

Styles and Goals: Clarifying the Professional Identity of Divorce Mediation

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In contrast to mediation outcome studies, there is a lack of research on mediation processes. In response, this article explores mediators' styles and goals and their determinants, such as the mediators' professional background and client characteristics. Survey data of 359 divorce professionals were analyzed with the use of multiple regression analyses. Results showed that styles and goals are predominantly determined by professional-related characteristics. Lawyer mediators and mental health mediators diverged in advisory and interest-based styles but were unified in all goals we studied. The goals, self-determination, advocacy, and processing emotions differentiated mediation from law and mental health practice. Implications are discussed.

Divorce is a life decision with emotional, financial, and legal challenges for children, parents, and other family members (Beck and Sales 2001; Emery 2012). Moreover, when formal divorce arrangements are required, family relations often stop being an entirely private matter and the involvement of professionals becomes likely. In particular, lawyers and mental health professionals play a central role during dispute resolution (Shelley 2001). Framed in a win-lose dynamic, lawyers traditionally take on an exclusive partisan, advisory, and representative role during litigation procedures (Roberts 2005; Bogoch 2008). Conversely, mental health professionals are generally better trained to work with emotionally charged issues that

concern children and parenting (Sarrazin et al. 2005). The reality that divorce is both a legal and emotional process stimulated the emergence of interdisciplinary services to divorcing couples (Singer 2009). In fact, lawyers and mental health professionals increasingly are collaborating with mediators or are trained as mediators themselves (Shelley 2001; Conti 2011).

Often termed the intersection of legal work and therapeutic/counseling practice, mediation promised a more beneficial process and outcome to divorcing couples (Folger and Bush 2001; Emery 2012). This efficacy was recently demonstrated with a meta-analysis showing a moderate positive effect favoring mediation over litigation when compared on children's psychological needs, spousal relationships, and satisfaction with emotions, process, and outcome (Shaw 2010). Although ample studies examined the outcomes of dispute resolution (see Beck and Sales 2001 and Kelly 2004 for an overview), more attention is needed for what actually takes place in the mediation process (Saposnek 2004; Bogoch 2008).

The Process: Styles and Goals in Mediation

In order to classify mediation approaches, scholars have scrutinized the mediator's orientation (Herrman et al. 2003), the change-producing factors (Schwebel et al. 1994), and differences in ideology (Della Noce, Bush, and Folger 2002). However, most influential for training and practice is Riskin's conceptualization of style as an interconnected set of strategies (Shestowsky 2008). Riskin (1996) differentiates orientations in terms of two dimensions: the goal-oriented problem definition of mediators and the role of the mediator. The latter unpacks into strategies and techniques that vary from facilitating the negotiations to making evaluations on the important divorce issues. More specifically, facilitative mediators work more at the procedural level and explore, identify, and integrate underlying interests. Therefore, facilitative mediation is also known as interest-based or integrative mediation (Hensler 2000). In addition, a facilitative mediator abstains from advising in order to maintain a strong focus on the process and the self-determination of the client. Yet refraining from providing advice does not imply abstaining from providing information (Mayer 2004). For instance, a facilitative professional may inform clients about various legal and nonlegal options to arrange property or child issues but will not press for a specific solution. Evaluative mediators go beyond providing information. In fact, they advise regarding the best solution and predict litigated outcomes (Riskin 1996).

The use of evaluative and advisory strategies in mediation is controversial (Lowry 2004). In particular, the argument is that evaluation leads to pressure and direction, and thus undermines clients' self-determination (Della Noce 2009). Some facilitative advocates also claim that evaluative strategies may lead to the unauthorized practice of law (Stemple 2000). However, claims for the opposite are also made. For example, evaluative strategies are considered inevitable when the mediator detects child abuse, domestic violence, or the inability of the client to negotiate due to mental illness or substance abuse (Schepard 2004). Furthermore, providing advice is believed to reduce the knowledge gap between professionals and clients (Lowry 2004).

However, some scholars argue that the facilitative-evaluative debate has more to do with goals than with stylistic variations (Folger and Bush 2001). These goals are frequently overlooked in research (Alexander 2008). Moreover, no consensus exists regarding which goal is important for mediation (Welsh 2004). Some argue that the large influx of lawyers and evaluative strategies made achieving divorce arrangements the primary goal in mediation (Lowry 2004; Welsh 2004). By contrast, others downgrade settlements to a possible but not necessary goal in mediation (Folger and Bush 2001). Inspired by what mental health professionals do, these mostly facilitative mediators aim to improve the quality of interaction between the parties (Folger and Bush 2001; Nelson, Zarankin, and Ben-Ari 2010). Furthermore, Kistharth (1997) states that mediation's greatest strength lies in dealing with emotions and empowering the weaker client during dispute resolution. Indeed, a time-honored mediation goal is empowering clients toward a greater self-determination in owning their disputes (Shestowsky 2008).

