

Mediators' and Disputing Parties' Perceptions of Trust-Building in Family Mediation

Joan Albert Riera Adrover,¹ María Elena Cuartero Castañer ¹ and Juan José Montaña Moreno²

1 Department of Philosophy and Social Work, Universitat de les Illes Balears, Palma, Spain

2 Department of Psychology, Universitat de les Illes Balears, Palma, Spain

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Correspondence

María Elena Cuartero Castañer, Department of Philosophy and Social Work, Universitat de les Illes Balears (Spain), Cra. de Valldemossa, km 7.5. Palma, Illes Balears E-07122, Spain; e-mail: me.cuartero@uib.es.

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Abstract

Different studies have demonstrated that trust-building between mediators and disputing parties is a basic factor in the success of mediation processes. The aim of this study was to conduct an integrated analysis of mediation by taking into account the perceptions of mediators working for the Mediation Service and those of the service users over a period of one year. The obtained results show statistically significant differences in the two groups' analyzed response patterns associated with a series of factors that predict trust-building (the mediator's legal expertise; suggesting an alternative; sincerity; focusing on settling the dispute; the appointment of a mediator by public authorities and/or by a recognized service; focusing on the parties' common goals; highlighting the rules of mediation; and devoting some time to talking about informal matters). The identification of these factors contributes to improved training and professional practices in the field of mediation.

Introduction

Different studies have demonstrated that trust-building between mediators and disputing parties is a basic factor in the success of a mediation process (McCarthy, 1985; Poitras, 2009; Stimec & Poitras, 2009). A study by Goldberg (2005) showed that 70% of a survey's respondent mediators related success in mediation to rapport-building; that is, "a relationship of understanding, empathy and trust" (p. 366). The main benefits of rapport-building include stability of relations among the people involved in the mediation process (McKnight, Cummings, & Chervany, 1998; McKnight & Chervany, 2006) and their commitment to it (Poitras & Bowen, 2002).

The main drawback of this field of research is the fact that the studies published to date are founded on either the mediators' (Goldberg, 2005) or the disputing parties' perceptions (Poitras, 2009) of the factors that predict trust-building. This has only allowed for a partial analysis of mediation.

The appeal of this research study lies in its analysis of both groups' perceptions of the factors that predict trust-building. In previously published studies, a series of predictive trust-building factors were established. Table 1 shows the factors that have been cited in five or more scientific publications, that is, the most widely accepted factors in the literature that was reviewed. These were used as objective assessment criteria to identify factors that display statistically significant differences between both groups' response patterns and that are equivalent to the most commonly quoted factors in the reviewed literature, in other words, cases in which the informants' perceptions did not coincide with general norms on trust-building.

Table 1
Factors that Predict Trust-building

Trust-building factors	Authors
The mediator's credibility and reputation	Fine and Holyfield (1996), Goldberg (2005), McKnight et al. (1998, 2012), and Poitras (2009)
Experience with the type of dispute	Fine and Holyfield (1996), Giffin (1967), Goldberg and Shaw (2007), Goldberg et al. (2009), and Poitras (2009)
Procedural experience	Davis and Gadlin (1988), Goldberg and Shaw (2007), Poitras (2009), Swan, Trawick, and Silva (1985), Yiu and Lai (2009)
Impartiality or neutrality	Davis and Gadlin (1988), Goldberg and Shaw (2007), Goldberg et al. (2009), Poitras (2009), Poitras and Raines (2013), and Stuhlmacher and Poitras (2010)
Goodwill and empathy (empathic listener)	Goldberg (2005), Goldberg and Shaw (2007), Goldberg et al. (2009), Poitras (2009), Poitras and Raines (2013), Stuhlmacher and Poitras (2010), and Yiu and Lai (2009)

Note. Adapted by Riera (2018).

This study aimed to determine the extent to which the perceptions of the mediators and users of a certain mediation service coincide with the factors that predict trust-building. In this way, the study aspires to fill some of the gaps in the studies published to date and hence to contribute to training and professional practices in the field of mediation.

Materials and Methods

To try and meet the study's aim of determining the level of coincidence between the mediators' perceptions and those of the service users, the factors quoted as predicting trust-building in the reviewed literature were systematized and measured. For this purpose, a quantitative methodology was used.

Sample

The participants included 31 mediators (77.5% from the Mediation Service of the Government of the Balearic Islands Department for Social Services and Cooperation in Spain) and 54 of the Mediation Service users over the course of a year (from March 1, 2017, to March 1, 2018). The sampling unit was each individual and not each mediation process. The criterion for inclusion in the study was participation in family mediation. Of all the mediation processes initiated in 2015 by the Mediation Service, total or partial agreements were recorded in 31.34% of the cases. Table 2 shows the sociodemographic characteristics of both groups.

