FAMILY MEDIATION: MODELS OF PRACTICE FOR FAMILY DISPUTES

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Abstract

The purpose of this study is to develop data on the experience of mediators in order to explore the working methods of family mediators from mediators' own point of view. More specifically, the objective of this qualitative study is to explore the effectiveness of family mediation models of practice in the family mediation field they find most effective in their work linked to high conflict disputes and sensitive issues treated in the field. The study focused on which are the most effective family mediation approaches that mediators use in practice and in what way do they play a part in mediation process with regard to dispute resolution. This study aims to provide a detailed picture on the actual experience of twenty mediators, drawn from the Albanian National Chamber of Mediators, in order to explore the effectiveness of models of practice from mediators' own point of view by using a qualitative method design. The purpose of semi-structured interviews was to discuss the mediators' perceptions on the effectiveness of family mediation with regard to models of practice, and permitted discussion about the effectiveness of mediation in resolving with conflict family issues dealing with divorce. The findings of the study provide an empirical evidence of family mediation practice in Albania analysing the factors and features affecting mediation in terms of models of practice linked to problematic issues. Furthermore, the study demonstrates that models/approaches in use partially highlight those models reflected in the academic literature. The findings show that mediators make only use of structured-negotiation model, transformative model, caucus approach/shuttle mediation, narrative mediation, facilitative mediation, and structural model of mediation in practice. However, our findings suggest that the majority of mediators consider the eclectic approach as the most appropriate to solve family disputes as linked to nature of conflict, social-cultural context, and diverse dispute characteristics. Despite the attempt of practicing a diversity of mediation models in practice, this study demonstrates that first, the use of models of practice is ristricted in mediation field with regard to family disputes, and second, the way mediators adopt these practice models of mediation, affects both the process and the outcome of mediation in the attempt to resolve family disputes, and therefore, reaching negotiations.

Keywords: family mediation, dispute resolution, models of practice, working strategies.

1. INTRODUCTION

The development of family mediation in the United States and Europe has come thanks to excessive increase of civil cases in front of the courts. For this reason, was raised up the necessary to identify alternatives to the process, in order to have a more effective service to individuals in resolving disputes. Furthermore, many mediators work in the context of a specific model of mediation, and others select techniques from different models and integrate them into their own model of practice. Although they are different, the goal of any model is always to help the couple in crisis in resolving conflicts. These conflicts can be resolved by using a global model in its relational and economic aspects, or a partial model, thus giving a greater importance to property issues, rather than relational, or vice versa.

With regard to family dispute matters, mediators need a theory to provide an explanation consistent with their professional activity. The theory contains central values of mediation. The practice of mediation is based on

beliefs and fundamental values about people and conflict.

Moreover, the objective of this qualitative study is to explore the effectiveness of family mediation models of practice in the family mediation field they find most effective in their work linked to high conflict disputes and sensitive issues treated in the field.

2. LITERATURE REVIEW

2.1. Family Mediation Approaches

Many questions emerge regarding the differences between models of practice and their use in family mediation field. On the one hand, a question emerges in relation to the equal applicability to all couples who decide to enter the family mediation. On the other hand, another question arises if these models are better suited to a particular type of couple. With regard to the effectiveness of family mediation approaches in-use, research shows that most of mediators do not display any particular preference for a model with respect to another. However, a sizeable number of mediators show a particular interest and preference with regard to a specific model of practice linked to their expertise on mediation, such as the principled negotiation model. On the other hand, other studies demonstrate that there are significant differences on the particular preference or application of a model in relation to mediator's professional background.

In 1973, a social psychologist, Morton Deutch, first introduced his theory of the nature of human conflict, and the constructive use of a third party in conflict resolution. Based on Deutch's theoretical approach, Brown described mediation as "looking at alternative solutions, increasing constructive communication, reminding parties of the cost of the conflict, and the consequences of the unresolved dispute, and promoting a mediator as a model of competence, integrity and impartiality "(Brown, 1982, p. 14).

In addition, the Fisher and Ury (1983) model of negotiation based on the principles of interest is seen by many as the theoretical basis of mediation. The interest-based negotiation uses a problem solving approach that seeks common interests and tasks to help disputes achieve acceptable results for both.

