

MENTAL HEALTH AND MEDIATION IN ATTORNEYS' PROFESSIONAL PRACTICE

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Purpose. The article presents the results of a study conducted to theoretically substantiate and empirically examine the psychological characteristics of using mediation in attorneys' professional practice as factors for preserving an individual's mental health.

Methods. To achieve this purpose, the following methods were used: analysis of scientific and popular scientific sources; psychological diagnostics using the R. Kettel's 16-PF Multifactor Personality Inventory. Descriptive statistics used to process and interpret the results of psychological diagnostics.

Results. The main study findings include substantiating principles of cultural and professional determination and the mediated self-activity development of mediation practitioners as initial provisions of personal and professional approach. The study drafts the attorney-mediator's professional profile, highlighting the psychological characteristics of mediation as a component of attorney's professional practice and identifying key professionally important personal qualities critical to preserving an individual's mental health and attorneys' effective mediating.

Conclusions. The study findings serve as a basis for developing further support programme focused on restoring and preserving an individual's mental health in the context of using mediation in attorney's professional practice, as well as recommendations for enhancing mediation practice of attorneys to preserve legal professionals' mental health.

Keywords: interdisciplinarity, mediation in attorney's practice, mental health of an attorney-mediator, personal and professional approach, mediation,

psychological and ethical principles of mediation, professional qualities of an attorney-mediator.

Проскуряков Сергій, Ігнатович Олена. Психічне здоров'я і медіація в професійній діяльності адвокатів.

Мета. У статті представлено результати дослідження, проведеного з метою теоретичного обґрунтування та емпіричного вивчення психологічних особливостей використання медіації в професійній діяльності адвокатів як чинників збереження психічного здоров'я особистості.

Методи дослідження. Для досягнення поставленої мети були використані такі методи: аналіз наукових і науково-популярних джерел; психологічна діагностика за допомогою багатофакторного особистісного опитувальника Р. Кеттелла (16-PF). Для обробки та інтерпретації результатів психологічної діагностики застосовувалась описова статистика.

Результати. Основні висновки дослідження включають обґрунтування принципів культурної та професійної детермінації, а також розвитку опосередкованої самодіяльності медіаторів як вихідних положень особистісного та професійного підходу. У дослідженні окреслено професійний профіль адвоката-медіатора, висвітлено психологічні особливості медіації як складової професійної діяльності адвоката та визначено ключові професійно важливі особистісні якості, критично важливі для збереження психічного здоров'я особистості та ефективного медіювання адвокатами.

Висновки. Отримані результати слугують основою для розробки подальших програм підтримки, спрямованих на відновлення та збереження психічного здоров'я особистості в контексті використання медіації в професійній діяльності адвокатів, а також рекомендацій щодо вдосконалення медіативної практики адвокатів з метою збереження психічного здоров'я правників.

Ключові слова: міждисциплінарність, медіація в адвокатській практиці, психічне здоров'я адвоката-медіатора, особистісний і професійний підхід, медіація, психологічні та етичні принципи медіації, професійні якості адвоката-медіатора.

Introduction. The relevance of using mediation by attorneys in their professional practice is driven by the European integration of Ukrainian science and education, along with the implementation of European principles, values, and priorities in the field of legal practice. At the same time, it aligns with increased requests from the Ukrainian population for attorneys' assistance in resolving conflicts and disputes in current realities. Regarding addressing this issue, it is promising to develop attorneys' skills and psychological readiness to incorporate and use mediation in their professional legal practice, which requires both theoretical substantiation

and further empirical research on the psychological description of the attorney-mediator's role, and the criteria for their mental health.

An analytical review of the issue raised on the psychological characteristics of mediation as factors for preserving an individual's mental health in attorneys' professional practice reveals that various aspects of mediation are presented in modern psychological studies in Ukrainian scientific works, which reflect an interdisciplinary and multifaceted view of mediation, depending on researchers' theoretical perspectives (Leko, 2011). Among the developments of Ukrainian researchers, there are scientific works, which reveal scientific and practical findings on professional training of social workers for mediation (Haiduk, 2004), professional training of mediators for practical activities in higher education institutions (Demidovych, 2018) and there are scientific works focused on the study of necessary professional skills and competences of a mediator (Kang et al, 2024; Zhdanyuk, 2017). In contrast, some researchers have largely considered mediation as an interdisciplinary study subject. At the same time, some scholars have developed perspectives on mediation as an independent scientific field (Susan et al, 2013).

