ISS International Family Mediation Workshop  
Keynote Address: Delivered by Dawn Osborne-Adams  
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I. Introduction

It is such a pleasure, and quite humbling, to be here with all of you today and to have the opportunity to share with you some of my reflections on mediator competence and qualifications. I am especially grateful to the International Social Service, the International Family Mediation workshop organizing committee and to the wonderful, warm and passionate Cilgia Caratsch for inviting me to be here today and taking such good care of me during my time in Geneva. The importance of the work of ISS and the work you will do in collaboration with this organization cannot be overstated, so I am honored to play even a small part in the evolution of this wonderful community of practice.
I feel strongly about the topic of professional competence generally, and specifically about the ongoing search for the elusive definition of what it means to be a competent alternative dispute resolution, or, as I’ll reference throughout the remainder of this talk, “ADR” practitioner. When I say I have strong feelings about this topic, I mean that I have definite opinions about how one might approach thinking about competence, qualifications and training, about where the challenges and opportunities may lie. Now, anyone who knows me well would probably interject here and tell you that I actually have an opinion about pretty much everything. And because I’m an honest person, I’ll tell you that’s a true statement. In this case, however, my strong opinions are a product of my own professional lived experience. In every role I’ve had in the field of ADR, I have struggled and watched others struggle to pin down this idea of what it means to be competent, to be highly
qualified, to be effective as a designated neutral. And likewise, in the United States, this is a subject that cycles in and out of being at the forefront of conversation among ADR practitioners and professional organizations.

I will warn you from the outset about two things: the first is that I am not going to give you substantive direction. Figuring out the details of how you will define, train and qualify a professional network is the task you’ll dive deeply into this afternoon. I see my role here as helping to frame the big picture and stimulate the storyteller in each of you so that you can begin to write a collective narrative about competency in international family mediation. The second warning I want to give you is that I am going to be one of those really annoying speakers who not only fails to provide you with answers but leaves you with more questions than you had when you arrived. As all mediators
know, the real moments of brilliance and creativity arise during the searching process and the essential beauty of storytelling, in the words of political theorist Hannah Arendt, is that the storytelling process “reveals meaning without committing the error of defining it.”

I may feel strongly about the training, competence and qualification of neutrals but I feel passionate about storytelling. I have been committed for most of my professional life, like many of you, to helping others tell their stories with honesty, authenticity, confidence, clarity and respect for their own and others’ humanity. Why am I, why are we, so drawn to storytelling? Literary scholar Johnathan Gotschall would say that storytelling is what makes us uniquely human, it is our primary means of communication, that everyday throughout our lives we are trying to impose the order of story on the chaos of
existence. There is now abounding research and information, most notably in the business and psychology fields, about the power of narrative to inform, connect, educate, engage and transform. A well-told story has no limits, it transcends geographical, regional, cultural, generational, educational and many other differences. Storytelling is as old as humanity and since the beginning of time, stories have helped us answer questions and bridge divides.

I say all this to set the stage. Because today, I want you to think of yourselves first and foremost as storytellers. The work of this meeting is, in essence, to write a story. To write a story about what it means to be an expert, to be effective, to be a competent family mediator in a global context. It is to write a story to tell yourselves, other professionals, parties, authorities and the general public what you do and what it means to do it well.
Scholar Brené Brown says, stories are just “data with a soul.” That means that every person in this room has, within the stories of their culture, customs, experience and training, the data you will need to create a perfect plan for moving forward on this topic.

II. Three Questions

To help you in the storytelling process, I’m going to give you three questions to consider. Take these questions with you into this afternoon’s sessions and turn them over and expand on them. The first question is from what point of view is this story being told? As neutrals, we often forget that we, too, have a world view, and especially in areas that impact our careers, professional identities and livelihoods. As we write a narrative about competence, training and qualifications, we must be diligently and constantly self-evaluative, asking ourselves how
and why we are defining the “heroes” in our story. The second question is what is the main idea of the story? Or, put differently, how might we begin to make sense of the complexity of mediator competence in a global context, across customs, jurisdictional constraints and cultural norms? The third and final question I want you to keep in the forefront of your minds is whether you are writing a story that will be a classic. A classic is a story that never gets old, its relevance is not bound by time and place and it has long-lasting and meaningful impact on both individuals and society. I want you to consider how the narrative you craft today and moving forward will read in a year? In 5 years? And how will it impact the continued evolution and professionalization of the field of international family mediation. Let me now take a little time to expand on each of these three questions.
III. Question I: From What Point of View Are You Telling the Story?

