

Riding the Tiger: Using The Power of Emotion and Behavior in Mediation

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Emotion and Behavior: The Difficult Personality

- **Aggressive**
 - **Angry**
 - **Hysterical**
 - **Insensitive**
 - **Lying Misleading and False Statements**
 - **Irrational Ideas or Positions**
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Traditional or Rational Model

- **Lawyers, judges, mental health workers, and mediators work from the rational analytic paradigm**
 - **Problem solving by need, interests**
 - **Decision making based on BATNA, WATNA**
 - **Assume both parties are willing and capable of listening to others' positions**
 - **Common interests promote compromise**
 - **Separate "people from the problem"**
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Moving Beyond Reason

- **Core Concerns**
 - **Appreciation (lack thereof)**
 - **Autonomy**
 - **Affiliation**
 - **Status**
 - **Role**
 - **Focus on manifestation, not identifying**
 - **Fisher and Shapiro, 2005**
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Dynamics in Mediation **Low Conflict-----> High Conflict**

(John Wade & Susan Gribben)

- **Education is useful**
 - **How other thinks**
 - **Stable coping**
 - **Problem solving skills**
 - **Early process intervention**
 - **Develop & follow a plan**
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- **Seen as Criticism**
 - **Own interest**
 - **Personality Disorder**
 - **Limited skills**
 - **Late intervention**
 - **Parallel/high conflict**
 - **Failure to adhere**
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Thinking about Emotion and Mediation

- **Old Thinking**
 - Stop emotions (you can't)
 - Ignore emotions (yeah right)
 - Deal directly with emotions (tricky)
 - **New Thinking**
 - Obstacles become assets
 - We are not rational beings
 - Accept emotion and use it
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The Biology of Emotions

- **Neuropaths are formed to help us see, hear, think and feel.**
 - **Emotion response pathways are developed as well.**
 - **Levels of reactivity and responses are biologically based.**
 - **Temperament/ environment/experience**
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What Drives Emotions

- **Rivalry; winning at any cost**
 - **Social Facilitation**
 - **Time Pressures/Environment**
 - **Biology, “fight or flight”**
 - **Hard wired into the brain/body response**
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Emotions and Mediation

- **Fear of being sold out**
 - **Loosing control (Autonomy)**
 - **Being safe and secure**
 - **Rejection, self worth**
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Responding to Emotion

- **React carefully**
 - **Calm yourself**
 - **Take stock and consider; is response needed**
 - **Try to identify the emotion or feeling**
 - **Respond**
 - **Non verbal**
 - **Verbal**
 - **Affirmation and thanks**
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Responding to Emotion

- **Recast**
 - **The conversation and processing are now at least partly about emotions**
 - **Reframe to present positive and legitimate concerns**
 - **Talk about how those can be addressed (rational decision making and self interest)**
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When it is More Than Emotions

- **People who disregard or do not fit the rational model**
 - **Are they driven by personality type**
 - Narcissistic
 - Histrionic
 - Borderline personality
 - Anti social personality
 - **Many have traits which under stress dominate thinking**
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The High Conflict Personality

- **Unable to unravel any aspects of problem**
 - **Neither trust nor respect each other.**
 - **Expanding their story in the presence of the other with initiate defensiveness, counterclaim and escalation.**
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“Cluster B” Personalities

- **Most High Conflict people found in this group.**
 - Dramatic
 - Interpersonally imbalanced
 - Conflicts are driven by the personality rather than the issues or money
 - Life long pattern of blaming others
 - Likely to escalate disputes to court; file lawsuits
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Who are these people?

- **Narcissist: “Hi, nice to meet me.”**
 - **Borderline Personality: “I love you, now go away.”**
 - **Histrionic: “I don’t care what anyone says, I AM ...”**
 - **Anti Social: “Rules, we don’t need no stinking rules.”**
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Who are they?

- **Borderline complains people always letting them down**
 - **Antisocial reports worrier/nags in past relationship**
 - **Histrionic reports drama**
 - **Narcissistic oblivious to own behavior and feels victimized**
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The Warning Signs

- **Consistent statements about their needs as more important than anyone else**
 - **Problems are not their fault**
 - **I want it now**
 - **If I don’t get my way someone will pay**
 - **Emotional over reactivity**
 - **You feel yourself responding with equal irrationality**
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Fears and Motivators

- **The Histrionic fears being ignored**
 - **The Narcissist fears being inferior**
 - **The Borderline fears abandonment**
 - **The Anti social fears being dominated**
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Histrionic Personality

- **Drama, Exhibitionism**
 - **Use drama, charm, & temper tantrums to replenish their need for affection, attention, and approval**
 - **Rely on others primarily for the underlying dependency need**
 - **Able to appear confident and self-assured**

 - **Beneath guise are shallow feelings & deep insecurities**
 - **May fabricate stories or lie for attention**
 - **Falsely persuade others they or their children have been victims of horrible abuse**
 - **Over reactivity interferes with consistent, stable thinking**
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Strategies for Histrionic

- **Listen with respect**
 - **Empathize with feelings but not the alleged injustice**
 - **Avoid over reacting to intense emotions**
 - **Limit the number of stories you will let them tell and maintain a balance of interest.**
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The Histrionic