From the sociodemographic characteristics of the mediators employed by the Mediation Service, it can be seen that there are more females than males (6.5% males and 93.5% females); the most common age bracket is the 36- to 45-year-old category (41.9%); 76.7% of them are law graduates, and 89.7% have an M.A. in mediation; 80% of the mediators have between 1 and 6 years of experience; 35.5% declared that they have 7–9 mediation cases a year; 73.3% use an eclectic mediation model; 58.1% stated that there is no supervision of the process, whereas 58.1% said that they have discussed their cases; in 71% of the cases, the requests for mediation were dealt with by the actual mediator; and if just one of the disputing parties attended in person, contact with the other party was by telephone in 86.7% of the cases.

The sociodemographic data for the service users showed that there is a balance between the sexes (46.3% males and 53.7% females); the most common age bracket is 36–45 years old (48.1%); the place where they live has a population density of between 5,000 and 40,000 inhabitants in 43.1% of the cases; 64.1% of the users were separated; 90.7% said that they had between one and two children; and 70.4% stated that they were employed. As for their level of education, 30.8% said that they had university

Table 2
Sociodemographic Characteristics of the Mediators and Disputing Parties

Variable	Category	Mediators		Disputing parties	
		Frequency	%	Frequency	%
Sex	Male	2	6.5	25	46.3
	Female	29	93.5	29	53.7
	Total	31	100.0	54	100.0
Age	16–25			1	1.9
	26–35	5	16.1	7	13.0
	36–45	13	41.9	26	48.1
	46–55	11	35.5	19	35.2
	56–65	2	6.5	1	1.9
	Total	31	100.0	54	100.0
Population density	Under 5,000 inhabitants			8	15.7
	5,000–40,000			22	43.1
	Over 40,000			21	41.2
	Total			54	100.0
Marital status	Separated			34	64.1
	Engaged			1	1.9
	Married			18	34.0
	Total			53	98.1
Children	1–2 children			49	90.7
	3 or more children			4	7.4
	No children			1	1.9
	Total			54	100.0
Living with	Alone			6	11.1
	Single-parent family			13	24.1
	Living with spouse and children			14	25.9
	Blended family			1	1.9
	Other			20	37.0
	Total			54	100.0
Labor status	Employed			38	70.4
	Self-employed			11	20.4
	Unemployed			5	9.3
	Total			54	100.0
Education	Primary education			2	3.8
	Compulsory stage of secondary education			6	11.5
	Whole of secondary education			13	25.0
	Mid-level vocational training			6	11.5
	Higher-level vocational training			8	15.4
	University studies			16	30.8
	Other			1	1.9
	Total			52	96.3
Training at first-degree level	Social work	4	13.3		
	Psychology	3	10.0		
	Law	23	76.7		
	Total	31	100.0		
Training at postgraduate level	M.A. in mediation	26	89.7		
	Specialty in mediation	3	10.3		
	Total	29	100.0		

Table 2
(continued)

Variable	Category	Mediators		Disputing parties	
		Frequency	%	Frequency	%
Prior experience with other professions	Social worker			3	10.7
	Psychologist			14	50.0
	Lawyer			8	28.6
	Total			28	51.9
Experience as mediator	Less than one year	1	3.3		
	1–3 years	12	40.0		
	4–6 years	12	40.0		
	7–9 years	4	13.3		
	10 years or more	1	3.3		
	Total	31	100.0		
No. of mediation cases per year	1–3	8	25.8		
	4–6	9	29.0		
	7–9	11	35.5		
	10 or more	3	9.7		
	Total	31	100.0		
Model of mediation	Traditional model	3	10.0		
	Transformative	3	10.0		
	Circular-narrative	1	3.3		
	Strategic	1	3.3		
	Eclectic option	22	73.3		
	Total	30	96.8		
Supervision	Yes, with authorized expert supervisor	4	12.9		
	Yes, with an expert colleague	9	29.0		
	No	18	58.1		
	Total	31	100.0		
Discussion of cases	Yes	18	58.1		
	No	13	41.9		
	Total	31	100.0		
Requests for mediation received by	Mediator	22	71.0		
	Administrative officer	3	9.7		
	Others	6	19.4		
	Total	31	100.0		
Contact with the other party	By telephone	26	86.7		
	Other means	4	13.3		
	Total	31	100.0		

Source: Authors.

degrees. When it came to their experience with other professional support, 50% had visited a psychologist.

The Research Process

To conduct the necessary research, a formal request was made for a collaboration with the Government of the Balearic Islands Department for Social Services and Cooperation (Spain). The aim was to gain access to the Mediation Service mediators and users for a period of one year.

