teaching a “40-hour Mediation Skills” course, an advanced-level course designed for family mediators or commercial mediators, or training workplace managers in conflict resolution skills, you want to ensure that your learners leave your training confident they can find *and implement* what you have so carefully crafted and shared with them. If Marie Kondo has it right--and to be sure, her observation is backed up by a significant body of scholarship on the value of experiential learning--then the question posed at the start of this piece takes on an added importance.

Can we design training with enough real-life experiential methods to a point we can nearly guarantee transfer of learning without training manuals?

I believe we can. Further, I think we are serving our learners well and, in turn, serving the people who come to them seeking a non-litigious way to resolve a conflict in their professional or personal lives. Technology tools like ADR Notable that support the work of dispute resolution professionals have been slow in coming to our profession but are all the more welcome for that. If you want to learn more, I encourage you to do what I did and contact the team at ADR Notable.