2.1.1. Facilitative Mediation

The facilitative mediation relates to the field of family mediation and divorce. Early authors and professional mediators described mediation of what today is called facilitative model of mediation and divorce as a process which includes many stages. This model is primarily a process of importance to decision-making of the parties involved, and gives the parties a position of power. Moreover, the facilitative model of mediation focuses on identifying parties best interests, developing all the possible solutions, and evaluating the agreements with the support of a neutral third person, the mediator, who plays a facilitating role, driving them towards a clear definition of the problems, and guiding the parties toward the stage of negotiation (Folberg, 1983; Milne, 1982).

Furthermore, Moore (1996) states that mediation is "the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching amutually acceptable settlement of issues in dispute".

On the one hand, Kolb (1983), suggests that facilitative mediation can operate as an orchestration, in which the parties' thoughts, and feelings are taken in to consideration from the part of mediators as central to mediation. In this context, mediators who rely on the facilitative model of mediation do not attempt to convice parties to reach an agreement without taking in to account parties' willingness to do so.

On the other hand, Riskin (1994), suggests that "the facilitative mediator assumes that his principal mission is to enhance and clarify communications between the parties in order to help them decide what to do". Accordingly, Riskin suggests that there are differences in defining whether a mediator takes a facilitative or evaluative role in solving disputes. So, the researcher developed a grid in order to define whether a mediator takes a narrow or a broad classification of the conflict to be resolved (Riskin, 1994, p.31).

However, research shows that many of the mediators who rely on the facilitative model of mediation describe this model as an interest-based approach or as principled- negotiation focus based on the work of Fisher and Ury (1981).

2.1.2. Evaluative Mediation

Evaluative mediation is defined as controversial when used to family dispute matters. Instead, it is commonly used when applied to commercial disputes (Folberg, 2004, p. 72).

This mediation model is characterized by a greater involvement of the mediator, who, through the use of

techniques related to the management of conflict, directs the parties toward an agreement. Those who support evaluative mediation, believe that the combination of mediation with the evaluation, is not only possible, but it is also useful. According to Bush & Folger (1994), evaluative mediation is an effective approach in the attempt to resolve family disputes, since it aims to "transform" the disputants as the conflict is resolved.

On the other hand, some argue that the use of the evaluation model may compromise the objectivity and neutrality of the mediator, at the expense of parties' self-determination in making choices. Those in favor of facilitative mediation suggest that the role of the mediator is to facilitate the process of mediation through dialogue and communication (Love, 1997). Opponents of evaluative mediation tend to criticize this combination of different functions, suggesting that every form of assessment by the mediators is totally contrary to the principles of traditional mediation "pure", defined as facilitation of negotiations between the parties, through the help of a third party, impartial and neutral with respect to the possible outcomes (Love, 1997).

2.1.3. Narrative Model of Mediation

Narrative mediation is based on the idea that mediators and disputants exert a reciprocal and continuing influence, through their dialogue and communication. Theorists who embrace this approach to mediation explain the narrative model as a process in which disputants are invited to tell their story with the purpose of equally involving them in mediation, and helping them resolve conflict through a shared understanding (Burrel, Donohue, Alen, 1990; Cobb & Rifkin, 1991; Suares, 1996).

According to Cobb (1994) and others, recognizing the continuing mutual influence that mediators and disputants exert on each other, this is a challenge to the direct model of mediation, in which the disputants are guided by the mediator as in a series of steps. Furthermore, structured models provide a useful structure for the mediation process, but do not explain the dynamics and do not use a wide range of communication strategies.

A central concept of narrative mediation model is the idea of *framing* elaborated by Bateson (1995). Bateson defined the term "frame" as a psychological means to delineate messages. The concept of *frame* operates including certain messages and excluding others, just like a picture frame containing the image to be viewed and excludes external parts. For example, you can be attributed to a negative message a positive form. The notion of frame or form, however, is static, although mediation has embraced the term reframing, as more suitable to the idea of the process, by representing an interactive message exchange.

Furthermore, the *reframing* is considered by many as one of the main techniques used by mediators to help the disputants to progress towards an agreement. Research on mediation show that the *reframing* is seen as a unilateral function conducted by the mediator, and therefore, in therapeutic and transformative models of mediation, the mediator uses techniques like this to get a calculated effect on the disputing parties. Instead, communication models emphasize the co-construction of frames and shapes (Botker & Jameson, 1997), in which, disputants and mediators, constantly formulate and reformulate one against the other.

