Dispute and Conflict DNA © 2008

Wein Mediation
The dispute resolution specialists

The People
(Parties – Advisors - Mediator)

- **Relationships**
- **Advice or no advice**
- **Best interests**
- **Preconceptions**
- **Biases**
- **Ethics** – lies, deception, dishonesty and illegality.
- Interpretations
- Motivations
- Incentives
- Time and delay
- **Power imbalance**
- $ / economic influence
- Position / Authority
- Networks
- **Psychology Behavior**
- Ego
- Language
- Emotions
- Perceptions
- Memory
- Risk tolerance
- Listen & empathise
- Anxiety & stress
- Desire for peace
- Cultural issues
- Gender issues

- **Issues**
- **Interests**
- **Positions**
- **Risks**

- **Define the battlefield**
- **Basis for listening**
- **Structure of process**
- **Engage risk as a positive opportunity**

The Matrix of the Facts
(Facts Issues Interests)

- **Discovery Process**
  - Express - written / oral
  - Implied
  - Perceptions - true/ false
- **Reality Testing**
- **Getting to the Truth**
- **Purposeful engagement**

The Law
The Commerce

- Position statements
- Legal authorities
- Points to distinguish
- Complexities

- Dynamics of Doubt
- Risk evaluation
- Advice received
- Motivation
- Incentives
- Options
- Compromise
- X Factor?

The MEDIATORS Role - Unconscious competence
How to drive the process and appear irrelevant?

Create doubt about:
Rights, goals, power
- Beliefs, Behaviors, Emotions
- Outcomes

Process
- Rules
- Integrity
- Framework
- Context
- Reinventing the PROCESS

Transformative – Change Agent
- Unfreeze self efficacy and expectations
- Rationalize incompatibility b/w 2 opposing sides
- Use humanity to translate legal issue into human one
- Assisted Self Determination
- Change of attitude and expectations
- From legal to commercially pragmatic

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A Mediators DNA © 2008

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Core competency professional skills AND life experience

Ability to hold multiple fields simultaneously

- Shift between roles - listener, coach, confidante
- Transform parties context of reality
- Manage complexity
- Highly developed perception.
- Ability to process, retain and recall large volumes of information.
- Navigating through psychological issues
- Feel comfort in shifting dynamics of events, behaviours and information.
- Ability to float above the fray of the minutia
- Conceptual agility
- Rapid and responsive shifting of frameworks
- Constantly process and hold information

Embracing the energy of ambiguity and chaos

- Unencumbered by assumptions
- Finding order out of chaos AND imposing my will on the chaos
- Flexibility in approach and method
- Simplify the complex
- Identify functional balances of multiple conflicting realities.

Creativity and innovation

- Artistry that allows for spontaneous conceptual integration and forming of impressions and ideas.
- Dealing with possibility
- Imagination

Personality & Presence

Central Vortex

- Presence Physically, emotionally intellectually and intuitively
- Positive manipulation and ability to influence attitudes.
- Obsessive compulsive Tenacity and Intensity, Assertiveness.
- Intense Focused Determination = ENERGY.
- Persistence AND Determination
- Intrinsic motivation to succeed - adrenaline endorphin effect
- Charismatic energy with arrogant belief that resolution can be achieved even if the parties might not have believed that possible at the beginning of negotiations
- Problem solver
- Confidence and tenacity
- Wise and Trusting
- Strategic thinking
- Dynamic optimism
- Calculated risk taker
- Impulsive
- Totally in tune with rhythm of the drama and emotions at play

Focused Energy

ASHA

Active State of Higher Awareness

Facilitative → **Transformative**

Intuitive Sense

- Listening to the inner voices
- Right buttons to push
- Rhythm of the process
- Timing the approach
- Ability to read people – parties & reps
- Getting to the nub of issues
- Ability to rationalise outcome scenarios that are in "best interests" of parties

Emotional intelligence

- **Humanist**
- Language and behavioural perception
- Define deeply held values v less stable attitudes
- Engagement and ability to connect
- Compassion and understanding
- Patients
- Humour
- Confronting and empathetic
- Sensitive and anticipate the emotions, mood and fears of parties.
- Trust = openness, connecting, passion and listening.

Breaking fixed preconceptions

- Enable parties to float freely within the comfort of self determination
- Examination of truth of facts
- Perceptions into reality
- Uncouple preconceptions
- Ability to move minds and attitude
- Transformative change agent

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