The theoretical analysis of the issue raised has revealed a dynamics in defining and understanding of mediation by researchers. Such dynamics of scientific conceptions of mediation was manifested in the gradual transition from researchers' perceiving it primarily as a negotiation-mediation process to interpreting it as a communication process focused on effective interaction among conflicting parties. In this line, the concept of mediation and its explanation as a potential method for managing interpersonal conflicts has been developed (Ozerskyi, 2020). Regarding the difference in the content of the concepts of mediation in modern psychological studies and the concepts of mediation in the context of legal research, it reflects the twofold nature of mediation: at the legal level, the disputed issue is resolved in accordance with the law; at the psychological level, interpersonal communication unfolds as a perceptual, communicative and interactive process guided by psychological laws and principles (Ogrenchuk, 2014).

In this area, modern researchers have substantiated and tested the mediation model developed in the method of existential psychotherapy as a means to seek effective methods of conflict resolution (Mosses, 2022; Strasser & Randolph, 2004). This model is used and expanded upon through practical experience of British family mediators, who, acting as

independent neutral intermediaries, aim to resolve interpersonal disputes optimally for all conflicting parties by maintaining effective interaction among them (Parkinson & Robinson, 2014).

An analytical review suggests that mediation has been examined both as a process of dispute resolution and as a productive form of interpersonal interaction (Zapara, 2015). Additionally, an analysis of attorneys' use of mediation in their professional practice has highlighted a strong link between legal and psychological sciences, forming the theoretical and methodological basis of mediation, specifying its methodology, developing related theories, and expanding its field of application (Parkinson & Robinson, 2014).

Modern researchers point out the mediation novelty as an academic discipline and practical domain and foresee prospects for its further development in the field of legal psychology (Yasinovsky, 2015). Thus, currently, mediation is widely used in conflict resolution cases that are in pre-trial proceedings (Chasova & Kravets, 2023), and the use of mediation as an alternative method in attorneys' professional practice will allow optimal implementation of various aspects of legal work (Podkovenko, 2019).

The aim of the study is to theoretically substantiate and empirically examine the psychological characteristics of using mediation in attorneys' professional practice as factors for preserving an individual's mental health. The study objectives include theoretically substantiating and empirically examining the attorney-mediator's psychological profile; developing the professional profile draft for this role.

METHODOLOGY.

To achieve these objectives, a range of methods has been applied, including:

1. **Scientific methods** – Analysis of scientific and popular scientific sources, classification, generalization, and systematic review of theoretical and empirical materials, used to identify the psychological essence of mediation and clarify the psychological characteristics of mediation as essential factors for preserving attorneys' mental health in their professional practice.

2. **Empirical methods** – Psychological diagnostics using the R. Kettel's 16-PF Multifactor Personality Inventory to describe mediator's

psychological profile and identify some specific psychological characteristics of mediation in legal practice.

3. **Statistical methods** – Descriptive statistics used to process and interpret the results of psychological diagnostics.

RESULTS.

Through the theoretical analysis of the issue raised, we have substantiated the personal and professional approach, based on principles of cultural-professional determination and the mediated self-activity development of mediation practitioners.

According to these principles, we have managed to harmonize the psychological characteristics of mediation as factors for preserving an individual's mental health in professional legal practice, in particular, such as awareness of psycho-ethical principles and professional skill with attorney's psychological personality. Additionally, we have substantiated the professional profile draft of an attorney-mediator.

An analytical review of the psycho-ethical principles of mediation, in the context of implementing European standards within legal psychology, reveals that the ethical standards of mediation are grounded in the psycho-humanistic principles of restorative justice and are aimed at recognizing an individual as intrinsic values within professional legal practice. Adherence to these psycho-ethical norms is essential for effective mediation and is a reflection of attorney's professional skill and mediation competence.

Professional skill is ensured by attorney-mediator's awareness of the psycho-ethical principles and his/her ability to adhere to them, use them creatively and, at the same time, in accordance with the specific context of each mediation case. Due to professional skill, attorney-mediators have the opportunity to make non-standard decisions that respect interests of mediation participants, mediate productively, optimally and cost-effectively as well to preserve mental health, even in challenging or crisis cases.

We have developed the attorney-mediator's professional profile draft in the form of the descriptive characteristics of mediation. It describes a mediation as a component of legal practice and includes the psychological profile (psychogram) of a mentally healthy individual with professionally important qualities needed for an attorney to mediate effectively and optimally while preserving mental health. The descriptive characteristics of mediation as a component of legal practice outline:

1. The focus of mediation on interpersonal communication, productive interpersonal interaction in order to achieve compromise solutions;

2. The structure of mediation practices, encompassing needs, motivations, objectives, and methods of creative implementation of such practices;

3. Mediator's qualification and competence requirements, necessary psychological conditions, such as the availability of higher legal education and psychological training in advanced training courses / internships under the mediator training program; dependence of mediation effectiveness on the attorney's professional skill, individual characteristics of cognitive processes and abilities, character, and personality;

4. Attorney-mediator's professional functions, including cognitive, communicative, organizational, constructive, projective, and developmental roles;

5. General and professional competencies, such as psychological, ethical, legal, procedural, emotional, conflict resolution, and communicative skills.