Given the fact that trust between mediators and disputing parties is built during the preliminary stages of the mediation process (Butler, 1999; Davis & Gadlin, 1988; Landau & Landau, 1997; McKnight &

Chervany, 2006; McKnight et al., 1998; Stimec & Poitras, 2009), data were gathered at the end of the third joint session. In keeping with Stimec and Poitras (2009), trust-building does not show a linear relationship when it comes to the success of the mediation process. After a certain threshold is reached, trust-building is less influential in guaranteeing a successful outcome. That is why attention must be paid to both the factors that predict trust-building and the point in the mediation process when they exert more of an influence (Davis & Gadlin, 1988; McKnight & Chervany, 2006; McKnight et al., 1998).

The Mediation Service mediators first notified the users of the possibility of taking part in the study. If they agreed, a member of the research team was introduced to them at the end of the third joint session.

Instruments

The Mediation Service mediators and users filled out the *Trust-Building in Family Mediation* questionnaire designed by Riera, which consisted of closed questions assessed on an ordinal polytomous scale. The questionnaire was drawn up using the factors identified in the literature as being predictive of trust-building (Riera, 2017; Appendix 1). It contained a total of 65 items that were answered using a 5-point Likert-type scale, and it was divided into three sections on cognitive, affective, and behavioral themes (Riera & Casado, 2018).

Data Analysis

A descriptive analysis was made of the data, and Fisher's exact test was applied (IBM* SPSS* Statistics version 25). Table 3 shows the frequency and percentage of the mediators' and users' perceptions, together with the analysis of the difference between the perceptions of both groups, applying Fisher's exact test to the cognitive section of the questionnaire. The respective data for the affective and behavioral sections are shown in Tables 4 and 5.

In order to find out which items best explain trust-building, in the frequencies and percentages relating to the mediators and disputing parties, the *I agree* and *I strongly agree* categories were added together. However, for the comparison of both groups using the Fisher's exact test, the 5-point scales were maintained.

Results

From the analysis of the data using Fisher's exact test, the presence of statistically significant differences ($p < .05$) was found between both groups' response patterns. This allowed us to identify the factors that predict trust-building as perceived by the mediators (M) and by the service users (P).

Fisher's exact test highlighted the presence of statistically significant differences between the two groups' analyzed response patterns in 12.3% of the cases (the mediator's legal expertise, suggesting an alternative, the mediator's sincerity, focusing on settling the dispute, the appointment of a mediator by the public authorities and/or by a recognized service, focusing on the parties' common goals, highlighting the rules of mediation, and devoting time to talking about informal matters). In 87.7% of the cases, the mediators' and disputing parties' perceptions of the factors that predict trust-building were similar.

Discussion

Since the studies published to date have only offered a partial overview of mediation, the analysis in this study took into account the perceptions of both the mediators and the users of the Mediation Service.

The results of the study reveal the presence of 8 factors (12.3%) that displayed statistically significant differences when both groups' response patterns were compared. These are factors perceived as predicting trust-building by the service users but are not taken into account by the mediators. In other words,

Table 3
Analysis of the Differences in Perceptions of Both Groups with Regard to the Cognitive Part of the Questionnaire

No.	Factor	Frequency and percentage (M)	Frequency and percentage (P)	Fisher's exact test
1	The mediator's professional credibility	27 (87.09%)	50 (92.6%)	.455
2	The mediator's reputation	24 (77.41)	42 (80.8)	.782
3	The mediator's appointment by the public authorities and/or by a recognized service	16 (51.61)	42 (79.2)	.014*
4	Perceiving the mediator to be good-willed	31 (100)	52 (96.3)	.531
5	Understanding the mediation process to be fair	27 (87.09)	51 (94.5)	.252
6	Perceiving the mediator to be the right person to help overcome obstacles	28 (90.32)	52 (96.3)	.349
7	Believing the mediator to be a fair person	26 (83.87)	51 (94.4)	.134
8	The presence of lawyers or other people in the mediation room	6 (19.35)	15 (27.8)	.056
9	The mediator's manner	27 (87.09)	53 (98.2)	.057
10	Perceiving the mediator to be motivated	30 (96.77)	51 (94.4)	1.000
11	Relations with other professionals with a high regard for mediation	20 (64.51)	33 (66)	1.000
12	A private session with the mediator	27 (87.09)	42 (82.3)	.757
13	The mediator's experience	28 (90.32)	46 (86.8)	.738
14	Perceiving the mediator's interventions to be adequately focused	29 (93.54)	52 (96.3)	.620
15	Acting according to the rules of mediation (not interrupting, not suggesting, etc.)	27 (87.09)	52 (96.3)	.185
16	Perceiving the mediator to be patient and willing to listen to the parties	29 (96.66)	47 (94)	1.000

Note. * $p < .05$. ** $p < .01$. Source: CONMEF (Riera, 2017).