- Have dramatic presentation and stories
 - Over the top mannerisms and speech
 - Lack detail and focus, shift topics to avoid reality
 - Need to be the center of attention
 - Fabricate, lie, fail to remember key facts
 - Help them create structure, logic and focus
 - Listen respectfully, empathy to feelings; not to alleged injustice/abuse
 - Focus on specific tasks that can be accomplished
 - Do not over react to stories, abuses, etc.
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Narcissistic Personality

- Excessive confidence, arrogance, and exploitive egocentricity
 - Primary reliance is on self rather than others
 - Real or imagined – behaviors provide a self-image of superior worth
 - See themselves as more talented, intelligent and attractive than others
 - Financial success provides them admiration they so desperately need
 - They think they deserve special treatment
 - The rules (including court orders) do not apply to them.
 - Need for affection & admiration is so great that criticism is met with outrage
 - See using others as what they deserve
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Strategies for the Narcissistic

- Listening with empathy will help
 - Explain the benefits to them of following your advice
 - Focus on their self-interest
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The Narcissist

- Expect to be treated special
 - React strongly to any criticism
 - Fail to react to other's feelings & needs
 - Very self centered & absorbed
 - Listening with empathy
 - Explain the benefits to them of your advice
 - Avoid direct criticism & find ways to let them share in decision making
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Borderline Personality

- "I hate you don't leave me."
 - Mostly women (75%)
 - Men in this group often commit domestic abuse
 - Fear of abandonment
 - See it in every day neutral situations
 - Frequent angry outbursts
 - Severe mood swings
 - Self-Sabotaging behaviors
 - Impulsivity
 - Sexual behavior – Alcohol/Drugs
 - Idealization and devaluation of professionals and advocates
 - High numbers in litigation
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Strategies for Borderline

- Modest matter of fact; responses
 - Limit expectations
 - Avoid over reacting to intense emotion
 - Listen respectfully even to anger and blame
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Borderline Personality

- Have mood swings, from too upset to too nice
 - Act controlling, overly needy, even seductive
 - Idealize helpers then demonize them
 - Poor decision making and self sabotage
 - Modest matter of fact; responses
 - Limit expectations
 - Avoid over reacting to intense emotion
 - Listen respectfully even to anger and blame
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Antisocial Personality

- Mostly male
 - Act to preempt expected pain from others
 - Both attention seeking and self interest driven
 - Socially unacceptable behaviors
 - Engage in duplicitous or illegal behaviors: seek to exploit others for self-gain.
 - Skeptical of motives of others.
 - Desire independence and wish revenge for past perceived injustices
 - Irresponsible and impulsive
 - Insensitive and ruthless to prevent feared abuse victimization
 - Failure to plan ahead
 - Aggressiveness and reckless disregard for safety
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Strategies for Antisocial

- Maintain a healthy skepticism
 - Avoid being swayed by charm or doing favors.
 - Obtain collaborating information
 - Explain the consequences of future misconduct
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Antisocial Personality

- Break or ignore rules laws and norms
 - Lack remorse or pity
 - Need to dominate others
 - Appear charming yet deceitful
 - Maintain healthy skepticism
 - Avoid doing “favors”
 - Seek corroboration/
confirmation
 - Explain consequences but expect to be ignored
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Difficult People; General Rules

- Pay attention to words or deeds
 - Evoke both strong positive and negative feelings.
 - Pay attention to what is going on in your body and mind when dealing with people
 - Be proactive: recognize and respond according to type
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Common Strategies

- Maintain an appropriate bond
 - Fact checking and verification
 - Attentive listening
 - Set *and maintain* boundaries for emotional support
 - Limit time and reactions
 - Anticipate the crisis
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Maintain the Bond

- Identify the type of bonding issue that causes them to have over compensating relationship styles.
 - You do not need to agree with the content to maintain the bond
 - Recognize the driving force for the emotions behind the content.
 - Maintain the bond; don't fuel the fire.
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Listening Empathy but not Agreement

- Full attention/eye contact
 - No distractions
 - Avoid interrupting with unnecessary questions at the beginning when they are telling their story to you.
 - Just listen for a minute or two. Respond with empathy, including sympathetic body language
 - Open body posture, head nods
 - Respond with recognition of how that person must feel.
 - Be careful to avoid agreeing with the content of what you have been told.
 - This is quickly seen as validation and reinforces the high conflict behavior
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Control Emotional Support

- Maintain consistent levels of emotional support and contact.
 - Avoid intense involvement one day and cold distance the next
 - Be careful not to over extend or over react.
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Limits on Time and Reactions

- **Limit your reaction and your available time in a consistent way.**
 - **Any sense of pulling away will be seen as rejection and reason to blame, sue, or otherwise make your life hell.**
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Anticipate the Crisis

- **Caused by bonding insecurities**
 - Initial phase of the relationship
 - Before and after court hearings
 - Settlement hearings
 - Face to face meetings
 - **Take the first crisis call as soon as possible.**
 - Test of Commitment
 - Will determine how secure they feel for the duration of the relationship.
 - If they feel brushed aside, they will need to escalate to get attention.
 - **Avoid being too responsive to emotions.**
 - **Keep a balanced neutral bond.**
 - **Avoid agreeing with the content of the high conflict person's statements.**
 - **Support the person, not the complaint**
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