

Making the Best of Conflict Theories to ADR Processes

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Your Most Challenging Conflict

Think of your most challenging conflict:

- ❑ Who was involved?
 - ❑ What was it about?
 - ❑ What techniques did you use?
 - ❑ Why did you use that specific technique?
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Objectives

- ▶ Learn effective and applicable conflict theories
 - ▶ Apply the theories to resolve real cases
 - ▶ Combine the theories and the practice to one's current skill set
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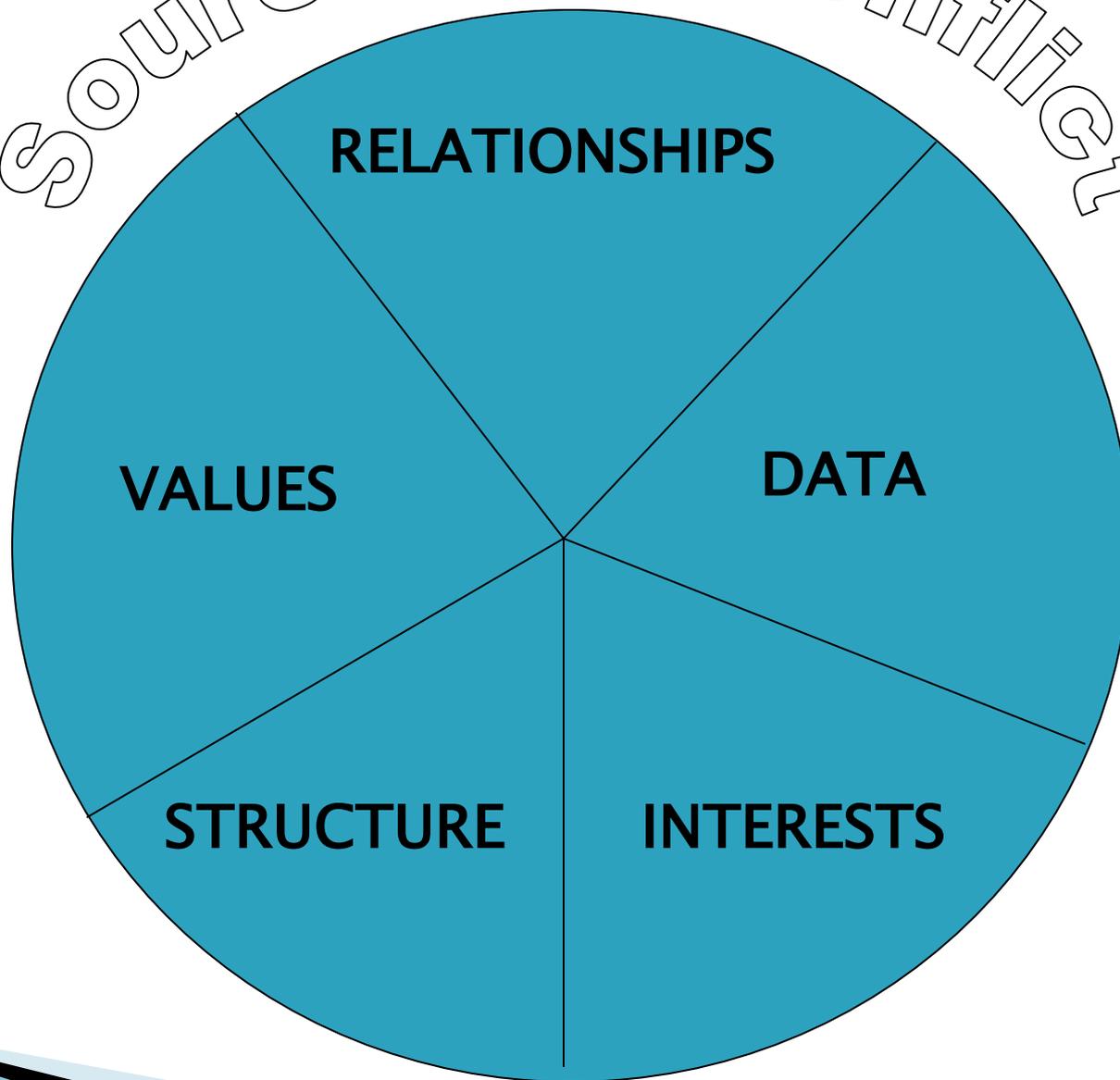
“Unless mediators understand the underlying theoretical principles that influence and shape their practices, they are merely talented mechanics trying out one tool after another without understanding why a particular tool might be useful and what results are likely to flow. They are skilled mimics who apply techniques and interventions without fully considering the reasons behind the approaches, without understanding the likely consequences, without the ability to evaluate the success or failure of those interventions, and without the tools and resources to learn from each experience. When this occurs, mediators may be capable and frequently effective, but they will never achieve artistry, the highest level of skill to which they can aspire. Some assert, as one participant in a workshop did, that there is nothing wrong with mediocrity, that "good enough" is acceptable. Mediators need to hold out for something beyond mediocrity. They need to aspire to attain a level of competence, resourcefulness, and effectiveness that we have called artistry.”

