



"Bringing Peace to Legal Process"

CONFLICT MANAGEMENT and DISPUTE RESOLUTION

A PRESENTATION FOR
WORKPLACE CONFLICT AND
SOLUTIONS

What Is Conflict?

- Conflict is a challenge. It is also an opportunity. When people are in conflict, they may want to prevail, or to "escape" from the challenge. That's normal. But let's go beyond "normal," to consider and embrace conflict as an *opportunity*. Recognize that where there is conflict, there is relationship. We are in conflict *together*. Thus there is an opportunity for the relationship to grow and change for the better. We may take one step within the conflict to move toward the other. Moving toward the other may begin to free us from conflict's trap. Indeed, freeing ourselves may benefit us even if not reciprocated by the other.
- It does not have to be "love your enemy." It may simply be "*accept* your enemy." Accept that you are together in the conflict. Accept that the other and you are both human and can move together toward a place that is not defined by conflict. Accept that your enemy does not have to be experienced and treated as an enemy. Our minds and hearts can be trained toward compassion if we choose it. Open to the possibilities of experiencing conflict differently. We can then experience ourselves and each other differently. Reach in and reach out. Reach within—in order to reach out.

Shared Values and Conflict Resolution

- *Culture - the way of life of a group of people—the behaviors, beliefs, values, and symbols that they accept, generally without thinking about them, and that are passed along by communication and imitation from one generation to the next.”*
- I think of “culture” as the collective, conscious values of a group. All too often the values of a group were not consciously chosen, but instead develop as a result of who happens to be in the group at any given time. The resulting culture influences who joins and leaves a group. That’s why some groups are positive and productive, others are negative but productive, and still others are negative and unproductive.
- In order to establish an effective Communication Policy and Conflict Resolution Protocol, a group must first agree to a set of values, commit to those values, and endeavor every day to act on those values. Selecting values is a collaborative process which requires brainstorming and consensus. Hold-outs, the individuals who refuse to adopt the group’s values, guarantee instability and probably already stand out in the group as those individuals around whom conflict arises.
- These are some of the values we subscribe to at The Law Collaborative:
 - Integrity
 - Transparency
 - Empathy
 - Inclusiveness
 - Respect
 - Excellence
 - Honesty
 - Collaboration
 - Civility
 - Consciousness
- Your organization may choose to adopt similar or different values. As long as the values are arrived at by consensus, and observed by your group, conflict can be reduced, and managed using the skills and protocols that follow.

Weekly Group Check-In

- Check In
- Express Appreciation
- What's Working
- What's Not Working
- Explore Solutions
- Document Consensus

Brainstorming

- Preparation
 - You need a large flip chart easel pad, colored felt tip markers and a roll of 1 inch masking tape.
- Have everyone stand up and gather around the flip chart.
 - During the session, stand to the side of the flip chart as you write.
 - Title and underline every page so you remember the topic.
 - Use masking tape to attach completed pages to the walls.
- Thinking Out Loud Guidelines
 - One Topic At A Time
 - Use the “idea box”
 - Restate the topic over and over
- Everyone Must Participate. No Pulling Rank.
 - No “swamping” allowed
 - “Swamps” are to give two alternatives on what will “work”
 - In extreme cases, ask the “swamp” to leave
- No Editing. Every Idea Is Perfect.
 - Write every idea word for word
 - Ask permission to paraphrase
 - Go for quantity, not quality! Don’t stop to discuss anything.
- One Voice at a Time
 - This is so the Facilitator can get all ideas down on paper
- No Time Limit. Go Until You Are Empty
 - Usually one topic takes five to ten minutes, maximum. Everyone has an opportunity to think it through if allowed adequate time.
- Prioritize by inviting stakeholders to indicate the ones, twos, and threes.
 - Discuss, evaluate. Choose by consensus the best, most urgent ideas.
- Set a Date.
 - Action items are to be immediately scheduled, added to the calendar, and assigned to a responsible team member.

Calm Down

As a divorce lawyer dealing with angry, upset individuals for more than 40 years, I have explored tools to assist and support emotional clients/colleagues who are caught up in the moment and have forgotten their *better selves*. Here are Six Steps to assist someone who is expressing anger.

- **STEP ONE:**
 - Listen carefully and completely to them as they express their anger. Do not interrupt them. Let them speak until they are finished.
- **STEP TWO:**
 - Say: “I hear how upset you are.” Let them continue to speak for as long as they wish.
- **STEP THREE:**
 - Say: “I can identify with what you are saying.” And: “I can understand why you feel that way.”
- **STEP FOUR:**
 - Say: “I am really sorry how things seem to have worked out. What can I do for you now to help, so that we can move forward in a more positive way?”
- **STEP FIVE:**
 - Say: “Thank you for expressing yourself so clearly to me. I will take steps to see that nothing like this happens again. I appreciate your time and your clarity.”
- **STEP SIX:**
 - Say: “I want you to know that you are important to me and that I feel badly about this situation.”
 - Listen carefully to the pain of others. Take true interest in their concerns. Make every effort to identify with what they are saying.
 - Set defensiveness aside.
 - Do not make immediate judgments.
 - Do not try to fix any situation. If you are asked to take positive action, do not react; instead, reflect, consider, and act in ways congruent with your goal.

Self Check-In

- What Was Said?
- What Did I Hear?
- How Does That Make Me Feel?
- What Do I Want?
- What Do I Want To Say?
- What Should I Say?
- What Will They Hear?
- How Will They Feel?
- What Will They Do?
- Is That What I Want?
- Is That What Is In The Best Interest Of All Concerned?