2.1.4. Family-Centered Mediation

The family-centered mediation takes into account the needs of the family as a whole, including parents, children and other members. The children are involved indirectly and sometimes directly in mediation. In this model, family mediators focus on the needs and the related problems of various family members, and help them to develop solutions to the problems. This family mediation model derives from systems theory, attachment theoy, conflict theory, and negotiation theory. The family-centered mediation tries to help parents and other members of the family system to develop parenting programs, and settle agreements. The goal of this approach is to help families manage change. The family members are helped to communicate with one another, and to reach decisions during a critical period of transition and readjustment (Parkinson, 2003, p.66). The changes that must be faced in the transition of a critical period, involve multiple psychological adaptations for both adults and children. The main theoretical framework for family-centered mediation is systems theory. Furthermore, systems theory provides the tools to conceptualize and understand the individual experience and life events, in the social and family context (Parkinson, 2012, p. 65). Therefore, systems theory aims to further explain the family structure, relationships and patterns of behavior.

2.1.5. Global Model (Haynes)

Global model of mediation was developed by the psychologist John M. Haynes, [1] in 1978, which created this

[1]J. M. Haynes, psychologist, is the president of *Haynes Mediation Associates*, and also the president of *Mediation Training Institute*. Haynes is the founder of *Academy of Family Mediators.*

type of family mediation in the United States, later in Canada, and in Europe. The global model pursues the aims of a family mediation of global type, because its structure is organized in such a way to deal with any problems arising from a separation or a divorce, taking into account both relational and patrimonial aspects.[2] According to Haynes, interpersonal disputes, those relating to the position of children are inseparable from the economic aspects, and therefore separate the two issues would lead to the failure of mediation.

2.1.6. Transformative Mediation (Bush and Folger)

Bush and Folger transformative model defines the mediation as "*a process in which a third party helps the parties to redefine the quality of their dynamic relationship transforming the conflict from negative and destructive to a positive and constructive one through the observation and discussion of issues and possible solutions* "(Bush, 1994).

This approach allows participants to lead, while the mediator follows: all his attention goes to encourage positive communication between the parties, and listening to each other. When it is create a greater understanding between the couple, looking at the problem with a different point of view, the whole picture can be transformed.[3] However, the mediator brings intervention methods that contribute to the achievement of two key objectives: empowerment and recognition. Empowerment encourages self-determination and autonomy, strengthening the capacity of people to clearly see their situation. In addition, recognition involves the parties in the ability to recognize one's feelings and points of view

3. METHODOLOGY

3.1. The purpose of the study

The purpose of the study is to explore the effectiveness of family mediation models of practice in the family mediation field they find most effective in their work linked to high conflict disputes and sensitive issues treated in the field.

3.2. Research questions of the study

Which are the most effective *family mediation approaches* that mediators use in practice and in what way do they play a part in mediation process with regard to dispute resolution?

3.3. Research design

3.3.1. Methods

This study aims to provide a detailed picture on the actual experience of twenty mediators, drawn from the Albanian National Chamber of Mediators, in order to explore the effectiveness of models of practice from mediators' own point of view by using a qualitative method design.

Even in this study of family mediation, and taking into account a complex and a sensitive issue, such as the issue of divorce, the study aims to provide a detailed picture on the actual experience of mediators in order to explore the way mediators address salient issues in mediation process from mediators' own point of view by using a qualitative method design.

The reason of why the sampling of the study consists of mediators drawn from the National Chamber of Mediation, underlines the importance of the family mediation field in which the mediators face with divorce cases at their work settings on daily bases, so that the mediators represent of a valuable resource in this research, in the attempt to fulfill the main objectives of the study. With regard to the gender of the mediators, the study consists of eight (8) female mediators and twelve (12) male mediators. Interestingly, the study shows that gender does not have an impact on the effectiveness of mediation with regard to mediators' working methods.