Making of a Mediator, Michael Lang and Alison Taylor.

Theories

- ▶ Sources of Conflict
 - ▶ Kubler-Ross Model
 - ▶ Nested Theory – Systems Theory
 - ▶ Path of the Storm
 - ▶ Stages of Conflict
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Sources of Conflict



Source: *The Mediation Process*, Chris Moore

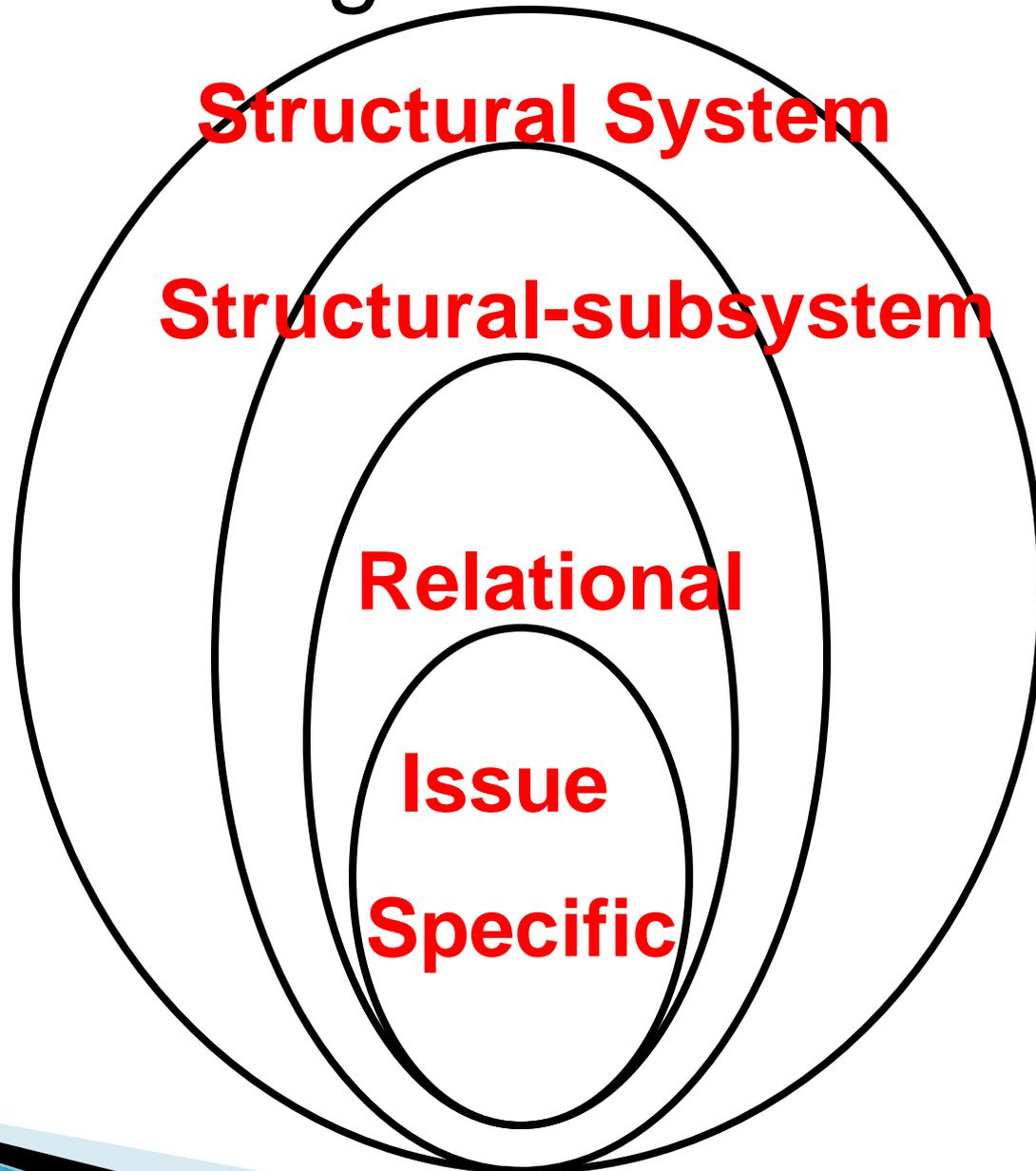
Exercise

Chaos in the HR Department

Identify the source(s) of the conflict

- Data
 - Interest
 - Relationship
 - Structure
 - Values
-
- And where do you begin?

Maire Dugan's Nested Theory



Chaos in the HR Department

Nested Theory

As the mediator – where would you intervene?

Would you address the other areas?

If yes, why?

If no, why not?



