



**Mediating High-Conflict Disputes:
4 Key Skills for Dispute Resolvers**

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Patterns of Behavior with High-Conflict People (HCPs)

- Rigid and Uncompromising
- Difficulty Accepting and Healing Loss
- Emotions Dominate Thinking
- Inability to Reflect on Own Behavior
- Difficulty Empathizing With Others
- Preoccupied with Blaming Others
- Avoids Responsibility (For Problem or Solution)
- Depends on Others to Solve Problems
- They may have Personality Disorders

Core Issues of PDs:

#1: LACK OF SELF-AWARENESS

People with personality disorders lack awareness of:

- Why they are the way they are
- How they contribute to own problems
- How to change

-- Aaron Beck (1990)
Cognitive Therapy of Personality Disorders

- Why they feel upset right now
- How they affect other people
- What skills they have that *do work*

So they don't gain insights from feedback.

**Core Issues of PDs:
#2: LACK OF CHANGE**

When person loses "flexible adaptation" & takes a "non-reflective stance" in social interactions:

1. Behavior becomes rigidly patterned
2. This causes significant social impairment
3. Which causes significant internal distress
4. This rigid behavior "evokes" responses in others which "validate" their inflexible beliefs

-- Efrain Bleiberg (2001) *Treating Personality Disorders in Children and Adolescents*

**Core Issues of PDs:
#2: LACK OF CHANGE**

So we often need do opposite of what's evoked in us.

Resist fight, flight or freeze urges.

Resist disliking a person or being charmed too easily.

**Core Issues of PDs:
#3: Externalizing Responsibility**

All personality disordered people externalize.

"High Conflict People" externalize by focusing on a specific person or group – their "Target of Blame"

"He's the cause of all of my problems. Once he's out of my life, everything will be fine."

"I had to hit her, after what she said to me."

"It's ALL your fault!"

2 Hemispheres of Brain (Flexible)

Left Hemisphere

- “Logical Brain”
- Generally Conscious
- Language
- Thinks in words
- Planning
- Examines Details
- Rational analysis
- Systematic Solutions
- Positive Emotions
Calm, contentment, etc.

Right Hemisphere

- “Relationship Brain”
- Generally Unconscious
- Observes relationships
- Thinks in pictures
- Creativity, Art, Intuition
- Non-verbal Skills
- Facial recognition/cues
- Gut feelings
- Negative Emotions
Hurt, anger, fear, etc.

Corpus Callosum

- The main wiring between the hemispheres of the brain, that aids in the flow of information back and forth. More flow is better.
- Some people get stuck in the upset emotions of the right hemisphere and can't access their left hemisphere to help resolve negative emotions.
- It's damaged or smaller in children repeatedly exposed to abuse, as well as in some adults with personality problems.
- -- Martin Teicher, *Scientific American*, March 2002, Vol. 286, Issue 3, p. 68+

Amygdala in Non-Verbal Communication

Amygdala of the brain:

- Alarm center; “Smoke Detector” of brain
- “Hijacks” brain for fast, unconscious defensive responses -- faster than “thinking”
- Shuts down logical, analytical thought processes
-- Daniel Goleman
Emotional Intelligence (1995)
- Attentive to facial expressions, specifically Rt. Amygdala:
fear and anger (not other neg. emotions)
-- Allan Schore
Affect Regulation and the Repair of the Self (2003)

Mirror Neurons

- Recent discovery in brain research
- Neurons in our brains automatically “mirror” activities we watch, to prepare to do the same
- Emotions are mirrored: smiles, sadness, anger
- Empathy may be a mirroring activity
- You can over-ride mirroring and act opposite (respond to anger with empathy; sadness with hope; upset emotions with problem-solving)

-- *Mirroring People: The New Science of How We Connect with Others*, Iaconboni (2008)

4 Key Skills for Managing HCPs

C.A.R.S. Method

1. CONNECTING with E.A.R.
2. ANALYZING options and dilemmas
3. RESPONDING to misinformation
4. SETTING LIMITS on behavior

1. Connect with E.A.R. Statements

- 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

<p><u>Their Fear</u> For any of these:</p> <ul style="list-style-type: none"> • Being abandoned • Being seen as inferior • Being ignored • Being dominated • Being taken advantage of 	<p><u>Your EAR Response</u> Use any of these:</p> <ul style="list-style-type: none"> • 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
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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.

**2. ANALYZING Options
(Give them a Choice)**

- **In high-conflict situations, don't focus on feelings.** You won't resolve their emotional issues. Just acknowledge their frustrations. Talk to the right brain.

Instead, focus upset person on a choice:

- The goal is to get the upset person focused on problem-solving, away from his or her emotions.
- This puts responsibility on the person to help solve the problem; puts responsibility on the person for making the choice.
- It gives them some power, when they feel powerless.

2. Analyzing Options (Make a Proposal)

Teach employees to Make Proposals:

Any concern about the past can be turned into a proposal about the future.

Proposals usually contain:

WHO does
WHAT,
WHEN and
WHERE.

If they get stuck blaming each other or talking too much about the past, then simply ask:

"So, what's your proposal?"

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.
See article: "Yes, No or I'll Think About It."

3. Responding to Misinformation (Maintain a Healthy Skepticism)

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

It's their Dilemma

- Keep the burden of solving problems on the client. No matter how badly they want you to do it.
- Tell them **"You have a dilemma. How do YOU want to resolve it?"**
- Then, if they can't think of options, you could suggest several, based on your knowledge.
- Be a role model of comfort with ambivalence.

Teach B.I.F.F Responses

Brief: Keep it brief. Long explanations and arguments trigger upsets for HCPs.

Informative: Focus on straight information, not arguments, opinions, emotions or defending yourself (you don't need to)

Friendly: Say you have empathy for their concerns; you will pay attention to their concerns; you will respect their efforts (E.A.R.)

Firm: Gently repeat information and close the door to further argument

See article: *Responding to Hostile Mail*

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?

4. Setting Limits on High Conflict Behavior

- HCPs need limits because they can't stop themselves
- With HCPs, focus on **external reasons** for new behavior (rather than focusing on negative feedback about past behavior):
 - "Our policies require us to ..."
 - "The law requires me to ..."
 - "It might appear better to _____ if you..."
 - "I understand, but someone else might misunderstand your intentions with that action..."
 - "Let's take the high road..."
 - "Choose your battles..."

4. Setting Limits (con't)

Giving Choices and Consequences

- HCPs do not connect realistic CONSEQUENCES to their own ACTIONS, especially fear-based actions.
- They feel like they are in a fight for survival, which blinds them to realities.
- Their life experiences may have taught them different consequences than most.
- They can be educated by a caring person.

Managing Your Own Stress

- Remind Yourself, when dealing with HCPs:
 - **"It's not about you!"** Its about other's lack of skills
 - **"The issue's not the issue."** The other's lack of skills is the issue, so your communication is what matters.
 - **"You're not responsible for the outcome** – just doing your job." HCPs will blame others regardless. Change the other's thinking? **"Forgedaboutit!"**
- Think of yourself as an observer
- Get lots support & consultation from colleagues

Summary of Key HCP Skills

- 1. CONNECTING:** Listen closely (briefly), then respond with Empathy, Attention and/or Respect (E.A.R. Statements).
- 2. ANALYZING:** Tell people to make a proposal for solving problems; respond: "Yes, No or I'll think about it."
- 3. RESPONDING:** Be Brief, Informative, Friendly and Firm (B.I.F.F. Responses).
- 4. SETTING LIMITS:** Focus on policies and procedures (external reasons). Educate about choices and consequences.