Table 4
Analysis of the Differences in Perceptions of Both Groups with Regard to the Affective Part of the Questionnaire

No.	Factor	Frequency and percentage (M)	Frequency and percentage (P)	Fisher's exact test
17	The mediator's capacity to understand the dispute	31 (100)	52 (96.3)	.531
18	Sharing the same purpose ("we're in this together")	26 (83.87)	48 (88.9)	.520
19	A cooperative attitude of the mediator, founded on the parties' values and beliefs	24 (77.41)	48 (88.8)	.212
20	Feeling listened to and understood by the mediator	30 (96.77)	48 (88.9)	.414
21	Chemistry (a connection) with the mediator	29 (93.54)	44 (81.5)	.196
22	The parties' attraction to the mediator	7 (22.58)	22 (40.8)	.102
23	The mediator's familiarity with the process	16 (51.61)	40 (74.1)	.056
24	Managing the mediation process	24 (77.41)	48 (88.8)	.212
25	Acknowledging the parties' expectations (what they expect from the mediation process)	24 (77.41)	45 (83.3)	.569
26	The mediator's warmth	26 (83.87)	50 (92.6)	.276
27	Listening and showing consideration for the parties' feelings and concerns	29 (93.54)	50 (92.6)	1.000
28	Creating a relaxed atmosphere	27 (87.09)	51 (94.5)	.252
29	Accepting that the parties can express their emotions	31 (100)	49 (90.8)	.153
30	Acknowledging that a mistake has been made	23 (74.19)	49 (90.7)	.060
31	Offering support to the parties and conveying the idea that the mediator is there to help them	25 (80.64)	45 (83.3)	.774

Source: CONMEF (Riera, 2017).

they are the factors that mediators must stress during the mediation process in order to bring their approach in line with the perceptions of the Mediation Service users. By identifying these factors, this study can help to improve training and professional practices in the field of mediation. The eight factors are outlined below:

- (1) The mediator's legal expertise (Goldberg & Shaw, 2007; Poitras, 2009). The mediator's familiarity with legal aspects relating to the dispute.
- (2) Suggesting an alternative (Poitras, Bowen, & Byrne, 2003). The mediator suggests an alternative or a way out of the dispute.
- (3) The mediator's sincerity (Goldberg & Shaw, 2007). The mediator candidness and frank input with regard to the dispute.
- (4) Focusing on settling the dispute (Poitras, 2009). The mediator does not linger too long on the dispute but advances toward its settlement.
- (5) The appointment of a mediator by the public authorities and/or by a recognized service (Poitras & Bowen, 2002). The mediator is appointed, for instance, by a reputed judge.
- (6) Focusing on the parties' common goals (Poitras & Bowen, 2002). The mediator shows an interest in their mutual concerns, over and beyond individual ones.
- (7) Highlighting the rules of mediation (Doney, Cannon, & Mullen, 1998). The mediator constantly emphasizes the rules of mediation.
- (8) Devoting time to talking about informal matters (Poitras & Bowen, 2002). The mediator talks to the parties about informal matters as opposed to just talking about the dispute.

On the one hand, the obtained results highlight the presence of 2 factors that display statistically significant differences when the analyzed response patterns of both groups are compared. The factors popularly cited in the reviewed literature are the mediators' legal expertise (Goldberg & Shaw, 2007; Poitras, 2009) and the appointment of a mediator by the public authorities and/or by a recognized service (Poitras & Bowen, 2002). These factors are associated with experience of the necessary content matter (Fine & Holyfield, 1996; Giffin, 1967; Goldberg & Shaw, 2007; Goldberg, Shaw, & Brett, 2009; Poitras, 2009) and the mediator's credibility and reputation (Fine & Holyfield, 1996; Goldberg, 2005; McKnight, Liu, & Pentland, 2012; McKnight et al., 1998; Poitras, 2009), respectively.

On the other hand, the results also highlight the presence of 57 factors (87.5%) that did not display statistically significant differences when the response patterns of both groups were compared. These are the characteristics that mediators must maintain, since they fit in with the disputing parties' perceptions. However, it must be mentioned that an occasional factor, such as "the mediators' focus on the parties' needs," which did not display statistically significant differences according to Fisher's exact tests, did contribute to the debate. In this respect, we observed that the service users gave more importance to certain factors than the mediators, such as "focusing on the parties' common goals." In contrast, the users gave less importance than the mediators to the factor "the mediator's focus on the parties' needs." This casts doubt on the contributions of some mediation manuals that tend to emphasize the importance of focusing on the parties' needs.

Conclusions

Different studies have shown that trust-building between mediators and disputing parties is a basic ingredient in the success of a mediation processes. The main benefits include the stability of relations among the individuals taking part in the mediation process and a sense of commitment to it.

Some authors have analyzed trust-building from the mediator perspective, while others have examined it from the viewpoint of the parties involved in the mediation. This study explored the level of agreement between both groups by an analysis of Fisher's exact test.