3.3.2. Instrumentation and data analysis

Considering the exploratory nature of the study, the goal of the semi-structured interviews was to allow the participants the freedom to express their views with regard to specific issues in the field, and to allow them express themselves through open dialogue resulting in a narrative form of communication. The purpose of semi-structured interviews was to discuss the mediators' perceptions on the effectiveness of family mediation

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[2] M. CORSI, C. SIRIGNANO, *La mediazione familiare. Problemi, prospettive, esperienze,* Vita e Pensiero Editore, Milano, 1999, p. 53.

[3]L. PARKINSON, *La mediazione familiare: modelli e strategie operative*, Erikson, Londra, 1997, p. 59.

with regard to models of practice, and permitted discussion about the effectiveness of mediation in resolving with conflict family issues dealing with divorce.

3.3.3. Sample/Participants

A crucial part of the present study is determining the sampling. It is important to highlight that before deciding what types of participants to include in a study, and what kind of information a researcher wants to collect, the main research questions of the study need to be identified and specified. Furthermore, the sampling frame in the present study is purposive/judgment. The intended emphasis of this part of the study is to explain why sampling is purposive in this research. So, the study included mediators who have a professional experience as conflict resolution mediators. Likewise, in the judgment sampling, in the research, there is a selection of units to be sampled based on mediators' knowledge and professional judgement about family mediation, and models of practice in the field.

Moreover, the sample consisted of interviews with twenty mediators drawn from the National Chamber of Mediators, that have been previously identified as working with conflict families and having an experience with family disputes matters. The sample consisted of interviews with twenty mediators drawn from the National Chamber of Mediators, in which eight of them were male mediators and twelve of them were female mediators. Moreover, the sample included mediation professionals, in which most of them hold a Law University degree, mainly with backgrounds in family law, and very few of them included professionals with backgrounds in mental health etc., with years of practice ranging from one to eight years

3.3.4. Procedure

It is important to emphasize that the interviews with mediators and the guide interview questions were conducted in the Albanian language during the study. Since the data collection is an essential component by itself to conducting a study, the researcher attempted to both demonstrate carefulness regarding the translating criteria, and professional competence in qualitative research. Furthermore, the researcher showed carefulness to transfer meanings of data collection from Albanian language to English language without changing the content by following both the English language guidelines for translation, and mainly taking into account linguistic differences, and social-cultural determinants. Furthermore, twenty interviews were conducted in the study, and their duration was for a period of six weeks (from May to July 2016). All participants in the interviews were informed about the procedures as well as the objectives of the study. The duration of each interview lasted 35 to 40 minutes. First, the data collected were transcribed, and recorded manually through the interviews. Furthermore, the second phase consisted of the identification of the themes and categories that emerged from the data. This process involves identifying themes through transcripts of interviews and attempt to verify, confirm, classify data, and repeating this process until the researcher is able to identify all themes and categories. The last phase consisted of the interpretation of the findings. Researcher developed a list of key findings that emerged as a result of the categorization and classification process, and was followed later with descriptive quotations or examples to give meaning to the data.

4. RESULTS

The purpose of this study is to develop data on the experience of mediators drawn from the Albanian National Chamber of Mediation in order to explore the effectiveness of family mediation models of practice in the family mediation field they find most effective in their work linked to high conflict disputes and sensitive issues treated in the field.

Furthermore, the views of the respondents on the question of which are the most effective family mediation approaches that mediators use in practice and in what way do they play a part in the mediation process with regard to dispute resolution is analyzed as the following. Moreover, in the attempt to explore the current mediation models of practice, the respondents were asked to specify which of the models of practice they are currently using, and also they were asked about the effectiveness of each model in-use. In other words, mediators were asked to identify which are the models of practice with regard to family disputes that they use in their work. Therefore, the present study shows the participants' responses by specifying their model of practice as choosing between the followings: facilitative mediation, evaluative mediation, structured negotiation model, structured approach, shuttle/caucus mediation, narrative mediation, transformative mediation, therapeutic model of mediation, transitional-symbolic model, feminist-informed approach, systemic approach. Moreover, mediators were also asked if they use more than one model of practice in their work.

The study shows that most of the mediators make use of the structured negotiation approach, others report of using the facilitative mediation in their work, and many of them rely on two or more models of practice by

adopting the eclectic approach in mediation.

Moreover, the study demonstrates that the models/approaches in use from the part of the mediators highlight those models as reflected in the academic literature, such as the directed negotiation model, the transformative model, the caucus approach/shuttle mediation, narrative mediation, and the facilitative mediation.