In this study, we identify the mediator's styles and goals. However, Riskin (1996) suggests that identifying different styles and goals may in itself add to any confusion concerning the mediator's role. In order to lessen this confusion, several researchers have aimed to understand which characteristics predict styles and goals in mediation.

The Determinants: Client and Professional Characteristics

The common conjecture in mediation literature is that mediators' style is determined by their academic or professional background and which type of clients they are working with (Marlow 1987; Roberts 2005). With respect to the latter, it is argued that mediators are more likely to use evaluative strategies when they face high-conflict clients (Beck and Sales 2001).

Moreover, evaluative mediators reported that settlements are less likely to be obtained when using a facilitative style with high-conflict couples (Butts 2001). Yet in financial disputes with couples who display low to moderate conflict, lawyers were more convinced than mental health professionals that facilitative mediation was the preferable conflict resolution option (Butts 2001). In the case of clients with low socioeconomic status, mediators more easily facilitate information (Garcia, Vise, and Whitaker 2002).

Professional-related characteristics also contribute to a mediator's style. For example, in several studies, female mediators were found to be less settlement oriented and more emotion focused than their male counterparts (Herrman et al. 2003; Nelson, Zarankin, and Ben-Ari 2010). In addition, male mediators were more inclined to use directive strategies, whereas female mediators preferred facilitative approaches (Nelson et al. 2010). Gender, as well as the level of professional experience of the mediator, is believed to determine how the mediator interacts (Marlow 1987; Kressel et al. 1994). Indeed, research suggests that mediators were able to alter their styles through explicit training and direction (Kressel et al. 1994). Furthermore, research demonstrates that expertise in a specific subject matter may influence which strategies are used. For example, compared to lawyer mediators, mediators with a psychosocial background were significantly more likely to use facilitative strategies. Yet professional background was not significantly associated with the use of directive strategies (Sarrazin et al. 2005).

A primary objective of this study was to explore to what extent divorce professionals' styles and goals are associated with client and professional related characteristics. We explore this for both lawyer mediators and mental health mediators as well as nonmediating lawyers and mental health professionals.

Mediation Styles and Goals: Ingredients for an Independent Profession?

When goals and styles differ as much as they appear to do, the question can be raised as to whether mediation is a distinctive and discrete profession, or merely a skill or strategy within the realm of traditional professions (Roberts 2005). Indeed, with the large intake of lawyers and mental health professionals into divorce mediation, legal and therapeutic skills and theory also entered mediation practice (Haynes 1992). Initially this inclusion of multiple disciplines was a boost and an important inspiring necessity for the

emergence of mediation as a profession. However, at the same time, it made integration of diverse theoretical insights into a mediation-specific theory difficult (Beck and Sales 2001). Moreover, this lack of theory fostered an unsubstantiated confidence and dependence on the theories of other disciplines (Della Noce, Bush, and Folger 2002). For example, the widespread use of interventions from family systems theory can create difficulty in discriminating between mediation and marital and couples therapy (Katz 2007). Similarly, the legalistic and adversarial features in evaluative mediation are sometimes considered a mere reproduction of family law practice (Kelly 2000; Shestowsky 2008).

In contrast, the ongoing legal and public promotion of mediation also influenced how lawyers (Singer 2009) and mental health professionals (Bastine et al. 2006) approach divorce conflicts. For example, research increasingly demonstrates that lawyers are integrating facilitative mediation skills into their law practice (Wright 2007; Macfarlane 2008). Mental health professionals also regularly use mediation skills during their mental health practice (Bastine et al. 2006). Although this cross-fertilization is the foundation of what makes mediation unique, it confuses what distinguishes lawyers from mediators and mediators from mental health professionals (Marlow 1987; Roberts 2005). Also, mediators themselves are ambiguous about how they differentiate between mediation and legal practice (Della Noce 2009).

The changes in the divorce landscape illustrate the pressing need to compare and clarify the professional identity of divorce professionals. In particular, within-mediation changes require the identification of similarities and differences between lawyer mediators and mental health mediators. In addition, recent changes in law and mental health practice call for contrasting lawyer mediators with lawyers, as well as contrasting mental health mediators with mental health professionals.

Research Questions

Many of these ideas regarding similarities and differences between divorce professionals are based on speculation and preconception rather than empirical data. Indeed, there is a strong cry in the literature for more process-oriented mediation research (Beck and Sales 2001; Kelly 2004; Saposnek, 2004; Charkoudian et al. 2009). Moreover, research that directly compares the style and goals in mediation with the style and goals in law and mental health practice is nonexistent. Hence, this study used data

from lawyer mediators and mental health mediators, as well as data provided by lawyers and mental health professionals who are not mediators. We addressed two central research questions. First, how are styles and goals associated with professional- and client-related characteristics? Second, how do different divorce professionals differ in their styles and goals?