One of the first decisions a storyteller must make is about point of view. From what vantage point will the story be told? What is most important about point of view is the storyteller’s relationship to the characters. Of course in evaluating the storyteller’s point of view, we must consider concepts like bias, both explicit and implicit, interests – both stated and veiled, as well as the attachment or detachment of the storyteller. So I would ask each of you to consider how your point of view shapes the characters in your narrative about international family mediator qualifications. Is the hero of your story – and by hero, I mean the mediator who is most qualified, most expert and most effective – is that hero simply a mirror image of yourself? If so, then consider how you might change your story from being an
auto-biography to being part of a rich, textured and inclusive anthology.

When I was first trained as a mediator, I was still a young lawyer but I had fallen in love with the process of mediation and after multiple trainings and hundreds of hours of mediating and co-mediating cases, I felt certain that this was the next path I would take in my career. Around this same time, at a New Year’s Eve party, I was deep in conversation with an experienced lawyer who was asking me about my career goals. When I told her I wanted to be a mediator, she said “you can’t be a mediator. How will you compete with all the judges who are now doing mediation? They have a lot more experience than you do. Why would anyone ever choose you?” Now, believe it or not, the important part of this story is not that she had a single story about what a mediator should be and for her, a mediator
needed to be a retired judge. Nor is the important part of this
story that she ruined my new year’s by nearly derailing my
career plans. No, the important part of this story is what
happened next. I walked off feeling that maybe she was right
and that I was making a big mistake to think I could stop
practicing law and make a career out of mediation. I’d say an
hour or so passed and I found myself now in conversation with
this same woman’s husband who was also a lawyer. When he
asked me about my goals and I said – of course with much more
hesitation this time – that I wanted to work in mediation, he said
“that’s great! You should talk with my wife about that. She
always wanted to be a mediator and tried for many years but she
could never make it work for herself.”

I tell this story to illustrate the concept of what novelist
Chimamanda Ngozi Adichie would call a “single story.” I was
being told a single story about who was worthy enough to be called a mediator, in this case, the single story is that the role should be reserved for retired judges. Single stories are often motivated by self-interest and our need to preserve our own comfort and buffer against our own fears. Adichie also reminds us that we cannot talk about single stories without talking about power. How a story is told, who tells it, when it is told and how many stories get told are dependent on power. So as you go forward in your discussions today, I urge you to be aware of your power in this process and consider how your fears, ego, interests and beliefs are working together to help you write the story of international family mediation.

But as mediators, how do we do this? Critical self-reflection is difficult under the best of circumstances but especially so when you are not in the regular practice of examining your own story.
As mediators we are in many ways masters of the art of storytelling but we most often act as editors, helping others to tell their stories, eliciting information, reframing and shaping stories and ultimately helping multiple and diverging stories to converge into one shared future story. But are we masterful in telling our own stories with honesty and courage? Certainly every captivating story has a hero and a villain and who doesn’t want to be the hero? But the most fundamental premise of inclusivity is that everyone has an opportunity to be at the center and no one is automatically left at the margins. And that means no one gets to be a hero or a villain, but we all have to be a little of both. Professional responsibility requires that we consider competence and define qualifications by creating enough space for the best of our colleagues to join us at the center. My story may be that I am a lawyer with multiple academic credentials, many hours of specialized ADR training and years of ADR
experience, but who am I to try to say that a Hawaiian elder who
is expert in the indigenous and ancient art of Ho’oponono, who
learned to resolve complex family disputes not in a classroom
but from his father and his father’s father, that he is not qualified
to call himself a mediator.

IV. Question II: What is the Main Idea of the Story?

After considering point of view, the next question a storyteller
might ask is about substance. What is the main idea of the story?
What is the moral? In this case, our story is a complex one
about defining competence for family mediators in a global
context.

All professionals are, or should be, consumed with competence.
It is, after all, the way we predict our ability to be consistently
effective. Defining competence, developing qualifications and
requiring training are the means by which we attempt to assure
and control quality, maintain the integrity of processes and professions and protect the often vulnerable end-users or parties to a process.

When I was leaving my position with the United States federal courts, where, I should tell you, we thought often and deeply about what made a mediator effective and what qualifications we should have for our roster of neutrals, I also found myself participating in conversations about what qualifications would be necessary for my successor to have. The court was concerned that they wouldn’t possibly be able to continue moving the program forward unless they could find someone who had years of experience in the federal court system and understood not only ADR but also the context of the federal courts. At the same time, I had just finished negotiating the terms of my new appointment as ombudsman at a public research university and
was informed by the chair of the search committee that the committee’s sole concern about me was that I didn’t have years of experience in higher education and how could I possibly learn all there is to know about working in an academic environment. The good news is that I was successful as an academic ombudsman and so was the new ADR program administrator, who, by the way, had no experience working with the courts. I always tell this story when engaged in conversations about professional qualifications because it illustrates our innate desire to define qualifications narrowly, to attempt to manage complexity by imposing limitations.