Path of the Storm

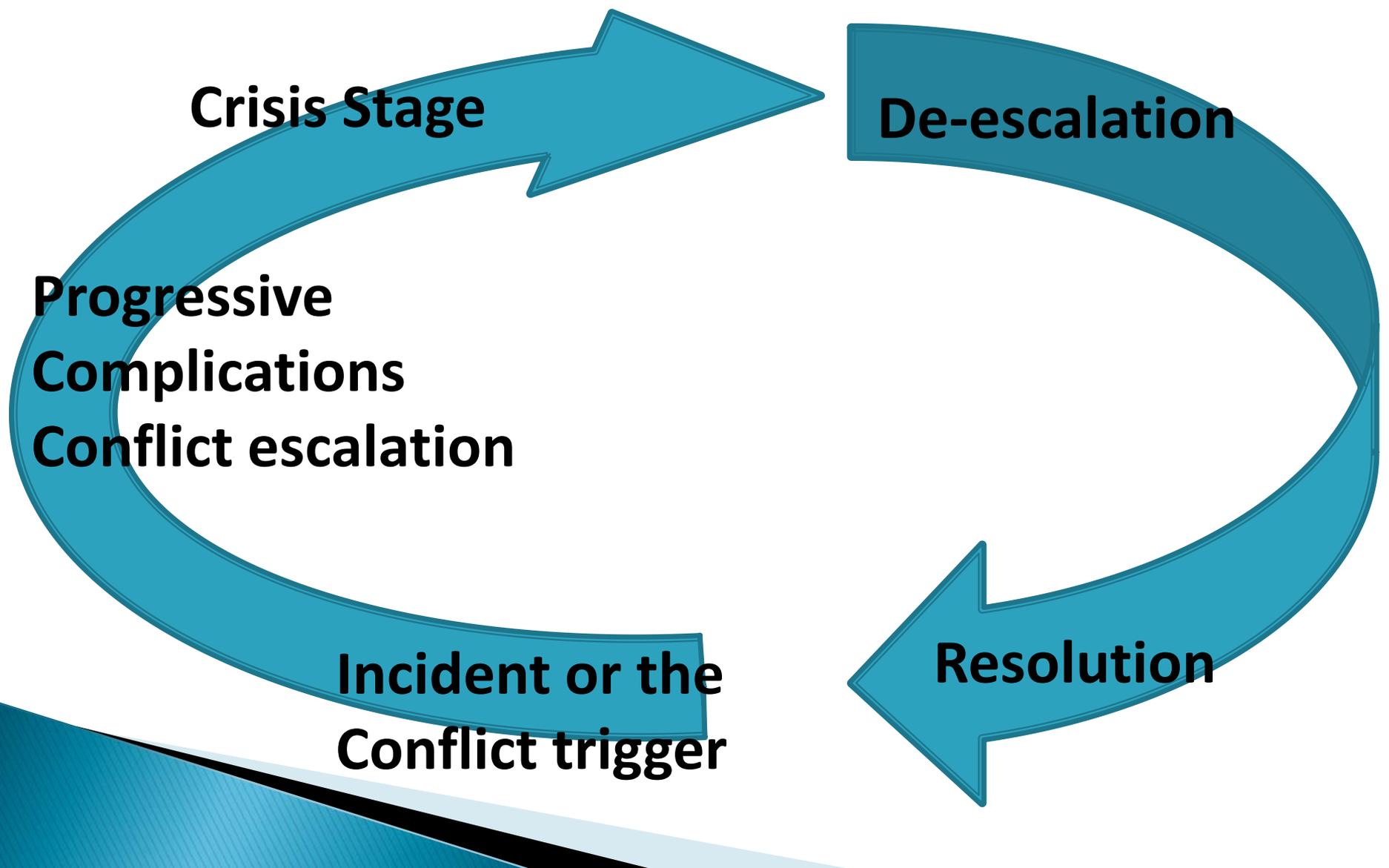
Crisis Stage

De-escalation

**Progressive
Complications
Conflict escalation**

**Incident or the
Conflict trigger**

Resolution



Path of the Storm

HURRICANE SANDY- PATH



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HEAVIEST
SNOW

STRONG WIND
ROUGH SEAS
EROSION

L

STRENGTHENS

Chaos in the HR Department

“Path to the Storm”

Identify the following

Crisis Stage

**Incident or the
Conflict trigger**

**Progressive
Complications
Conflict
escalation**

De-escalation

Resolution



Kubler–Ross model

Five Stages of Grief

- ▶ Denial- “this can’t be happening to me. I was the best qualified!”
- ▶ Anger – “This isn’t fair”. “You are to blame.”
- ▶ Bargaining– “what will it take to make this go away and I can save my job?”
- ▶ Depression- “I can’t deal with this “sobs”
- ▶ Acceptance –”Everything is going to be ok”. “How can I move on?”

Chaos in the HR Department

Kubler-Ross

What stage might the employee be experiencing?

And how would you address this – or would you?



Stages of Conflict

CONFLICT STAGE	FOCUS ON	BLUE	RED	GREEN
1	Self Problem Other	Simply being accommodating to the needs of others	Simply rising to the challenge being offered	Simply being prudently cautious
2	Self Problem Other	Giving in and letting the opposition have its way	Having to fight off the opposition	Trying to escape from the opposition
3	Self Problem Other	Having been completely defeated	Having to fight for one's life	Having to retreat completely

Language is Key

- ▶ A party makes the following statement. What might it tell you about where they are in the stages of conflict:
 - “I am just not sure what to do! I need to just make sure I have a paycheck. I just need to survive!”
 - “I am very happy to sit down and talk with him. I think I can find something that will work for him. Especially if it will make this go away.”
 - “They have filed a what against me? When can we meet? I prefer to take this on right now and lets get this resolved.”

Summary

These theories, and more, will help us achieve artistry, the highest level of skill to which we can aspire.

Your Questions Please