Methods

This study draws on data collected in a unique Flemish sample of 998 divorce professionals: judges, judicial custody evaluators, notaries, lawyers, mediators, and mental health professionals. The project, Interdisciplinary Project for the Optimization of Separation Trajectories (IPOS), is a collaboration between Ghent University and the University of Leuven, funded by the Institute for the Promotion of Innovation by Science and Technology in Flanders. The project involves cooperation by psychologists, lawyers, and economists.

In this study, the focus is only on divorce professionals who adhered to four successive inclusion criteria. Participants were included in this study only if they (1) completed more than 50 percent of questionnaire items, (2) had an ongoing divorce practice in Flanders, (3) in which they worked as a lawyer mediator, lawyer, mental health mediator, or mental health professional. Moreover, (4) only mediators who spent more than 5 percent of their professional time on mediating family disputes were included in the mediation group. This resulted in a response rate of 59.34 percent (359 of 610).

Procedures

An initial questionnaire was pilot-tested by a team of twelve researchers with a background in psychology, sociology, economy, and law, as well as two panels of practicing mediators, lawyers, notaries, psychologists, and judicial custody evaluators. Their comments were incorporated in a final version that was digitalized with Limesurvey 2.0. Four rounds of data collection took place, during which each interested participant could phone in to a help line if any difficulties arose with accessing and completing the online survey.

Measures

This section will briefly describe the key variables of this study and the methods by which they were measured.

Dependent Variables

Based on the research and conceptual literature, items on five mediation goals were included in the questionnaire:

1. Settlement goal: How important is securing arrangements with a written agreement?
2. Advocacy goal: How important is advocating for the weaker party?
3. Self-determination goal: How important is strengthening the self-determination of clients?
4. Quality of interaction goal: How important is improving the quality of the interaction between partners?
5. Emotional goal: How important is processing emotions?

Each separate practice goal was evaluated on a ten-point Likert scale ranging from 1 (Extremely Nonimportant) to 10 (Extremely Important). Higher scores meant the specific goal was more important for the professional.

Styles. Based on the mediator style index (Krivis and McAdoo 1997), nineteen statements were presented dealing with how the professional defined the problem and how facilitatively he or she interacts during (1) mediation for mediators, (2) law practice for lawyers, and (3) mental health work for mental health professionals. For each statement, response alternatives ranged from 1 = Strongly Disagree to 10 = Strongly Agree. Items were reverse-coded where necessary. Exploratory factor analysis with varimax rotation was used to determine the factor structure of these items.

Two interpretable and relatively independent factors emerged. The first factor contained fourteen advice and problem-oriented items (e.g., “To advance realistic negotiations, I find it helpful to give an advisory opinion to clients about the likely outcome of the arrangements”). Henceforth, this factor will be termed the advisory style. The second factor comprises five items dealing with interests and interaction (e.g., “The interests of the parties are more important to me than settling the divorce related conflicts”). Henceforth, this factor will be named the interest-based style. High internal consistencies are observed with Cronbach’s alphas of 0.92 and 0.75 for, respectively, the first and second factor. (For a table with an overview of each item and their factor loading, the corresponding author Rachid Baitar can be contacted.)

Independent Variables

The independent variables measure the level of mediator experience as well as a number of disputant characteristics.

Professional-Related Variable. *Age and professional experience.* In addition to the participant's age in years and months, we also asked how much of their professional time is spent on divorce (mediation) cases. Response alternatives were 5 to 25 percent, 26 to 50 percent, 51 to 75 percent, and 75 to 100 percent. Higher percentages meant more professional experience.

Client-Related Variables. *Low socioeconomic status.* The participants were asked to indicate how many of their clients had low socioeconomic status. Responses could vary from 0 percent to 100 percent. Higher percentages meant more clients with low socioeconomic status.

High-conflict couples. Based on their own definitions of conflict levels, participants specified how many high-conflict couples they worked with in their practice. Responses varied from 0 percent to 100 percent, with higher percentages indicating a higher proportion of high-conflict clients in their practice.

One's own initiative. Participants reported how often clients entered their practice on their own initiative rather than court ordered or on the basis of referrals from other legal services. Response categories varied from Never (1) to Always (5). Higher scores indicated more clients who entered dispute resolution at their own initiative.

