

## Talking Alternatives

***“Why Can’t We  
All Just Get  
Along???”***

# Mediation is about Communication

- It's the means by which we solve problems, resolve conflicts, and effectively express ideas and knowledge.

# Some things to think about...

- *“We have two ears and one mouth so that we can listen twice as much as we speak.”*  
Epictetus (Greek philosopher associated with the Stoics, AD 55-c.135)
- *“Speak when you are angry – and you’ll make the best speech you’ll ever regret.”*  
Dr. Laurence J. Peter quotes (American “hierarchiologist”, Educator and Writer)
- *“Hear one side and you will be in the dark. Hear both and all will be clear.”*  
Thomas C. Haliburton

# What are you trying to accomplish?

- Getting the parties to listen to one another
- Finding out what the underlying issues are
- Encouraging the parties to work together/communicate with one another
- Finding a mutually agreeable solution so you can move forward

# Communication

- Communication is essential to conflict management
- Communication is necessary to understand conflicts and find satisfying solutions.
- Communication can be verbal and non-verbal
- Communication is an important means of confirming understandings or misunderstandings.

# Effective Communication

- Effective communication: allows for exchange of feelings, thoughts and ideas and leads to understanding.
- Effective communication requires listening skills.
- Effective communication requires us to remain non-judgemental, listen carefully, and ask for clarification to eliminate misunderstandings

# What can impact or hinder communication?

- differences in values,
- perceptions (vs. reality)
- Assumptions
- communication styles,
- comfort and fluency with language,
- trust levels,
- cultural practices,

# Barriers to Communication

- Discounting the importance of someone's concerns (ex. Mountain out of a molehill!)
- Blaming or judging (Told you shouldn't have done it!)
- Listener is not focused on what is being said or re-focuses it on self (Well that's too bad but I just had this bad...)
- Unwanted advice that inflames the conversation (What I think you should do is...)



# Causes of Conflict

- Can be caused by various actions, events, decisions or perceptions
- Lack of resources – not enough to go around be it money, space, time
- Differing values, goals and interests
- Emotional,, psychological, physical or spiritual needs that are not being acknowledged.
- Cultural differences

# Styles of Conflict

- Ignoring – attempting to avoid the issue which only makes it escalate (driving)
- Giving in – might include unspoken resentment (siblings antagonistic feelings just fester)
- Competing – fighting to the death attitude where one has to win and one has to lose (dig in heels)
- Compromising – win/win, each one compromises
- Cooperating – working together for a mutually agreeable solution

# Diffusing the Situation: The Process

- Interests, Needs, Positions, Emotions
- Listen to each party and get them to listen and stop talking over one another
- Identify the **interests, needs, positions and issues and emotions and break it down)**
- Separate the problems from the people
- Neutrally frame the issues that emerged

# Positions

- Mom may need another living situation
- Mom should not be driving v.
- *Mom should stay at home*
- *Mom should keep her license*

# Interests

- Mom's safety
- Mom's care needs
- Maintaining Mom's social life and activities **V.**
  
- *Mom's independence*
- *Mom will become depressed and lonely*
- *Mom will need to depend more on me*
  
- **Always ask 'why' someone has a position to get at the interests.**

# Acknowledging Needs and Emotions

- Many positions are emotion-driven. Emotions cannot be ignored.
- Needs of the parties will differ. Important to identify those needs, share them in, and factor them in.

# Skills and Techniques

# Active Listening:

## listening to determine interests

- Face each speaker
- Ask questions
- Occasionally summarize points to clarify
- Allow full story to be told
- Watch non-verbal communication
- Validate the speaker
- Restate to emphasize understanding
- Empathize (but don't overdo)
- ***Remember to do this for each party to overcome fears of favoritism***



# Use words carefully

- **How we say something is as important as what we say.**
- Try to replace **but** with **and** (“It was good that you picked up Mom’s medication **and** [instead of but] I just wish that you had called me to say you’d be late.” )
- Starting with the accusatory **you** makes people defensive. (“**You** said you would...”)
- Words like **always** and **never** often exaggerate the problem and lead to escalation.
- Try to re-frame the discussion in terms of joint ownership, using **we**, as in “**How can we...**”

# Open-Ended v. Closed-Ended Questions...

- Are important to elicit the most information.
- Closed ended questions dead end a conversation, although they are sometimes needed. “Is that all?” is going to elicit a yes or no response while, “Why don’t you continue?” stimulates more conversation and elaboration.

# Shutting Down Conversation

- Yes/no questions: “Did you think about selling the house?” v. “What thoughts did you have regarding the house?”
- Direct questions: “Did that only happen once?” v. “How many times did that happen?”

# Opening Up Conversation

- “Could you explain what happened?”
- “What do you remember about that conversation?”
- “What might be better solutions and why do you think they would work?”
- “What if you could change the caretaking for your mother? What would that look like?”

# Generate Options

- But don't offer advice: it could come back to bite you.
- Encourage everyone to contribute
- Don't judge or criticize or will stifle brainstorming process
- Encourage creativity
- Foster 'we' thinking and phrasing

# The Agreement

- Regularly point out commonality
- Encourage improvements and/or elaborations on ideas
- Help break down the needed steps and assignments for each identified option
- Review possible outcomes and preferred options
- Make sure the agreement is created by the parties and is not being overly influenced by you as the third party
- Insure that the final agreement is realistic, reasonable and mutually agreeable
- Make sure the 'who, what, where and when' are specified
- Discuss 'check-ins'.

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