On the other hand, the therapeutic model, the transitional-symbolic model, evaluative model of mediation, and other approaches were not mentioned in the study from the part of the mediators. Furthermore, important themes emerged during the study where the models in-use is related to mediator's professional expertise, the gender of the mediator, the party's tipology in terms of personality traits, the nature of conflict, and mainly the issues involved in the mediation process.

Moreover, a lawyer mediator expressed his direct view regarding the model he is using in relationship to his professional background. Consider the following comments:

I always use the structured negotiation model in the mediation sessions. I think it is the best model in use, because it helps the disputing party achieve a balance of power, and it also helps them focus on collaborative attitudes. Probably, I think of my preference of this model is due to my experience as a lawyer.

Furthermore, a lawyer mediator expressed his direct view regarding the model of practice not specifically related to his professional background. Instead, the mediator proposed the facilitative approach of mediation as mainly linked to the role and style of the mediator, and it is also positively linked to the principles of impartiality and neutrality. Consider the mediator's views in relation to the models of practice:

I always try to play a facilitative role, identify parties' needs and best interests, develop possible solutions, and guide them toward reaching a negotiation. It doesn't matter in what model of practice you rely. What matters is the importance of role of the mediator, therefore, that of being a facilitator. So, parties should understand that you are impartial, neutral, and that your purpose of your actions is to facilitate the process.

Similarly, another mediator reported of being in favor of facilitative model of mediation as related to both mediator's personality traits, and mediator's professional expertise. Consider the following mediator's views:

Well..I think that facilitative model of mediation stands above all the other models, because it is client-centered, and it is also based on parties mutual interest. My role as a mediator is to facilitate the communication between the parties. Yes, I agree that I attribute this to my professional expertise, but again, it's not quite simple. Indeed, it is more complicated to explain. Trying to help parties to better communicate with each other, and therefore facilitate their flow of communication, it comes from inward.

Eventhough most of the mediators rely mainly on the structured negotiation approach as the basis of family mediation, however, some of them combine the principled negotiation model with other models of practice. Another lawyer mediator has expressed a more indirect view with regard to models in use. The following mediator attributed the models in practice to specific situations or contexts of mediation as well as the issues treated in the mediation process. Thus, the respondent emphasized the eclectic method in use, where he adapted two or more mediation models depending on the context and issues involved in the process. However, the structured negotiation approach forms the basis for conflict resolution for this mediator. Consider the following comments:

Most of the times I use the principled negotiation approach when it comes to dispute resolution in general. But again, this depends on the case I am treating. If the main couple's concern is the parental custody, I try to adapt a less structured model, such as the transformative approach. But of course, one mediator should be really trained in adapting other models.

Again, many of the mediators rely mainly on the structured negotiation approach, however, some of them combine the principled negotiation model with other models of practice as linked to context, nature of conflict, and parties' individual characteristics. In addition, this mediator reported that there is a relationship between the models of practice and the principle of neutrality, and that the models of practice are linked to culture/social dimensions. Consider the following comments:

I personally attribute my success as a mediator to the structured negotiation model. I think that principled negotiation approach is the foundation of all the other models. However, considering other factors such as the complexity of the issues treated in the field, nature of conflict, disputants' tipology, and culture/social dimensions, I usually rely on facilitative model, and shuttle model of mediation. However, I think that every mediator should be careful in using the models, since not every model is suitable to any type of conflict (I highlight here the culture/social context). As a result, this may put the principle of neutrality at risk.

Similarly, another lawyer mediator attributed the models in practice to specific situations or contexts of mediation as well as the issues treated in the mediation process by proposing an eclectic model of practice, but still, the principled negotiation model is the basis of mediation. He strongly expresses his direct view on the exclusion of narrative model in mediation as linked to the creation of power imbalances during the process. Consider the following comments:

I think that the combination of some mediation models may lead to the effectiveness of dispute settlement. Most of the times I use the structured negotiation model depending on the situation and the nature of the conflict. However, I believe that the transformative model of mediation is a challenge when it comes to dispute settlement, in the sense that it requires not only an understanding from the part of the disputants themselves when used, but also the proper education and training on the part of mediators in order to succeed. On the other hand, I think that the narrative model is not the appropriate model, because if applied, could lead to the creation of the power imbalance between the parties.