Descriptive sample characteristics. The sample is composed of 166 lawyers (46.24 percent), 68 mental health professionals (18.94 percent), and 125 mediators (34.82 percent). From these mediators, 84 were also trained as lawyers (23.40 percent), and 41 were trained as mental health professionals (11.42 percent). On average, the participants are 44.48 (SD = 10.4) years old, with the youngest 25 years old and the oldest 73 years old. In terms of gender, 251 of the participants were female (69.91 percent). Participants predominantly spent 25 percent or less time on divorce cases. On average, from all clients who entered their practice, 23.42 percent (SD = 22.11) were of a low socioeconomic status, and 40.15 percent (SD = 27.97) were in a high-conflict divorce. With an average score of 3.48 (SD = 0.78), clients entered dispute resolution often to very often at their own initiative. On average, divorce professionals somewhat agreed to make use of both the advisory style (5.84/10, SD = 1.73) and the interest-based style (6.19/10, SD = 1.50). A *t*-test indicates that lawyers are significantly

more advisory than interest based ($p < 0.001$). In contrast, lawyer mediators ($p < 0.5$), mental health mediators ($p < 0.001$), and mental health professionals ($p < 0.001$) demonstrate significantly higher scores on interest-oriented style than on the advisory style.

Settlement (8.00/10; SD = 2.02), advocacy (6.48/10; = 2.16), self-determination (7.96/10; = 1.78), interpartner interaction (6.77/10; = 2.02), and processing emotions (6.90/10; = 2.19) were all considered relatively important goals by divorce professionals.

Results

The results of a series of multiple linear regressions are presented in two parts. First, possible determinants of practice styles and goals are identified. Second, similarities and differences between different divorce professionals are examined. For each variable in each regression, the variance inflation factors remained below 10, which indicates that multicollinearity does not compromise the regression analysis. For clarity, we report here only the associations that reached significance.

Determinants of Styles and Goals

The findings contained in this section raise important questions about the importance of the mediator's professional background and the socioeconomic status of the clients as influences on the mediator's willingness to adopt an interest-based approach in the mediation session.

Practice Styles. A first regression analysis investigated how the dependent variable advisory style is associated with the client-related (i.e., percent high conflict, percent low socioeconomic status, own initiative) and professional-related (i.e., age, gender, professional experience, and professional background) independent variables. Analysis revealed that only professional background was significantly and positively associated with the advisory style. That is, compared to lawyers, lawyer mediators ($\beta = -1.248$; SD = 0.201, $p < 0.001$), mental health mediators ($\beta = -2.70$; SD = 0.25, $p < 0.001$), and mental health professionals ($\beta = -2.50$; SD = 0.20, $p < 0.001$) indicated a significantly lower use of the advisory style. Moreover, the latter determinant explained nearly 40 percent of variance in the reported advisory style.

Similar findings were found when the interest-based style was the dependent variable. Indeed, professional background significantly determined

Table 1. Summary of Regression Analyses: Determinants for the Advisory and the Interest-Based Styles

	<i>Advisory Style</i>	<i>Interest-Based Style</i>
(Intercept)	5.83*** (0.54)	6.00*** (0.58)
Profession		
Lawyer mediators/lawyer	-1.25*** (0.20)	0.08 (0.22)
Mental health professionals/lawyer	-2.50*** (0.20)	0.54* (0.22)
Mental health mediators/lawyer	-2.70*** (0.25)	1.07*** (0.27)
Professional experience	-0.02 (0.081)	0.03 (0.09)
Women (men)	-0.01 (0.17)	-0.27 (0.19)
Age	0.01 (0.01)	0.01 (0.01)
% high-conflict clients	0.00 (0.00)	0.00 (0.00)
% low socioeconomic status clients	0.00 (0.00)	0.01* (0.00)
Client's own proposal	0.13 (0.10)	0.07 (0.10)

Note: Standard deviations in parentheses under regression coefficients (β). Advisory style: F -value = 26.66, $df = (9, 352)$, $p < 0.001$; adjusted $R^2 = 0.39$. Interest-based style: F -value = 3.49, $df = (9, 352)$, $p < 0.001$; adjusted $R^2 = 0.06$.

* $p < 0.05$ level (two-tailed). ** $p < 0.01$ level (two tailed). *** $p < 0.001$ level (two tailed).

professionals' use of the interest-based style. More specifically, mental health mediators ($\beta = 1.07$; $SD \beta = 0.27$, $p < 0.001$) and mental health professionals ($\beta = 0.54$; $SD = 0.22$, $p < 0.05$) reported to be stylistically more interest based than were lawyers. Furthermore, the low socioeconomic status of clients emerged as a predictor of the professionals' interest-based style. Specifically, professionals reported lower scores on interest-based practice when a high percentage of their clients had low socioeconomic status ($\beta = -0.001$; $SD = 0.00$, $p < 0.05$). (See Table 1 for an overview of the corresponding regression output.)

