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# Shuttle Diplomacy Helps Resolve High-Conflict Divorce Mediations

September 14, 2018 | **Nicole K. Levy**

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*Divorce mediator Nicole K. Levy explores how shuttle mediation allows couples can resolve high-conflict divorce despite strong emotions.*



*Estranged spouses sometimes avoid mediating their divorce because they believe that mediation is only for couples who “get along” during the divorce process. Successful mediations come in all forms, however, including those involving spouses who do not get along. Even individuals who [lack the ability to communicate](#) outside of the mediation context can succeed with a mediator who understands how to facilitate and*

amicable and reasonable resolution. Shuttle mediation is a technique used by many *mediators* to assist mediation participants to reach an amicable and mutually-beneficial resolution of their difficulties while avoiding the pitfalls associated with personal hostility and pent up frustration. A core element of shuttle mediation, or shuttle diplomacy, is for the mediator to interact with each side separately, giving each participant the space he or she needs to set aside *negative emotions* their while focusing on his or her personal goals.

### How Shuttle Mediation Works in Divorce Mediation

Divorce mediators use shuttle mediation by keeping mediation participants physically separate for substantial portions of the mediation process. In this context, “separation” can be mean housing each participant in a separate room during scheduled mediation sessions or hosting each spouse separately on entirely different dates. Whatever the logistics, the mediator works by “shuttling” between the participants, thus avoiding direct confrontations between the participants. Shuttle diplomacy allows the mediator to listen separately to each participant, working separately with the individual to develop a goal or objective that is free from negative emotions, which the mediator then presents to the opposite participant. This process allows the mediator to understand and convey each spouse’s *interests and their positions*. The mediator assists in filtering each spouse’s ideas and outcomes that pertain directly to the divorce, while avoiding the personal animosity that can hinder settlement. In most instances, shuttle diplomacy occurs with each spouse present in separate rooms. This allows the mediator to periodically bring the participants together. Of course, participants always have the choice to resume a traditional mediation – with both parties present in the same room – but shuttle diplomacy allows spouses to make progress on the issues without the emotion struggle of confrontation. By going back and forth between rooms, or in different sessions, the mediator can have very open conversations with each individual about their respective wants, needs, and ideas for how to proceed. Shuttling allows for a more candid conversation with both sides.

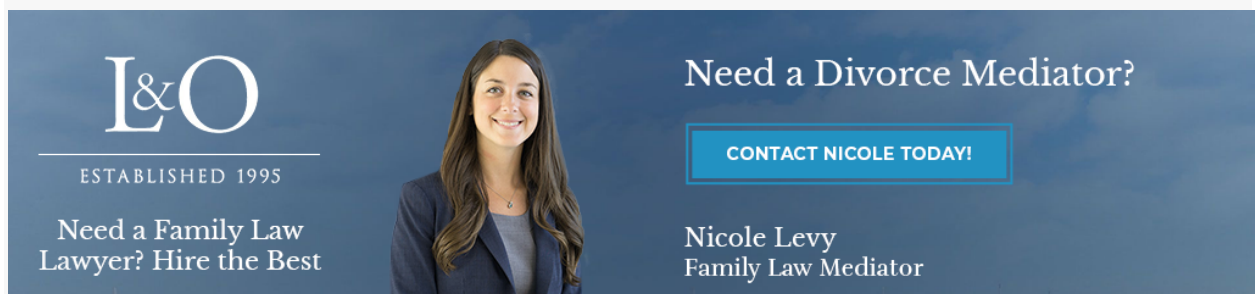
## *Where Shuttle Diplomacy Fits into Mediation Styles*