Interestingly, as opposed to the above mediator's comments with regard to the narrative model of practice, the following mediator expressed her views on identifying the narrative model, and the transformative model of mediation as central to her success in the attempt to resolve family disputes. Consider the following comments:

The way I operate in my work as a mediator is trying to help parties tell their story in an equal way, and help them solve their conflict through dialogue and communication. Therefore, I try to encourage positive communication, and help them looking at the problem with a different perspective. Instead of trying to push the parties toward reaching a negotiation, I first help them solve the conflict through a shared understanding. I think that narrative and transformative models of mediation have positively contributed to my success as a mediator.

Furthermore, the transformative model is identified in the study with a primary focus on looking at the problem with a different point of view, and the whole picture can be transformed.

However, two out of twenty of the mediators, reported to rely on the transformative model of mediation by attributing it to their academic background as well as to their professional expertise. However, it is important to highlight that this does not mean that lawyer mediators do not make use of the transformative model in their work. Following the same debate, other important themes emerged during the study, and they highlight the difference between lawyer mediators and other profesional mediators linked to the model of practice. Consider the following mediator's comments with regard to the transformative model of practice as linked to her professional background as a psychologist:

Well, I am a psychologist in profession. I realize that negotiations are difficult to achieve, and I try to encourage constructive communication between the disputants by helping them reorganize their relationship. I try to focus more on the interaction and communication between the parties that can lead to a moral growth. When the disputing parties enter the mediation process, I try to make a fully understanding of the significance of the whole process, otherwise negotiations could not be achieved, and the mediation process may totally fail. So, in order to avoid this, I get strongly focused on empowering party's self-determination and autonomy by strengthening the capacity of the disputants in order for them to clearly see their situation. I can't actually follow a structured mediation without not directing the flow of communication between the parties. I strongly agree that a lawyer could apply better the structured negotiation model to family disputes.

Consider another mediator's comments with regard to the transformative model of practice as linked to his academic and professional background in studying Law School in Canada:

I started the Law School from the University of Toronto years ago, and I was enrolled only two academic years in that University. However, having taken courses of mediation in general, and, training sessions on the transformative mediation, in particular, I then decided to follow a transformative approach in my work. However, this does not mean that I strictly follow that approach.

Furthermore, another theme emerged during the study where the models of practice are linked to the issues mediated, particularly in cases when high conflict situations are confronted in mediation. Furthermore, consider the following example where shuttle mediation (caucusing) is considered effective with regard to high conflict disputes, and it can best work as a strategy of crisis:

I usually follow this model in my work, especially in commercial mediation. I have also used the caucus in family matters to, especially when faced with parental custody, and when children are the party's main concern. I think, this is the best method since it can help the disputants minimize levels of conflict.

Moreover, consider another mediator's views with regard to the preference of the shuttle mediation in use, and also linked to the context or situation, as well as problems or issues presented in the process of mediation:

First, I think that caucusing is a good method in resolving conflicts. If I work with high conflict parents in separate rooms, it is easier for me to help them individually in the attempt to minimize their conflict. There are cases that they do not want to see each other. Joint sessions would be time consuming and would not resolve any problem. Plus, seeing them separately would help me identify for possible spousal and child abuse situations. Of course, I do not make use of this model everytime. It depends of the case and the issues treated in the mediation process.

Consider another mediator's idea of being in favor of shuttle mediation:

I think that caucusing is a very effective model in solving high conflict issues, particularly in situations where feelings of anger and grief are directly manifested since at the beginning of mediation sessions from the part of the disputants. Joint sessions would not produce positive effects on couples at first glance. Of course, I may use another kind of mediation model in joint sessions, when I see that levels of conflict get minimized at *a certain point.*