Practice Goals. We used a series of five regression analyses. Each regression has a different goal as a dependent variable, with the professional-related (gender, age, professional background, professional experience, advisory style, and interest-based style) and the client-related (percent high-conflict; percent low socioeconomic status, and own initiative) characteristics as independent variables.

Goal 1: Securing written settlements. The settlement goal was significantly more important for professionals with a more advisory style ($\beta = 0.49$; $SD = 0.07$, $p < 0.001$) and a less interest-based style ($\beta = -0.14$; $SD = 0.07$, $p < 0.05$). In addition, the older the professional, the more settlement oriented he or she was ($\beta = 0.03$; $SD = 0.01$, $p < 0.05$). Client characteristics also mattered: the less a professional had high-conflict clients in his or her practice, the more important the settlement goal was considered ($\beta = -0.01$; $SD = 0.00$, $p < 0.05$).

Goal 2: Advocating for the weaker client. Professionals with a higher advisory style reported higher scores on the advocacy goal ($\beta = 0.31$; $SD = 0.08$, $p < 0.001$). The professional background also contributed to the importance of an advocacy goal. That is, lawyers found the advocacy goal significantly more important than lawyer mediators did ($\beta = -1.02$; $SD = 0.32$, $p < 0.001$). Moreover, older professionals found the advocacy goal more important ($\beta = 0.04$; $SD = 0.01$, $p < 0.001$).

Goal 3: Strengthening clients' self-determination. Self-determination was a more important goal for professionals who made more use of an interest-based style during dispute resolution ($\beta = 0.44$; $SD = 0.07$, $p < 0.001$). Compared to lawyers, mental health professionals were more likely to aim for client self-determination ($\beta = 0.64$; $SD = 0.34$, $p < 0.05$).

Goal 4: Improving the quality of interpartner interaction. The more a professional used an interest-based style, the more important he or she considered improving the quality of interaction between ex-partners ($\beta = 0.37$; $SD = 0.06$, $p < 0.001$). In addition, mental health professionals showed a greater adherence to the interaction goal when compared to lawyers ($\beta = 1.29$; $SD = 0.30$, $p < 0.001$). Also, the younger the practitioner, the more he or she focused on improving the quality of the relationship between parents ($\beta = 0.03$; $SD = 0.01$, $p < 0.05$).

Goal 5: Processing emotions. The interest-based style ascribed higher importance to processing emotions during dispute resolution ($\beta = 0.53$; $SD = 0.07$, $p < 0.001$). Also, a significant difference exists between lawyers and mental health professionals: mental health professionals are more likely

Table 2. Summary of Regression Output of Determinants of Divorce Practice Goals

	<i>Goal 1: Securing Settlements</i>	<i>Goal 2: Advocating Weaker Client</i>	<i>Goal 3: Strengthening Self- Determination</i>	<i>Goal 4: Inter- partner Interaction</i>	<i>Goal 5: Processing Emotions</i>
(Intercept)	5.51*** (0.89)	1.92* (0.98)	4.77*** (0.89)	3.26*** (0.80)	3.59*** (0.95)
Advisory style	0.49*** (0.07)	0.31*** (0.08)	0.04 (0.08)	0.05 (0.07)	-0.13 (0.08)
Interest-based style	-0.14* (0.07)	0.12 (0.08)	0.44*** (0.07)	0.37*** (0.06)	0.53*** (0.07)
Profession					
Lawyer mediators/lawyer	0.08 (0.29)	-1.02*** (0.32)	0.46 (0.29)	0.12 (0.26)	0.09 (0.31)
Mental health professionals/lawyer	-0.15 (0.34)	0.49 (0.37)	0.64* (0.34)	1.29*** (0.30)	1.26*** (0.36)
Mental health mediators/lawyer	0.51 (0.40)	-0.45 (0.45)	0.56 (0.41)	0.80 (0.36)	-0.56 (0.43)
Professional experience	0.06 (0.11)	0.08 (0.12)	0.00 (0.11)	0.05 (0.10)	0.07 (0.12)
Women (men)	0.14 (0.24)	0.18 (0.26)	0.25 (0.24)	0.18 (0.21)	0.27 (0.25)
Age	0.03* (0.01)	0.04*** (0.01)	-0.00 (0.01)	0.03* (0.01)	0.01 (0.01)
% high-conflict clients	-0.01* (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
% low socio-economic status clients	-0.00 (0.01)	0.00 (0.01)	0.00 (0.01)	-0.00 (0.00)	0.00 (0.01)
Client's own proposal	-0.13 (0.13)	0.06 (0.14)	0.02 (0.13)	-0.24 (0.12)	-0.05 (0.14)
Adjusted R^2	0.18	0.14	0.17	0.15	0.21

* $p < 0.05$ level (two-tailed). ** $p < 0.01$ level (two-tailed). *** $p < 0.001$ level (two-tailed).

than lawyers to focus on emotions in their practice ($\beta = 1.26$; $SD = 0.36$, $p < 0.001$).