From the obtained results, a series of factors have been identified that show statistically significant differences in the two groups' response patterns. They include "the mediator's legal expertise"; "suggesting

Table 5
Analysis of the Differences in Perceptions of Both Groups with Regard to the Behavioral Part of the Questionnaire

No.	Factor	Frequency and percentage (M)	Frequency and percentage (P)	Fisher's exact test
32	The mediator's neutrality or impartiality	29 (93.54)	51 (94.5)	1.000
33	Familiarity with the dispute	25 (80.64)	43 (81.2)	1.000
34	The mediator's self-confidence	25 (80.64)	46 (85.1)	.762
35	The mediator's sincerity	23 (74.19)	52 (96.3)	.004**
36	Expressing the consequences of the agreement (the pros and cons)	26 (83.87)	51 (96.2)	.095
37	The mediator's legal expertise	16 (51.61)	48 (88.9)	.000**
38	The mediator's capacity to stay calm	30 (96.77)	50 (92.6)	1.000
39	The mediator's conflict resolution skills	31 (100)	50 (92.6)	.292
40	Understanding and being supportive	23 (74.19)	42 (79.2)	.600
41	Not revealing personal data about the other party in a private session, even with his/her permission	23 (74.19)	47 (88.7)	.128
42	Suggesting an alternative	15 (48.38)	50 (92.6)	.000**
43	The mediator's commitment to the case	29 (93.54)	47 (87)	.476
44	Kindness	23 (74.19)	49 (90.7)	.060
45	Focusing on ensuring that the parties understand the other's concerns and motivations in order to reach an agreement	26 (83.87)	50 (94.3)	.138
46	Honesty	28 (90.32)	51 (94.5)	.664
47	Consistency and predictability	22 (70.96)	44 (81.4)	.289
48	Highlighting the rules of mediation	21 (70)	49 (90.7)	.029*
49	Clarifying the parties' expectations	28 (90.32)	46 (86.8)	.738
50	The mediator's capacity to manage the mediation process	29 (96.66)	53 (98.1)	1.000
51	Focusing on the parties' common goals	24 (80)	52 (96.3)	.022*
52	The mediator's capacity to redefine the problem in order to highlight the parties' interests	26 (83.87)	46 (85.2)	1.000
53	Clear frequent communication	25 (80.64)	50 (92.6)	.160
54	Fostering good relations between the parties with a view to possible future negotiations	25 (80.64)	47 (88.6)	.345
55	Expressing expectations of success (similar cases that have been successfully resolved)	17 (54.83)	36 (67.9)	.250
56	Explaining the mediation process in an unhurried way	27 (87.09)	51 (94.5)	.252
57	Analogic communication by the mediator (looking into the parties' eyes, leaning toward them)	27 (87.09)	50 (92.5)	.455
58	Using the same kind of language as the parties	30 (96.77)	52 (96.3)	1.000
59	Devoting time to talking about informal matters	12 (38.7)	34 (63)	.042*
60	Focusing on the parties' motivations and concerns	25 (80.64)	41 (77.4)	.789
61	Focusing on the parties' needs	28 (90.32)	40 (75.5)	.149
62	Including the parties in the development of the mediation process	27 (87.09)	49 (90.7)	.718
63	Focusing on the settlement of the dispute	24 (77.41)	52 (96.3)	.010*
64	Separating the people from the problem	26 (83.87)	41 (77.3)	.580
65	Pressuring parties to speed up the settlement of the dispute	3 (9.7)	15 (27.8)	.058

Note. * $p < .05$. ** $p < .01$. Source: CONMEF (Riera, 2017).

an alternative"; "the mediator's sincerity"; "focusing on settling the dispute"; "the mediator's appointment by the public authorities and/or by a recognized service"; "focusing on the parties' common goals"; "highlighting the rules of mediation"; and "devoting time to talking about informal matters." It is important to note the relevance of "the mediator's legal expertise" and "the mediator's appointment by the public authorities and/or by a recognized service," given that they are related to mediators' experience with the necessary content matter and their credibility and reputation, respectively, that is, the factors more commonly cited in the reviewed literature.

The study's results offer an analysis of mediation that integrates the perceptions of both mediators and disputing parties. This allows for the identification of factors that do not display statistically significant differences (the characteristics that mediators should maintain) and the factors that do display them (the characteristics that mediators must acquire). By drawing attention to the factors where statistically significant differences were identified between both groups' response patterns, this could contribute to more specific training and better professional practices in mediation through the stabilization of relations and the parties' commitment.

