EDNY ADR Department
Columbia Law School

Workshopping Burnout
April 25th, 2022

Welcome and Introductions

Professor Alexandra B. Carter

Director, Columbia Law School Mediation Clinic

Daimiris Garcia, David Martial Alexander, Emily Grace Dennan, Iqra Z Asghar, Isaiah C. Strong, Maria Philip, Mary Otoo, Nilofar Rahimzadeh, Parker E Hasler

J.D. Candidates, Columbia Law School Mediation Clinic

Goals for this Workshop

- Explore ways burnout may surface in mediation
- Develop skills to address burnout in ourselves and parties to a mediation
- Discuss our experiences with burnout in small groups

Disclaimer

In this training we will be discussing timely, yet sensitive issues. We invite you to help us create a safe space where all participants treat each other with respect and feel encouraged to share freely.

What is Burnout?

Definitions of Burnout

- Burnout is a syndrome resulting from chronic workplace stress that has not been successfully managed or alleviated.
- It is characterized by three dimensions:
  1. Exhaustion;
  2. Alienation from Activities; and
  3. Reduced Performance.

World Health Organization (WHO), https://www.who.int/news/item/28-05-2019-burn-out-an-occupational-phenomenon-international-classification-of-diseases

Types of Burnout

- **OVERLOAD BURNOUT**
  - **Example:** Working harder and harder → becoming frantic
  - **Sign:** Risking your health and personal life to feel successful

- **UNDER-CHALLENGED BURNOUT**
  - **Example:** Underappreciated, bored, lack of growth
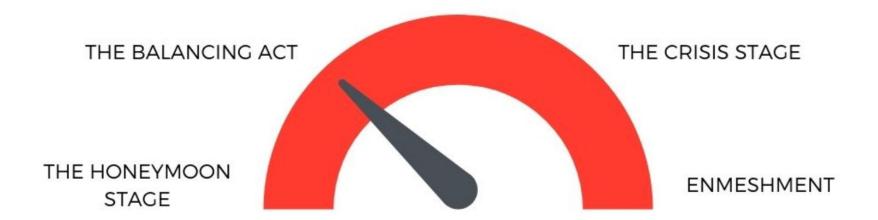 - **Sign:** Distancing yourself, becoming cynical, avoiding job

- **NEGLECT BURNOUT**
  - **Example:** Feeling helpless or inadequate at work
  - **Sign:** Imposter syndrome, feeling incompetent

Columbia Law School
Mediation Program

5 Stages of Burnout

CHRONIC SYMPTOMS

THE BALANCING ACT

THE CRISIS STAGE

THE HONEYMOON STAGE

ENMESHMENT

Burnout & Trauma

2019 Observational Study   Psychology Today

- **Sample: 100** Head Start teachers suffering from high levels of:
    - Burnout
    - Compassion Fatigue
    - Vicarious Trauma

- **Preliminary Findings:**
    - As employee's trauma history increased, so did their levels of burnout, compassion fatigue, and vicarious trauma

Columbia Law School
Mediation Program

Burnout in Mediators

Burnout for Mediators

- Being a mediator demands emotional labor, which places mediators at risk for burnout.
- Some of the factors that put mediators at risk for burnout include the pressure to settle, being exposed to a broad range of emotions such as anger, fear, guilt, sympathy, etc., and developing rapport with parties.
  - Occupational stress from burnout can lead to impairments in cognitive functioning, which impacts:
    - Cognitive flexibility
    - Attention and working memory
    - Regulation of emotional responses

(Nussbaum, 2019; Simionato et al., 2019)

Burnout in Parties

Burnout in Parties

- Protect self-determination & the quality of the process
- Party may bring it up in joint session or caucus
- Verbal behaviors
  - Difficulty understanding the process or evaluating available options
  - Feel like a failure at everything they do, and ask questions like "why bother?" or "why try again?"
  - Hyperarousal, agitation, or spiraling behavior
- Nonverbal behaviors
  - Low tone, audible sighs, or leaning back

Burnout in Parties

- "I can't think clearly right now."
- "I can't figure out what I should do. Can you tell me what I should do?"
- "I need [someone else, a trusted friend or family member] here; I feel too stressed to make a decision."

Group Discussions

Group Discussions

Discussion Question: What are the challenges you have faced? What strategies have you used to overcome those challenges?

1- Virtual mediations as a source of burnout

2- Systemic vs. individual responses to burnout (what workplaces may do to address burnout)

3- Generating creative solutions in mediation (the toll of creative problem solving)

4- Intersectionality & identity in burnout

Mediator Response to Burnout in Parties

→ Create space

- Establish an open environment
- Keep in mind current social conditions

→ Listen actively

→ Ask open questions

- Would you feel comfortable telling me more...

→ Reassess

- Reschedule if concerned about process

Managing Mediator Burnout — Individual & Organizational Strategies

- Personal Strategies
  - Reach out to those closest to you
  - Set boundaries, & practice task-switching
  - Make sleep and exercise a priority
  - Change your environment &/or creative outlets
- Organizational strategies
  - Acknowledge and assess the problem
  - Cultivate the community at work
  - Promote flexibility and work-life integration

Columbia Law School
Mediation Program

Questions?

Please stay in touch:

@clsmediation

CLS Mediation Clinic

alexandra.carter@law.columbia.edu