A summary of the output for each regression is in Table 2.

Table 3. Summary of Interprofessional Contrasts on Styles and Goals

	<i>Mediators/ Lawyers</i>	<i>Mediators/ Mental Health Professionals</i>	<i>Mental Health Mediators/ Lawyer- Mediators</i>	<i>Mental Health Mediators/ Mental Health Professionals</i>	<i>Lawyer- Mediators/ Lawyers</i>
Advisory style	-1.98*** (0.18)	0.53* (0.22)	-1.46*** (0.26)	-0.20 (0.27)	-1.25*** (0.20)
Interest-based style	0.58** (0.20)	0.03 (0.23)	0.99** (0.28)	0.53 (0.30)	0.08 (0.22)
Securing settlements	0.30 (0.26)	0.45 (0.30)	0.44 (0.38)	0.67 (0.37)	0.08 (0.29)
Advocating weaker client	-0.74* (0.32)	-1.23*** (0.32)	0.56 (0.42)	-0.95* (0.41)	-1.02** (0.32)
Strengthening self-determination	0.46 (0.30)	-0.84** (0.30)	0.68 (0.39)	-0.50 (0.37)	0.12 (0.29)
Interpartner interaction	0.51 (0.26)	-0.13 (0.26)	0.10 (0.34)	-0.07 (0.33)	0.46 (0.26)
Processing emotions	-0.23 (0.31)	-1.50*** (0.31)	-0.65 (0.41)	-1.82*** (0.40)	0.09 (0.31)

* $p < 0.05$ level (two-tailed). ** $p < 0.01$ level (two-tailed). *** $p < 0.001$ level (two-tailed).

Similarities and Differences in Style and Goals

For this section of results, we contrasted the four professions with respect to the style and goals based on the regressions in Tables 1 and 2. Therefore, the contrasts between professions are controlled for the other independent variables. In a first step, lawyer mediators and mental health mediators (i.e., the mediation group) are contrasted with nonmediating lawyers (contrast 1) and nonmediating mental health professionals (contrast 2). Second, the mediation group is scrutinized, and lawyer mediators are contrasted with mental health mediators (contrast 3). In a final step, mental health mediators are contrasted with nonmediating mental health professionals (contrast 4), and lawyer mediators are contrasted with nonmediating lawyers (contrast 5). For an overview of all results, see Table 3.

Convergence and Divergence in Style. With respect to the advisory style, significant dissimilarities emerged between professionals. That is, lawyers are significantly more advisory than mediators ($\beta = -1.98$; $SD = 0.18$, $p < 0.001$), and mediators are more advisory than mental health professionals ($\beta = 0.53$; $SD = 0.22$, $p < 0.05$). Moreover, significant stylistic divergence exists within mediation professionals. More specifically, lawyer mediators practice in a more advisory way than mental health mediators do ($\beta = -1.46$; $SD = 0.26$, $p < 0.001$). Similarly, lawyer mediators are significantly less advisory than lawyers ($\beta = -1.25$; $SD = 0.20$, $p < 0.001$). Yet no stylistic discrepancy was found between mental health mediators and mental health professionals ($p > 0.1$).

Divorce professionals were less dissimilar on the use of the interest-based style. Indeed, although mental health mediators are significantly more interest based than lawyer mediators are ($\beta = 0.99$; $SD = 0.28$, $p < 0.01$), further analysis suggests that the difference results from the mediator's profession of origin: no significant stylistic dissimilarities exist between lawyer mediators and lawyers, and between mental health mediators and mental health professionals ($p > 0.1$).

Not surprisingly, as a group, mediators make a similar use of the interest-based style as lawyers ($p > 0.1$) and mental health mediators ($p > 0.1$).

Convergence and Divergence in Goals. Divorce professionals showed significant differences in how they evaluate the advocacy goal during dispute resolution. To be precise, mediators find the advocacy goal significantly less important than lawyers do ($\beta = -0.74$; $SD = 0.32$, $p < 0.05$) and less important than mental health professionals do ($\beta = -1.23$; $SD = 0.32$, $p < 0.001$). Moreover, advocating for the weaker client is more important for lawyers than for lawyer mediators ($\beta = -1.02$; $SD = 0.32$, $p < 0.01$) and more important for mental health professionals than for mental health mediators ($\beta = -0.95$; $SD = 0.41$, $p < 0.05$). Furthermore, mental health professionals assign a greater importance to strengthening client self-determination than mediators do ($\beta = -0.84$; $SD = 0.30$, $p < 0.01$). In addition, processing emotions is more important for mental health professionals than for mental health mediators ($\beta = -1.82$; $SD = 0.40$, $p < 0.001$) or mediators ($\beta = -1.50$; $SD = 0.31$, $p < 0.001$). All other studied comparisons between professionals did not reveal any significant goal divergences ($p > 0.1$). In particular, mental health mediators and lawyer mediators demonstrated convergence in all five studied goals ($p > 0.1$). The corresponding regression output is outlined in Table 3.