*What the mediator does with that information, or how he or she handles the subsequent discussions, determines which [mediation style he or she favors](#) for a particular set of clients. Facilitative mediators tend to prefer letting the parties in the mediation craft a creative solution between themselves. In this instance, the mediator may opt to bring the parties to the conference table and direct pointed questions to them that aim to help the spouses “discover” what they agree on, and where their disagreements lay. Evaluative mediators, on the other hand, tend to evaluate each participant’s position and provide guidance by predicting how a court would rule on areas of disagreement, so that each participant can better understand the merits of each position. In these instances, the mediator may opt to keep the shuttle diplomacy going to try and reach a final resolution. The mediator would likely continue to provide feedback to each person individually about their positions in an attempt to guide them away from untenable positions and towards a mutually beneficial compromise that a court would likely approve. By keeping the spouses separated, the mediator can speak more candidly about a judge’s likely reaction, without fear that the other spouse will seek to capitalize on what they perceive as a “weak” position brought by their opponent.*

## *How Shuttle Mediation Can Help Dissolve Negative Emotions*

*Regardless of whether a mediator uses shuttle diplomacy to [discover each person’s interests](#) or to avoid the [distraction of personal hostility](#), shuttle mediation is successful in large part because it gives each party a neutral person with whom they can speak in the early stages of the mediation process. Even if “shuttle sessions” turn highly emotional, and include venting against the other participant, a spouse can trust the mediator to convey only the substantively important issues across the hallway, while excluding statements that would trigger an unproductive reaction. It is important to note that your conversations with the mediator are not confidential; but, by removing the highly charged feelings that come along with divorce and custody cases,*

shuttle mediation allows for a more fact-based conversation. Shuttle mediation can be especially effective for relationships that have a distinctly slanted power dynamic. Without a domineering party at the table, a spouse may feel stronger and able to better able to convey his or her positions, including his or her all-important *interests and concerns in the divorce*. Both by empowering timid personalities and removing the source of your frustration and negative feelings—even temporarily for the initial stages of the process—shuttle mediation can make a huge difference in disarming the emotions that often block compromise and meaningful negotiation.



The advertisement features a dark blue background. On the left, the 'L&O' logo is displayed in white, with 'ESTABLISHED 1995' written below it. Underneath the logo, the text reads 'Need a Family Law Lawyer? Hire the Best'. In the center is a portrait of Nicole Levy, a woman with long dark hair, wearing a dark blazer over a grey top. To the right of the portrait, the text asks 'Need a Divorce Mediator?' followed by a blue button with white text that says 'CONTACT NICOLE TODAY!'. Below the button, her name 'Nicole Levy' and title 'Family Law Mediator' are listed.

### *Pitfalls and Problems with Shuttle Mediation*

Shuttle diplomacy is not the solution for every mediation. Because spouses are separated, the resolution of simple issues sometimes takes longer. Instead of spouses simply saying, “we agree”, and moving on the next issue, the mediator must separately convey the view of each participant, which invariably takes longer than a direct conversation. Shuttle mediation can also blur the role of the mediator in ways that can be non-productive. When both parties are together in a room, the mediator can play a role that is somewhat akin to an umpire or referee – keeping the spouses on track, but largely allowing the participants to resolve issues speaking in their own voices. In shuttle mediator, the mediator must interpret and re-state each party’s position for the other, often exercising his or her discretion to rephrase or re-calibrate a spouse’s view to improve the receptiveness of the other participant. The mediator is not acting in advocacy role for either party, but the mere act of reciting each party’s perspective can blur the mediator’s role in one party’s eyes. Because the mediation process is 100%

*voluntary, and the words and work product from every mediation session are 100% confidential, a participant who grows uncomfortable with shuttle mediation can stop the process at any time without risk, beyond the cost of paying mediator. That said, it is important for the mediator and participants to understand the complications that can arise during shuttle mediation before taking this unique approach to conflict resolution.*

**About the Author:** *Nicole K. Levy is a mediator for [South Shore Divorce Mediation](#) in Hingham and East Sandwich, Massachusetts. She is also a Massachusetts [family law attorney](#) for Lynch & Owens. **Schedule a free consultation with Nicole K. Levy today at (781) 253-2049 or send her an email.***

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