For the psychological profile content, we have used the R. Kettel's 16-PF Multifactor Personality Inventory (Schuerger, 2019). The psychodiagnostic research results indicate that participants ($n=150$) have scored as follows on the 16-PF scales: sociability – introversion (A) = 7; high intelligence – low intelligence (B) = 7; emotional stability – instability (C) = 7; dominance – subordination (E) = 6; expressiveness – restraint (F) = 5; high behavioral normativity – low behavioral normativity (G) = 6; courage – timidity (H) = 7; sensitivity – rigidity (I) = 5; trustfulness – suspicion (L) = 6; imagination – practicality (M) = 7; diplomacy – directness (N) = 7; anxiety – calmness (O) = 3; radicalism – conservatism (Q1) = 5; nonconformity – conformity (Q2) = 5; high self-control – low self-control (Q3) = 6; tension – relaxation (Q4) = 5.

The figures of average value, standard deviation, maximum and minimum value, medians, modes, asymmetry on the 16-PF Multifactor Personality Inventory scales are presented in Table 1.

The figures of average value, standard deviation, maximum and minimum values, medians, modes, asymmetry on the 16-PF Multifactor Personality Inventory scales among the persons of the studied sample were distributed according to the normal distribution curve and show that

subjects more often have figures above the average value of the studied characteristics with a general tendency to the middle. This indicates the predominance of attorneys with adequate self-esteem, sociability, high intelligence, emotional stability, independence, activeness, responsibility and morality, courage, practicality, trust, internally autonomous thinking and developed imagination, insight and diplomacy, self-confidence, moderate radicalism, independence, adequate self-control and organized behaviour among the persons of the studied sample.

Table 1.

DESCRIPTIVE STATISTICS

16-PF Inventory scales	Average value	Standard deviation	Maximum value	Minimum value	Median	Mode	Asymmetry
A	7	1,5	10	3	4	7	0,793
B	7	1,4	10	1	5	7	0,689
C	7	1,6	10	3	5	7	0,745
E	6	1,3	10	2	4	6	0,673
F	5	1,3	10	3	4	5	0,681
G	6	1,2	10	1	5	6	0,653
H	7	1,3	10	1	5	7	0,668
I	5	1,4	10	3	4	5	0,672
L	6	1,3	9	1	4	6	0,664
M	7	1,6	10	2	4	7	0,675
N	7	1,7	10	1	5	7	0,129
O	3	1,3	8	1	4	3	0,721
Q1	5	1,4	10	2	6	5	0,435
Q2	5	1,4	10	3	4	7	0,241
Q3	6	1,7	10	1	5	6	0,799
Q4	5	1,5	10	1	5	5	0,532

Based on the results obtained, the description of mediator-attorney's psychological profile includes the following professionally important qualities necessary for preserving mental health and effective mediating, including: consciousness, morality, normativity of character, behaviour and activeness, positive attitude; constructive logical thinking, creativity; tolerance, loyalty, neutrality, impartiality, insight, tact; emotional stability, constructive communication style, ability to effectively mediate.

Discussion. The study results partially confirm the hypothesis that an individual's mental health, attorney-mediators' awareness of the psychological and ethical principles of mediation and professional skill depend on cultural and professional determination and the mediated self-

activity development of mediation practitioners. This was manifested in a higher frequency of findings in the sample of studied persons who found indicators of average and above the average value on the 16-PF Multifactor Personality Inventory scales. However, the frequency of findings does not reflect the link regularity between the identified characteristics, awareness of the psychological and ethical principles of mediation, professional skills and mental health. In order to identify the nature and significance of the links, the authors have envisaged further correlation, factor analysis and development, based on the programme results for restoring and preserving an individual's mental health in the context of using mediation in attorney's professional practice.

Conclusions.

The initial provisions of personal, occupational, cultural, and professional concepts, integrated in the person-centered professional approach, are associated with recognizing an individual in the content of attorney's professional practice as a mediator and a bearer of mediating culture. The psychological characteristics of mediation in attorneys' professional practice are reflected in the awareness of psycho-ethical principles and professional skill in interpersonal communication between attorneys and mediation participants. The professional profile for attorney-mediators provides a psychological description of mediation as a component of attorney's professional practice and outlines the professionally important qualities needed for effective mediation in attorney's professional practice.

Prospects for further research include developing a mental health support program for attorneys using mediation in professional practice and providing recommendations for enhancing mediation practice among legal professionals.

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