As you work today to avoid narrow constructions of competence, you have a somewhat daunting task ahead of you. But remember, every good story is packed with conflict and tension, is it not? Some of the tensions you will encounter
include: balancing the aspirational and the practical, providing access while preserving quality, promoting inclusiveness while also maintaining the exclusivity necessary for professional accountability and credibility, supporting adherence to basic standards without stifling innovation, and providing administrative nurturing and oversight despite the reality of limited resources. But perhaps the all-time greatest difficulty of measuring effectiveness in ADR processes is recognizing the value of data and metrics while respecting the confidentiality of process and understanding that many of the most essential qualities of mediator competence, such as integrity, courage, creativity, authenticity, cultural expertise, curiosity and emotional intelligence cannot be easily quantified.

As you begin to untangle these tensions, I suggest it might be helpful to start with the most basic of questions, such as what is
competence? Psychologist Thomas Gilbert says human competence is a function of worthy performance, which is a function of the ratio of valuable accomplishments to costly behavior. In other words, competent people are those who can create valuable results without excessively costly behavior. Gilbert identified six variables which he believed were essential in helping to mitigate excessively costly behavior. Those are: information, resources, incentives, knowledge, capacity, and motives. So one of your tasks today is to think about not only what valuable results and costly behavior look like in the context of cross border child protection cases, but also to begin considering how you might implement one or more of the variables I just mentioned to increase mediator competence.

The model you ultimately develop will likely be rooted in some mix of training, experience and performance. Some of the
criteria for assessing competence could include academic credentials, basic training, specialized training, continuing education, supervision, intervision, experience, examination, demonstration, user feedback and evaluations, self-evaluation, references, interviews, apprenticeship, co-mediation, mentoring and much more.

The most promising frameworks for mediator competence and qualification use some constellation of the criteria just mentioned, and rather than focusing on trying to assure quality, focus on assisting mediators with improving quality. This move from quality assurance to quality assistance is summarized by researcher Charles Pou, Jr. as “a system that provides encouragement, incentives, and a support structure that allows mediators – using performance-based approaches and user feedback among other things – to target developmental needs,
work collaboratively on continually improving process skills, give systemic attention to “reflective practice,” and deal with shortcomings.” Pou concludes that this assistance approach will do far more to advance the field’s overall competence and enhance its long-term credibility.

V. Question 3: Will The Story You Write Be A Classic?

The first two questions I asked – from what point of view are we telling the story and what is the main idea of this story – both require a close lens. The third question requires you to stand back and look at your work with a long lens, to ask yourself whether you are writing a story that will be a classic. A classic is a story that endures and continues to be relevant over time, a story that influences history, whether personal, professional or societal by being challenging and innovative and a story that has broad appeal because so many are able to connect with it. It is
of utmost importance that as you consider competence, qualifications and training for cross-border child protection cases, you also consider whether you are writing a story that will have broad relevance.

I want to talk for just a moment about the organizational ombudsman field, as that is my professional community and that community is currently working to further develop its framework – which includes standards of practice, a code of ethics, best practices and a certification process. To be fair, those who developed these frameworks were, like all of you, pioneers. They made the road by walking. They literally made something out of nothing. And I think all organizational ombudsmen are grateful to them for their contributions. However, there are lessons to be learned from this field’s evolution.
The organizational ombudsman framework is highly technical, extremely aspirational and without truly meaningful accountability mechanisms. What this means is that the field’s foundational principles and qualifying scheme have made it difficult for the field to gain the external support and credibility necessary to develop into a profession. What’s more, these frameworks have now come into question by some within the ombudsman professional community who feel alienated by the standards and from the certification process. The outcome is a qualifying mechanism in which some of the most expert and most effective ombudsman won’t participate because they don’t agree with its foundational principles. I believe that we, as a field, are learning that we need to do a better job of understanding the range of contexts in which ombudsmen are working and in reaching outside of ourselves to understand the needs and interests of our most valued stakeholders.
Similarly, the ombudsman field has taught me that competence frameworks must be practical – able to be understood and implemented without undue burden, in a range of settings. They must be written in plain language as a classic story that can be understood by not only practitioners within the specialized field but by a wide range of stakeholders and particularly professionals and authorities from allied fields and disciplines.

Your framework for international family mediation competence, qualifications and training must resonate beyond those who practice international family mediation and beyond those in this room. In short, work hard to make your story a classic.

VI. Closing.

So I’m going to stop talking now, so you can move forward and actually begin this process of crafting what I am sure will be a wonderful, inclusive narrative about competence, qualifications
and training in cross border child protection cases. There is a Native American proverb that says “it takes a thousand voices to tell a single story.” We may not have a thousand voices here today but I think we have all the voices we need. I want to thank you all for your time and attention and for allowing me to add my voice to your story.