This article fills the gap in the studies published to date. Nonetheless, some limitations of this research study must be noted. First, given that only data from the Balearic Mediation Service ($N = 40$) were used, in the future, this study should be replicated in other countries in order to extend the participation rate and confirm its results. Furthermore, it is important to extend the sample within the same country and to compare different types of groups. These different types of cases would give rise to greater variation, even within the same culture. Second, we achieved a participation rate of 31 mediators out of a total of 40 (77.5%) and 54 disputing parties. The numbers should be better matched: In other words, for 31 disputes, we should have 31 mediators and 62 disputing parties. It must also be taken into account that the mediators are relatively lacking in experience and that only one mediator has 10 years' experience or more. In this study, we do not know whether the parties have taken part in other mediation processes, but we assume that this is their first experience of mediation. Third, because a quantitative methodology was used, the mediators' and disputing parties' participation was reduced to a confirmation or a rejection of the factors that are claimed to predict trust-building in the reviewed literature. A qualitative methodology might have led to the emergence of other factors that were not taken into consideration in this research study.

References

- Butler, J. K. (1999). Trust expectations, information sharing, climate of trust and negotiation effectiveness and efficiency. *Group & Organization Management*, 24(2), 217–238. <https://doi.org/10.1177/1059601199242005>
- Davis, A., & Gadlin, H. (1988). Mediators gain trust the old-fashioned way—We earn it! *Negotiation Journal*, 4(1), 55–62. <https://doi.org/10.1111/j.1571-9979.1988.tb00446.x>
- Doney, P. M., Cannon, J. P., & Mullen, M. R. (1998). Understanding the influence of national culture on the development of trust. *Academy of Management Review*, 23, 601–620. <https://doi.org/10.2307/259297>
- Fine, G., & Holyfield, L. (1996). Secrecy, trust and dangerous leisure: Generating group cohesion in voluntary organizations. *Social Psychology Quarterly*, 59(1), 22–38. <https://doi.org/10.2307/2787117>
- Giffin, K. (1967). The contribution of studies of source credibility to a theory of interpersonal trust in the communication process. *Psychological Bulletin*, 68(2), 104–120. <https://doi.org/10.1037/h0024833>
- Goldberg, S. (2005). The secrets of successful mediators. *Negotiation Journal*, 21, 365–376. <https://doi.org/10.1111/j.1571-9979.2005.00069.x>
- Goldberg, S., & Shaw, M. L. (2007). The secrets of successful (and unsuccessful mediators) continued: Studies two and three. *Negotiation Journal*, 23, 393–418. <https://doi.org/10.1111/j.1571-9979.2007.00152.x>
- Goldberg, S., Shaw, M. L., & Brett, J. M. (2009). What difference does a robe make? Comparing mediators with and without prior judicial experience: Research reports. *Negotiation Journal*, 25(3), 277–305. <https://doi.org/10.1111/j.1571-9979.2009.00227.x>
- Landau, D., & Landau, S. (1997). Confidence-building measures in mediation. *Mediation Quarterly*, 15(2), 97–103. <https://doi.org/10.1002/crq.3900150204>
- McCarthy, W. (1985). The role of power and principle in getting to yes. *Negotiation Journal*, 2(1), 59–66. <https://doi.org/10.1111/j.1571-9979.1985.tb00292.x>
- McKnight, D. H., & Chervany, N. L. (2006). Reflections on an initial trust-building model. In R. Bachmann & A. Zaheer (Eds.), *Handbook of trust research* (pp. 29–51). Cheltenham, Northampton, UK: Edward Elgar. <https://doi.org/10.4337/9781847202819.00008>
- McKnight, D. H., Cummings, L. L., & Chervany, N. L. (1998). Initial trust formation in new organizational relationships. *Academy of Management Review*, 23, 473–490. <https://doi.org/10.5465/amr.1998.926622>