5. DISCUSSION

Moreover, many questions emerge regarding the differences between these models and their use in family mediation. On the one hand, a question emerges in relation to the equal applicability to all couples who decide to enter the family mediation. On the other hand, another question arises if these models are better suited to a particular type of couple. With regard to the effectiveness of family mediation approaches in-use, research shows that most of mediators do not display any particular preference for a model with respect to another. However, a sizeable number of mediators show a particular interest and preference with regard to a specific model of practice linked to their expertise on mediation, such as the principled negotiation model. On the other hand, other studies demonstrate that there are significant differences on the particular preference or application of a model in relation to mediator's professional background. For instance, as reflected in the literature, the therapeutic model of Irving consists of a run-up phase to the mediation process focusing most on the disputants' emotional aspects, and restructuring the family system. As opposed to the therapeutic model, the structured approach, proposed by Coogler, Fisher and Ury, consists of a particular procedure of family mediation, in which there is a logical and historical order, both in terms of issues to deal with, such as the education of children, the division of family assets, child support, maintenance of the spouse, and also in terms of the procedures to be completed. In this context, when the couple decides to mediate, the mediator who follows a structured negotiation approach aims to help the disputing party to invest more on negotiation techniques. It is interesting to know that since the direct mediation to an agreement is based on the technique of rational negotiation, the focus of this model arises in obtaining concrete results and solutions in practice. On the other hand, there is the risk that the mediators who apply the structured negotiation model may end up to quick conclusions, by not taking enough into account the emotional aspects from the part of the disputants. On the other hand, the therapeutic model recognizes that there are couples not ready yet to work together in mediation. These couples may be able to use mediation, if is offered a help to them in advance in separate meetings. However, it is important to highlight that all other models pay attention to the relational processes of the couple, but they just do it in a minor way.

One other difference can be noted with regard to the presence or not of the children to the mediation meetings. In the structured model, parents are encouraged to bring their children in mediation, whereas in the therapeutic model, the children do not participate in the mediation sessions.

However, there are differences between the therapeutic model and the transformative model as well. The first one puts its emphasis mainly on the evaluation process prior to the mediation therapy. The mediator who uses a transformative model, does not manage the process, but accompanies and supports the disputing party to think of alternatives and solutions.

In contrast to processes that deal with a single theme, such as children or finances, the global mediation proposed by Haynes deals with all the issues involved in separation or divorce, child custody, spousal/children maintenance, and property issues. On the other hand, integrated or partial mediation takes into account only some aspects in the process of separation/divorce. That is, only the issues related to child custody are addressed to a non-directive style from the part of the mediator.

Furthermore, the views of the respondents on the question of which are the most effective family mediation approaches that mediators use in practice and in what way do they play a part in the mediation process with

regard to dispute resolution, is discussed as the following. Moreover, the study provides significant data with regard to mediation models/approaches in practice, in which six family mediation models were identified as the following: structured negotiation model, transformative model, narrative approach, structured approach, facilitative mediation, shuttle/caucus mediation, and the eclectic model of mediation (a mixed approach focused on the selection of other techniques and models of mediation).

Respondents were asked in what way these models of practice play a part in mediation with regard to dispute resolution. The findings suggest that although there are differences with regard to a particular model of practice, most of the mediators rely on two or more approaches in their work depending on the context and disputes' characteristics. Specifically, the study shows that a sizeable number of mediators make use of the structured negotiation approach, while others report using the facilitative mediation in their work, and most of them rely on two or more approaches by adopting the eclectic method in mediation.

Moreover, the study demonstrates that the models/approaches in use from the part of the mediators partially highlight those models reflected in the academic literature, such as structured-negotiation model, transformative model, caucus approach/shuttle mediation, narrative mediation, facilitative mediation, and structural model of mediation. The study also reveals that some of the models of practice as reflected in the academic literature were not mentioned in mediators' interview responses. Therefore, the therapeutic model, the transitional-symbolic model, the evaluative model of mediation, the global approach, and the feminist-informed approach etc., were not mentioned in the study. Among these, there were several models of practice widely used in a previous study of family mediation (Kruk, 1998). In this study, emphasis is placed on the relationship between models of practice with diverse client and dispute characteristics. In contrast to our study, these findings report that five mediation models were identified, such as principled negotiation model, therapeutic-family systems, feminist-informed approach, culturally specific, and multigenerational approach (Kruk, 1998, p.208). As these results suggest, a sizable number of mediators use the principled negotiation model as they consider this approach to be the foundation of their practice. However, most of them rely on two or more approaches in their practice (Kruk, 1998, p.207). Similarly, our findings suggest that the majority of mediators consider the eclectic approach as the most appropriate to solve family disputes as linked to nature of conflict, and diverse dispute characteristics. Again, a sizable number of the mediators consider the structured-negotiation appproach as central to their practice. Rather than excluding diverse sensitive issues from mediation, other similar practice models, such as therapeutic model (suitable for those disputants who are unable to negotiate as a result of unresolved emotional conflicts) should be taken in to consideration, as it may enhance the effectiveness of mediation. Again, a feminist-informed approach may result effective when possible screening of spousal abuse and power imbalance are manifested in mediation (Kruk, 1998, p. 208).

