

Principles in Dealing with High Conflict Clients in Mediation/Negotiation

Daniel C. Claiborn, Ph.D.

- analyze the pattern of ineffectiveness, inappropriate reactions, self-defeating behaviors, sabotage, self-fulfilling prophecies
- identify the stimulus (what the person reacts to inappropriately)
- check out your own reaction to the behavior
- what needs and fears can you deduce from the stimulus, the person's reactions, your own responses?
- what can be done to meet the needs without letting this interfere with the necessary process?
- what can be done to alleviate the person's fears without interfering with the process?
- decide about strategy:
 - empathy or logic,
 - warm or businesslike
 - direct or indirect
 - specific or general
 - firm limits or room for choice
 - criticism/coaching or praise/support
- acknowledge fear and anger without reacting to them, opening them up, or adopting them
- encourage thinking, deciding, experimenting, detachment
- encourage expression of goals and interests, not positions
- limit historical recitations to private sessions
- emphasize and verbalize strengths, positive efforts at solutions
- maintain internal skepticism about client reports
- maintain here and now focus: we're here now, so what can we do?
- interpret strong feelings, conflict as normal/understandable -- but avoidable
- educate about possibilities, consequences
- practice assignments
- predict/preview potential difficulties and help develop contingency plans
- include positive and negative advocates
- use supervision, peer support