- McKnight, D. H., Liu, P., & Pentland, B. T. (2012). How events affect trust: A baseline information processing model with three extensions. *Trust Management VI*, 374, 217–224. https://doi.org/10.1007/978-3-642-29852-3_16
- Poitras, J. (2009). What makes parties trust mediators. *Negotiation Journal*, 25, 307–325. <https://doi.org/10.1111/j.1571-9979.2009.00228.x>
- Poitras, J., & Bowen, R. (2002). A framework for understanding consensus-building initiation. *Negotiation Journal*, 18(3), 211–232. <https://doi.org/10.1111/j.1571-9979.2002.tb00741.x>
- Poitras, J., Bowen, R., & Byrne, S. (2003). Bringing horses to water? Overcoming bad relationships in the pre-negotiating stage of consensus-building. *Negotiation Journal*, 19(3), 251–263. <https://doi.org/10.1111/j.1571-9979.2003.tb00782.x>
- Poitras, J., & Raines, S. (2013). *Expert mediators: Overcoming mediation challenges in workplace, family, and community conflicts*. Plymouth, UK: Rowman & Littlefield.
- Riera, J. A. (2017). *Construcción de una relación de confianza en Mediación Familiar (Building a relationship of trust in Family Mediation)*. N.A.R. 00/2017/2219. Madrid, Spain: Ministerio de Educación, Cultura y Deporte.
- Riera, J. A. (2018). La generación de confianza en Mediación Familiar: ¿Por qué las partes confían en los mediadores (The generation of trust in Family Mediation: Why the parties trust the mediators?) (Tesis doctoral) (Doctoral thesis). Universitat de les Illes Balears, Mallorca, Spain.
- Riera, J. A. & Casado, T. (2018). Fundamentos para la construcción de una relación de confianza en Mediación Familiar (Fundamentals for building a relationship of trust in family mediation). *Revista de Mediación. ADR, Análisis y Resolución de Conflictos*, 11(2), 1–9.
- Stimec, A., & Poitras, J. (2009). Building trust with parties: Are mediators overdoing it? *Conflict Resolution Quarterly*, 23, 317–331. <https://doi.org/10.1002/crq.235>
- Stuhlmacher, A., & Poitras, J. (2010). Gender and job role congruence: A field study of trust in labor mediators. *Sex Roles*, 63, 489–499. <https://doi.org/10.1007/s11199-010-9844-9>
- Swan, J. E., Trawick, I. F., & Silva, D. W. (1985). How industrial salespeople gain customer trust. *Industrial Marketing Management*, 14(3), 203–211. [https://doi.org/10.1016/0019-8501\(85\)90039-2](https://doi.org/10.1016/0019-8501(85)90039-2)
- Yiu, T. K., & Lai, W. Y. (2009). Efficacy of trust-building tactics in construction mediation. *Journal of Construction Engineering and Management*, 135, 683–689. [https://doi.org/10.1061/\(ASCE\)CO.1943-7862.0000028](https://doi.org/10.1061/(ASCE)CO.1943-7862.0000028)

Appendix 1

Building a Relationship of Trust in Family Mediation

CONMEF

Inventory of cognitive, affective, and behavioral factors in building a relationship of trust between mediators and disputing parties involved in a family mediation processes

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This inventory is made up of a compendium of cognitive, affective, and behavioral factors aimed at measuring their effect on the generation of a relationship of trust between mediators and disputing parties. The factors' level of importance can be measured using a scale based on the following ratings:

	Indicators
0.	Totally disagree
1.	Disagree
2.	Neither agree nor disagree
3.	Agree
4.	Strongly agree

Both the mediators and their clients are asked to circle the indicator that best coincides with their opinion.

CONMEF

Building a Relationship of Trust in Family Mediation

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Cognitive factors	Indicators
1 The mediator’s professional credibility inspires trust	0 1 2 3 4
2 The mediator’s reputation inspires trust	0 1 2 3 4
3 The mediator’s appointment by a public authority body and/or recognized service inspires trust	0 1 2 3 4
4 Perceiving good will on the part of the mediator inspires trust	0 1 2 3 4
5 Perceiving the mediation process to be fair inspires trust in the mediator	0 1 2 3 4
6 Perceiving the mediator to be the right person to help overcome possible obstacles inspires trust	0 1 2 3 4
7 Believing the mediator to be a fair person inspires trust	0 1 2 3 4
8 The presence of lawyers or other people in the mediation room inspires trust	0 1 2 3 4
9 The mediator’s manner inspires trust	0 1 2 3 4
10 Perceiving the mediator to be motivated inspires trust	0 1 2 3 4
11 My relationship with other professionals who have a high regard for mediation encourages to trust the mediator	0 1 2 3 4
12 Having a private session with the mediator inspires trust	0 1 2 3 4
13 The mediator’s experience inspires trust	0 1 2 3 4
14 Perceiving the mediator’s interventions to be adequately focused inspires trust	0 1 2 3 4
15 The fact that the mediator observes the principles of mediation (not interrupting, not suggesting, etc.) inspires trust	0 1 2 3 4
16 Perceiving the mediator to be patient and willing to listen to me inspires trust	0 1 2 3 4
Affective factors	Indicators
17 The mediator’s capacity to understand the dispute inspires trust	0 1 2 3 4
18 Sharing a common purpose (“we’re in this together”) inspires trust in the mediator	0 1 2 3 4
19 The mediator’s cooperative attitude, founded on my values and beliefs, inspires trust	0 1 2 3 4
20 Feeling listened to and understood by the mediator inspires trust	0 1 2 3 4
21 The chemistry (connection) I feel with the mediator inspires trust	0 1 2 3 4
22 The fact that the mediator seems to be an interesting person (attraction) inspires trust	0 1 2 3 4
23 The mediator’s familiarity with the process inspires trust	0 1 2 3 4
24 The fact that the mediator steers and supervises the mediation process inspires trust	0 1 2 3 4
25 The fact that the mediator acknowledges my expectations (what I expect from the mediation process) inspires trust	0 1 2 3 4
26 The mediator’s warmth inspires trust	0 1 2 3 4
27 The fact that the mediator listens to me and shows consideration for my feelings and concerns inspires trust	0 1 2 3 4
28 The creation of a relaxing setting inspires trust in the mediator	0 1 2 3 4
29 The fact that the mediator accepts that I can express my emotions inspires trust	0 1 2 3 4
30 The fact that the mediator acknowledges that he/she has made a mistake inspires trust	0 1 2 3 4
31 The fact that the mediator supports me and conveys the idea that he/she is there to help me inspires trust	0 1 2 3 4
Behavioral factors	Indicators
32 The mediator’s neutrality or impartiality inspires trust	0 1 2 3 4
33 The fact that the mediator shows him/herself to be familiar with the dispute inspires trust	0 1 2 3 4
34 The mediator’s self-confidence inspires trust	0 1 2 3 4
35 The mediator’s sincerity inspires trust	0 1 2 3 4
36 The fact that the mediator outlines the consequences of the agreement (the pros and cons) inspires trust	0 1 2 3 4