Furthermore, the findings suggest that although a sizable number of mediators mainly rely on the structured negotiation approach, however, most of them combine the principled negotiation model with other models of practice within the limitation of their models of practice.

Interestingly, the transformative model is identified in the study as linked to mediator's expertise of this model, with a primary focus on the achievement of two key objectives, the empowerment and recognition. According to Parkinson (1997), empowerment encourages self-determination and autonomy by strengthening the capacity of disputants to clearly see their situation. In addition, recognition involves the parties in the ability to recognize one's feelings and points of view. As Folger and Bush (2001) state: "Transformative Framework assumes the entire mantle of mediation, not only appropriating traditionally acknowledged hallmarks of good mediation practice as its own, but also premising their exclusive realisation on a transformative 'mindset" (Folger & Bush 2001, p.23).

The findings show that two (2) out of twenty (20) of mediators reported to mainly rely on the transformative model of mediation by attributing it to both their academic background, and their professional expertise. The findings also demonstrate that there are other models of practice which are linked to the issues mediated, particularly in cases when high conflict situations are confronted in mediation. Consistent with previous academic literature, shuttle mediation (caucusing) is considered effective with regard to high conflict disputes, and it can best work as a strategy of crisis. The caucus consists of individual mediation meetings, held with each party separately. With regard to the use of this model in family mediation, this paradigm is not used much, since it raises some problems. That is, if the mediator continues to work with them individually, this does not help them to develop an ability to communicate directly with each other. It is important to remember that communication between the parties, improves the answer you get from the other party, by sharing with this partner a new and more adequate representation of reality with respect to the objectives that both people pursue (Di Lauro, 2010, p.24). However, the shuttle mediation can be used in high conflict

situations, and may be used as a strategy of crisis when one of the disputant is unable to speak in the presence of the other. Therefore, this model is used even in the case where the levels of conflict are so high that one of the two is on the point of leaving the room. Offering a brief moment of meeting with each disputant separately can help them ease their tension (Coogler, 1978; Haynes, 1981; Folberg & Taylor, 1984). A similar study of mediation and models of practice suggests that shuttle mediation is particularly used in commercial mediation, and it is very rarely used in family mediation disputes (Roberts, 2007, p.143). In contrast to this study, the findings suggest that some of the mediators rely on this model as a second alternative, when confronted with high conflict family disputes.

Although there are no significant differences in terms of models of practice related to the gender of the mediator, and mediator's work experience, however, there are differences in terms of models in-use linked to mediator's professional background, disputants' characteristics, the nature of conflict, and mainly the issues involved in mediation. Therefore, the study identifies the above reasons as central to mediators' choice of relying on the eclectic model as an effective tool for resolving family dispute matters. However, the findings suggest that mediators should take in to account key factors such as gender issues, social/cultural aspects, and mediators' experience. Despite the attempt of practicing a diversity of mediation models from the part of the mediators, this study demonstrates that the use of models in practice is ristricted in mediation field with regard to family disputes.

6. CONCLUSION

The study demonstrates that models/approaches in use partially highlight those models reflected in the academic literature. The findings show that mediators make only use of structured-negotiation model, transformative model, caucus approach/shuttle mediation, narrative mediation, facilitative mediation, and structural model of mediation in practice.

However, our findings suggest that the majority of mediators consider the eclectic approach as the most appropriate to solve family disputes as linked to nature of conflict, social-cultural context, and diverse dispute characteristics, confirming the main hypothesis of the study.

Despite the attempt of practicing a diversity of mediation models in practice, this study demonstrates that first, the use of models of practice is ristricted in mediation field with regard to family disputes, and second, the way mediators adopt these *practice models of mediation*, affects both the process and the outcome of mediation in the attempt to resolve family disputes, and therefore, reaching negotiations.

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