We Need To Talk

Applicant

Invitee

My Observation:

Issue Raised:

My Concerns:

My Request:

Invitee Acknowledgement

Dispute Resolution Protocol

- What I Observed
- What It Meant
- How It Made Me Feel
- What I Need
- What I Want
- My Proposal

Rules for Fair Fighting

1. Take responsibility. It may take two to argue, but it only takes one to end a conflict. *Make a commitment to never intentionally harm your partner's feelings.*
2. Don't escalate. The most important commitment you will make to fair fighting is to overcome any desire to speak or act hurtfully.
3. Use "I" speech. When "you" speech is used, it is often perceived as accusatory. Instead, talk about your own feelings. "I feel hurt when I hear that." This may avoid defensiveness, as it's hard to argue with a self-report.
4. Learn to use "time out." Agree that if hurtful speech or actions continue, either party may call a time out.
5. Avoid and defend against hurtful speech. This includes name calling, swearing, sarcasm, shouting; any verbal hostility or intimidation. Agree to a key phrase that indicates hurt feelings, such as, "That's below the belt."
6. Stay calm. Don't overreact. Behave with calm respect and your partner will be more likely to consider your viewpoint.
7. Use words, not actions. When feelings run high, even innocent actions, like hitting a table top, may be misinterpreted. Use "I" speech to explain your feelings instead.
8. Be specific; use concrete examples (who, what, when, where) for your objections.
9. Discuss only one issue at a time. If you find yourself saying, "And another thing..." stop.
10. Avoid generalizations like "never" or "always." Use specific examples.
11. Don't exaggerate; it prevents discussion of the real issue. Stick with facts and honest feelings.
12. Don't wait. Try to deal with problems as they arise—before hurt feelings have a chance to grow.
13. Don't clam up. When one person becomes silent and stops responding, anger may build. Positive results are attained with two-way communication.
14. Agree to the ground rules.

Deep Listening

- Tips to Begin Listening More Deeply
- **Focus on the conversation** — Mentally, don't allow extraneous chatter or activity distract you from the conversation. Physically, make regular eye contact. Likewise, keep your mind free of other issues, your to-do list, etc. If you're going to spend the time and energy having a conversation, make it worthwhile for everyone. And, for Heaven's sake, don't take telephone calls while you're having a conversation with someone, unless you've noted in advance that you're expecting a call you must take.
- **Respond and acknowledge through body language** — When you're listening, you're using your ears, not your mouth. You also listen with your body language, such as *leaning in toward the speaker and nodding your head allow you to "speak" and listen at the same time*. Many people do this naturally when they're truly engaged in what another person is saying. Similarly, when we're not paying attention, our body language says as much. Body cues are a clear way for someone to read your interest in what he or she is saying as well as your understanding of what's being said.
- **Know your intentions** — Be explicit about why you are in conversation. Deep listening predominantly occurs when you are genuinely open to and interested in learning another person's perspective. If your intention does not fall into this realm, you are not listening deeply.
- **Ask questions** — The simple act of asking, rather than stating, places you in an other-focused mindset. Asking questions is itself a form of listening, allowing us to learn more about the person or subject, and alerts our brains that new information will arrive — keeping us open to receive new ideas and perspectives.
- **Unclutter your mind** — Today, the most overused excuse for poor behavior is "I'm too busy." That may be convenient and easy to say, but the truth is that each of us has the choice over what we do and say every day. If our schedules and minds are cluttered, it's a dilemma of our own making. Fortunately, just as we have the power to put ourselves in such a situation, we have the power to prevent it from happening. There are many resources available to help us take responsibility for our choices and, in doing so, forego those things that are of no real importance in favor of the things that are truly priceless to us. The result? A much less cluttered mind, and a much more satisfying day.

Havasupai Talking Stick Ceremony

- The following is a powerful communication exercise developed by America's native peoples. It was used in tribal counsels to insure everybody was heard and any resentments were addressed. The parties sit facing each other with notepaper and writing utensils. The person who asked for the ceremony is designated "the Speaker." During the ceremony, the Speaker may hold some item designated as the "talking stick" in their hands, while the other person (the "Listener") should hold paper and pen for note taking.
- The Speaker begins saying what s/he wants to say to the Listener while the Listener takes detailed notes. The Listener does not comment or interrupt except to ask non-accusatory clarifying questions. "So you're calling me a liar" is not appropriate. "So you heard me say, 'I missed the bus'." Is acceptable.
- When the Speaker has said everything they need to say and they feel "empty", the Listener repeats back what s/he heard in their own words (direct quotes are okay). If the Listener misstates what they heard, the Speaker may interrupt to correct them.
- When the Listener has repeated everything to the Speaker's satisfaction, the Listener asks if the speaker has anything they wish to add. If the Speaker wishes to say more, go back to step 1. Repeat steps 1-3 until the Speaker is "empty".
- Only when the Speaker is empty does the Listener get to respond to the things the Speaker said. Step 4 is actually a reversal of roles; the Listener becomes the Speaker and the Speaker the Listener, bound by the same rules as before, but reversed. With the roles now reversed, the parties go through steps 1-3 as many times as necessary until the new Speaker feels empty. Once empty, the parties may switch roles again and continue the exercise as many times as necessary until both parties are empty.

Important Notes: If the parties cannot follow the protocol, schedule a time to reconvene when emotions have subsided...The Listener may not argue, correct, or do anything else except ask questions with the intention of understanding what the Speaker is saying.

As many tribal groups did not have efficient written language, originally the "Speaker" would speak for shorter intervals to allow the Listener to repeat what was heard more easily. Note taking provides a more efficient and effective exercise, but if the parties find it works better or the Speaker to speak in shorter segments with the Listener repeating what was heard between segments, that is fine. But the roles should not reverse, and the Listener should not respond or comment, until the Speaker is truly empty.

The goal is clear, complete communication, not persuasion. If both parties walk away feeling they have been heard, the exercise is a success.