Discussion

This study identified an interest-based style and an advisory style, which all divorce professionals use. These two styles are similar to the facilitative-evaluative distinction, which is firmly anchored in the conceptual mediation literature (Riskin 1996; Shestowsky 2008; Charkoudian et al. 2009). Yet rather than Riskin's conceptualization into opposite poles on a singular dimension, this research identified two relatively independent factors. In addition to the evidence from the factor analysis, the descriptive analysis shows that all professionals had moderate to high scores on each factor. In other words, mediators as well as lawyers and mental health professionals are using both interest-based and advisory strategies during their practice.

Although the use of the advisory style in mediation is controversial (Lowry 2004), several interpretations may help to understand this finding. First, a recent study showed that high predivorce conflict levels had a negative influence on the experienced quality of divorce arrangements when controlling for the use of facilitative interest-based strategies (Baitar et al. 2012). Hence, mediators' use of an advisory style may be an attempt to neutralize any enduring negative effects of conflict. Another interpretation is that the use of multiple styles reflects changes in client populations. That is, divorcing families and divorce practitioners now face numerous problems simultaneously, so previously established successful facilitative mediation approaches may no longer apply to mediation practice today (Saposnek 2004). This may also clarify why, in addition to reaching settlements, advocating for the weaker party, strengthening self-determination, improving the quality of interpartner interaction, and processing emotions were all considered relatively important mediation goals.

Determinants of Styles and Goals

The professionals' styles and goals were found to be predominantly associated with professional-related characteristics. Indeed, similar to other studies (Kruk 1998; Herrman et al. 2003), the professional background emerged as a key determinant. Whereas lawyers were more advisory, advocacy, and settlement oriented, mental health professionals were more likely to use interest-based strategies and aim for self-determination, quality of interpartner interaction, and processing emotions in their practice. In addition, using advisory styles was predictive for an increased settlement and advocacy goal. By contrast, the use of an interest-based style was directly related to a decreased settlement goal and increased self-determination,

interpartner interaction, and emotion focus during divorce conflict practice. Taken together, these findings empirically detail and substantiate Riskin's (1996) claim that lawyers are more predisposed for evaluative advisory mediation, whereas mental health professionals are more inclined to facilitative interest-based mediation styles.

In contrast with Nelson, Zarankin, and Ben-Ari (2010), no significant gender differences were discovered in this study. However, professional status has been found in other studies to override any effects stemming from gender (Kray and Thompson 2004).

Our study further showed that the older the professional, the more important he or she considered the settlement, self-determination, and advocacy goals. Although this may suggest that life experience matters, no such association was found for experience stemming from the amount of professional time spent on divorce cases. Work-related specialization through increased professional time may thus be irrelevant for a mediator's goal orientation. Similarly, Shaw (2010) noted that increased specialization may routinize the mediation profession.

In this regard, it should also be noted that almost no empirical evidence was found indicating that client-related characteristics determined a professional's style or goal. This contrasts with the essential mediation skill that "all conflict resolution interventions must be client-centered and individually designed and executed" (Joyce 1995, 301).

However, there is also a clear danger to these results. For instance, a client's questions may be restricted and transformed in line with the professional's background rather than the client's needs (Welsh 2004). Indeed, this study showed that professionals with more clients with low socioeconomic status were less likely to focus on clients' interests. This is a worrisome finding given that this study also demonstrated that client self-determination was more important to professionals who reported a high use of the interest-based style.

For that reason, these findings are in support of the use of such strategies as self-monitoring in order to prevent any bias stemming from the professional's own beliefs and values (see also Heisterkamp 2006).

Interprofession Similarities and Differences

With respect to the professional identity of mediators, two opposite patterns of results emerged. That is, although lawyer and mental health mediators were unified in all studied goals, both mediator groups showed dissimilarities in the use of interest-based and advisory styles. This combination of

stylistic divergence and goal convergence may explain the initial popularity of comediation models arguing for interprofessional cooperation of lawyers and mental health professionals (Shelley 2001). The stylistic dissimilarities also empirically support the commonly held belief that mediation represents a bridge between legal work and psychological practice (Schepard 2004).