Appendix Table*(continued)*

Behavioral factors	Indicators				
37 The mediator's legal expertise inspires trust	0	1	2	3	4
38 The mediator's capacity to keep calm inspires trust	0	1	2	3	4
39 The mediator's conflict resolution skills inspire trust	0	1	2	3	4
40 The fact that the mediator understands and supports me inspires trust	0	1	2	3	4
41 The fact that the mediator does not disclose private aspects relating to the other party at private sessions with me, even if he/she has their permission, inspires trust	0	1	2	3	4
42 The fact that the mediator suggests an alternative inspires trust	0	1	2	3	4
43 The mediator's commitment to the case inspires trust	0	1	2	3	4
44 The mediator's kindness inspires trust	0	1	2	3	4
45 The fact that the mediator focuses on making sure that we (both parties) understand the other person's concerns and motivations so as to try and reach an agreement inspires trust	0	1	2	3	4
46 The mediator's honesty inspires trust	0	1	2	3	4
47 The mediator's consistency and predictability (not behaving in an unexpected way) inspires trust	0	1	2	3	4
48 The fact that the mediator highlights the rules of mediation inspires trust	0	1	2	3	4
49 The fact that the mediator clarifies what my expectations are inspires trust	0	1	2	3	4
50 The mediator's capacity to manage the mediation process inspires trust	0	1	2	3	4
51 The fact that the mediator focuses on both parties' shared goals inspires trust	0	1	2	3	4
52 The mediator's capacity to redefine the problem so as to highlight my interests inspires trust	0	1	2	3	4
53 Clear frequent communication with the mediator inspires trust	0	1	2	3	4
54 The fact that the mediator fosters good relations between both parties with a view to possible future negotiations inspires trust	0	1	2	3	4
55 The fact that the mediator expresses expectations of success (similar cases with a satisfactory outcome) inspires trust	0	1	2	3	4
56 The fact that the mediator explains the mediation process in an unhurried way inspires trust	0	1	2	3	4
57 Analogic communication by the mediator (looking into our eyes, leaning toward us, etc.) inspires trust	0	1	2	3	4
58 The fact that the mediator uses language like mine inspires trust	0	1	2	3	4
59 The fact that the mediator devotes time to talking about informal matters inspires trust	0	1	2	3	4
60 The fact that the mediator focuses on my motivations and concerns inspires trust	0	1	2	3	4
61 The fact that the mediator focuses on my needs inspires trust	0	1	2	3	4
62 The fact that the mediator counts on my collaboration in the development of the mediation process (where am I aiming to go?) inspires trust	0	1	2	3	4
63 The fact that the mediator focuses on settling the dispute inspires trust	0	1	2	3	4
64 The fact that the mediator separates me from the problem ("you're not the problem") inspires trust	0	1	2	3	4
65 The fact that the mediator pressures me to speed up the settlement of the dispute inspires trust	0	1	2	3	4

Joan Albert Riera Adrover is an Assistant Professor in Mediation and Conflict Resolution; Help Relationship in the Degree in Social Work of the Universitat de les Illes Balears. Member of the Mediation, Conflict Resolution and Family Guidance Laboratory. Member of the Conflict, Change and Social Work research group.

María Elena Cuartero Castañer is an Assistant Professor in the Family Dimension in Social Work of Cases in the Degree in Social Work of the Universitat de les Illes Balears. Member of the Mediation, Conflict Resolution and Family Guidance Laboratory. Member of the Conflict, Change and Social Work research group.

Juan José Montaña Moreno is a Professor in Data Analysis and Statistics at the Universitat de les Illes Balears. Member of the research group in Data Analysis.