



Practical Skills for Dealing with High Conflict People
Part 2

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2 Types of Conflict Resolution

<ul style="list-style-type: none"> • PROBLEM-SOLVING BRAIN • Slower; takes time to analyze problems • Flexible thinking (many solutions to every problem) • Managed emotions • Moderate behaviors (so can maintain relationship) 	<ul style="list-style-type: none"> • DEFENSIVE BRAIN • Fast; shuts down higher thinking & problem-solving to focus on quick action • All-or-nothing thinking (eliminate or escape the enemy) • Intense emotions drive fight or flight behavior • Extreme behaviors (to defend self from life or death dangers or <i>perceived</i> life or death dangers)
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The Big Paradigm Shift of Mediating High Conflict Disputes

- Your focus needs to be on ***your relationship*** with the parties, rather than the outcome. So as they move forward, then backward, you can calmly move them forward again. Don't become stressed by their "resistance."
- **The Paradox:** When you focus on the relationship rather than the outcome, you are more likely to get good outcomes.

Your Role as a Mediator: A Very Ethical Role

1. CONNECT with respect (Empathy, Attention and Respect throughout the process)
2. STRUCTURE a client-centered process from the start. Teach them to: *Focus on the future by making proposals and making agreements*
3. EDUCATE them about their choices and possible consequences of each choice

1. CONNECT with Empathy, Attention & Respect

You'll be frustrated by the HCP's emotional reactivity and thinking distortions. It's easy to get "emotionally hooked," and to withhold any positive responses. It's easy to feel a powerful urge to attack or criticize.

Instead, consciously use your E.A.R.:

- EMPATHY
- ATTENTION
- RESPECT

E.A.R. Statement

- Example: "I can **understand** your frustration – this is a very important decision in your life. Don't worry, I will pay full **attention** to your concerns about this issue and any proposals you want to make. I have a lot of **respect** for your commitment to solving this problem, and I look forward to solving it too.

Fears and EARs for HCPs

Their Fear

For any of these:

- Being abandoned
- Being seen as inferior
- Being ignored
- Being dominated
- Being taken advantage of

Your EAR Response

Use any of these:

- I want to help you
- I respect your efforts
- I'll pay attention
- I'll listen
- Its just rules we all have to follow
- I understand this can be frustrating
- I'll work with you on this
- I know this can be confusing

Cautions about E.A.R.

- Avoid believing or agreeing with content.
- Avoid volunteering to “fix it” for them (in an effort to calm down their emotions).
- Be honest about empathy and respect (find something you truly believe)
- Keep an arms-length relationship.
- You don't have to listen forever.
- You don't have to use words or these words.

Managing Your Own Anxiety

Remind Yourself (before, during and after dispute):

It's not about you! Its about their lack of skills

The issue's not the issue. The HCP's personality is the issue, so your relationship is your focus.

You're not responsible for the outcome – just providing your professional standard of care”

Change their thinking? **Forgedaboutit!**

It's the parties' dilemma. Keep responsibility on them.

When they resist, tell them **“It's up to you!”**

Picture them as 5 year olds – confused and in trouble

2. STRUCTURE the Process

- Remember that HCPs are defensive reactors, more than planners. Their focus is on the past.
- Establish the structure from the start.
- Explain how the process is going to work.
- Establish your authority in managing the process, including sticking with each step.
- Stop them from interrupting each other (much more important than in ordinary mediation). Stop them from diverting the step you're in.
- Give them hope – this structure usually works.

Emphasize Separate Roles

Say: "I'm responsible for the Process;

"You're responsible for:

- Deciding what you want to talk about
- Making proposals and
- Making decisions"

High Conflict clients pressure professionals to become responsible for solving their problems

Keep responsibility for decision-making on the clients

Don't feel responsible for fixing clients or solving their problems: **You're not responsible for the outcome!**

3-Steps for Making Proposals

1. **Propose:** WHO will do WHAT, WHEN and WHERE.
2. **Ask questions:** The other person then asks questions about the proposal, such as: "What's your picture of what this would look like, if I agreed to do it?" "What to you see me doing in more detail?" "When would we start doing that, in your proposal?"
3. **Respond:** Other person then responds with: "Yes." "No." Or: "I'll think about it."

And if you say "No," then you make a new proposal.

Avoid “Why” Questions

Why questions easily turn into a criticism of the other person’s proposal.

Why questions start up defensiveness. If someone’s defensiveness is triggered, then it makes it hard for them to think of solutions to problems.

“Why did you say that?” usually really means “I think that’s a stupid idea and I want to force you to admit it.” Instead, if you think the other person’s proposal is a bad idea, then the best thing to do is to just make another proposal – until you can both agree on something.

Responding to Inaccurate Information

- Remain skeptical of the accuracy of the person’s information. There may be many thinking distortions.
- Let them know that you will never know the full story. It is *possible* the extreme statements they are making are true. And *possibly* not true. **“You might be right!”**
- But decisions can still be made about the future. Next steps can be taken.

3. EDUCATE them

- About making proposals.
- About legal, financial, parenting, etc. choices
- About consequences of various choices
- About what others have done in similar situations
- About where they might get more information

Responding with BIFF Response™

- B**rief: Keep it brief. Long explanations and arguments trigger upsets for HCPs.
 - I**nformative: Focus on straight information, not arguments, reactions, emotions or defending yourself (you don't need to)
 - F**riendly: Say thank you for writing and/or a friendly closing (have a nice weekend) and/or you respect their efforts (E.A.R.)
 - F**irm: Calmly close the door to further argument or give two choices and ask for response date
- See Handout: *BIFF Article*

**Coaching for BIFF Responses:
10 Questions**

1. Is it Brief?
2. Is it Informative?
3. Is it Friendly?
4. Is it Firm?
5. Does it contain any Advice?
6. Does it contain any Admonishments?
7. Does it contain any Apologies?
8. How do you think the other person will respond?
9. Is there anything you would take out, add or change?
10. Would you like to hear my thoughts about it?

**Summary:
Your Role as a Mediator**

1. CONNECT with Empathy, Attention and Respect throughout the process
2. STRUCTURE the dispute resolution process from the start. Teach them to: *Focus on the future by making proposals and making agreements*
3. EDUCATE them about their choices and possible consequences of each choice