This study also observed stylistic similarities between mental health mediators and mental health professionals, supporting the belief that activities within specific professional boundaries are often influenced by the dynamics occurring in neighboring professions (Abbott 1988). Interestingly, however, lawyer mediators reported to be less advisory than lawyers during their meetings with clients.

Taken together, these stylistic similarities and differences can help to clarify Della Noce's observation that scholars are often hypersensitive when mediation and therapy are debated but are less concerned when its professional boundary with the practice of law is discussed (Della Noce in Folger and Bush 2001). Moreover, given that mental health professionals and mental health mediators are even less advisory than lawyer mediators, it is unlikely that nonlawyer mediators are engaging in the unauthorized practice of law. Yet no consensus exists on what the ethical boundaries are of giving advice during mediation (Welsh 2004). Therefore, it is difficult to determine what is appropriate or inappropriate advice.

With respect to their unified goals, divorce mediators set themselves apart from lawyers and mental health professionals. Specifically, compared with mediators, lawyers were more focused on advocating for the weaker party, and mental health professionals were more oriented toward strengthening self-determination and processing emotions. As such, these results suggest that mediators struggled (Roberts 2005) and managed to position their profession as an independent and discrete dispute resolution option next to the mental health and legal professions.

Yet that mediation advocates typically advance self-determination as a prime mediation goal may also help to explain why mental health mediators and mental health professionals did not differ from each other in the use of advisory and interest-based styles. In other words, if it is not broken, don't try to fix it.

Research Limitations

This study has some noteworthy limitations. First, the collection of self-report data in this study may be limited due to incomplete or socially acceptable responding. Moreover, self-report data may contradict actual

practice. For example, similarities in practices may have elicited dissimilar responding due to different professional jargon. Related to the former, it could be argued that the attitude items on styles and goals also limited the distinction of specific mediator styles (Wood 2004). Indeed, it is important that future studies are not limited to these static conceptions of the mediator's role and also theorize beyond the classical dichotomies. Another limitation is that this study does not allow differentiating between the philosophical map of the mediator and the perceptual map of the disputants (Goldfien and Robbennolt 2007). Therefore, the self-determination and interest-based interventions of the professional may have been experienced as pressure and directive by the clients.

This study also did not address the issue if styles and goals vary within mediation sessions and how such changes emerge. Similarly, long-term changes and causality could not be established with this cross-sectional study. Future studies can address such limitations. In particular, this study would be strengthened with observational analysis of real-time mediation sessions that capture moment-by-moment changes. Such sessions would also be useful for examining the influence of client-related characteristics on the mediator's styles and goals.

Implications

The implications of our study also deserve to be highlighted. In particular, the stylistic divergence between lawyer mediators and mental health mediators urges the reconsideration of the results of traditional outcome studies. That is, in outcome studies, the role of the professional is often overlooked (Beck and Sales 2001; Kelly 2004; Emery, Sbarra, and Grover 2005). The differences between mediation and litigation may be confounded. According to this study, it is warranted to distinguish between stylistic characteristics and professional background when designing future mediation studies.

Another implication is that stylistic and professional background differences may also have an impact on how mediators determine the qualities of a skilled and competent mediator. As Bush (2004, 999) wrote, "Competent practice in one may well be incompetent practice in another." In a similar vein, the results suggest a need to evaluate both the expertise in the original profession and the skills and competencies that are at the core of mediation. Yet this also has possible implications. For one, it is likely that many will advocate for more training in more specialized skills and evaluation competencies.

In addition, certain mediators may be excluded from the profession if they lack the expertise to help divorcing couples. In any event, the stylistic and interprofessional diversity observed in this study cautions against the common conjecture in policy to approach mediators as a homogeneous group (Della Noce, Bush, and Folger 2002) or to universalize standards of practice (Joyce 1995).

The findings of this study can also assist prospective clients, courts, and providers of alternative dispute resolution in discriminating among dispute resolution processes. For instance, this study suggests that goals will be less informative than stylistic or professional background preferences when selecting a mediator. By contrast, client advocacy, strengthening self-determination, and processing emotions are useful goals to differentiate among lawyers, mediators, and mental health professionals.

Furthermore, the combined findings of stylistic divergence and goal convergence also suggest that mediation is a prime common place for interprofessional and interdisciplinary cooperation. Indeed, in mediation, the advisory and problem-oriented expertise of lawyers is matched by the interaction and interest-based competency of mental health professionals. Moreover, although the divorce conflict resolution field is known to be extremely politically sensitive (Saposnek 2004), reported goals emerged as a unifying factor for lawyers and mental health professionals who mediate divorce conflicts.

In conclusion, styles and goals clearly emerged as important features for understanding the distinct nature of the mediation process. The stylistic divergence and goal convergence also substantiate and advance mediation as an attractive common place for interprofessional cooperation.

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