

Conflict Management



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The Rules of Engagement



- Stick to the topic
- Take your time
- Listen and repeat
- Ask, don't tell, don't threaten
- Don't interrupt
- Objectify facts – never say “never”

The Rules of Engagement



➤ The course of calm control

- ✓ Time out and termination
- ✓ Sleep on it
- ✓ Timing of communications
- ✓ Method of communications
- ✓ The power of “no thank you”



Establishing Collaborative Effort

➤ **Redefine Winning**

✓ **Transactional vs. Relational**

- The practical value of goodwill
 - Lay new ground rules for ongoing interaction
 - Easing through last minute and follow up issues



Establishing Collaborative Effort

➤ **Redefine Winning**

- ✓ **Creative problem solving to maximize value**
 - Greatest overall benefit at the lowest overall cost for all parties
 - Uniquely tailored solutions for unique situations
 - Getting to the heart of the matter



Establishing Collaborative Effort

➤ Create Joint Commitment to Process

- ✓ Plan and Consult
- ✓ Share objective information
- ✓ Limit discussions to planning
- ✓ Keep and share a written calendar
- ✓ Have a regular separate time to discuss scheduling and procedure as opposed to substance



Maintaining a Collaborative Effort

- ✓ Make process as important as substance – protect its integrity
- ✓ Be flexible
- ✓ Stick to the plan
- ✓ Keep promises
- ✓ Forgive broken promises so long as collaborative effort exists

Group Dynamics: Avoiding Conflicting Loyalties



➤ Keep others “out of the middle”

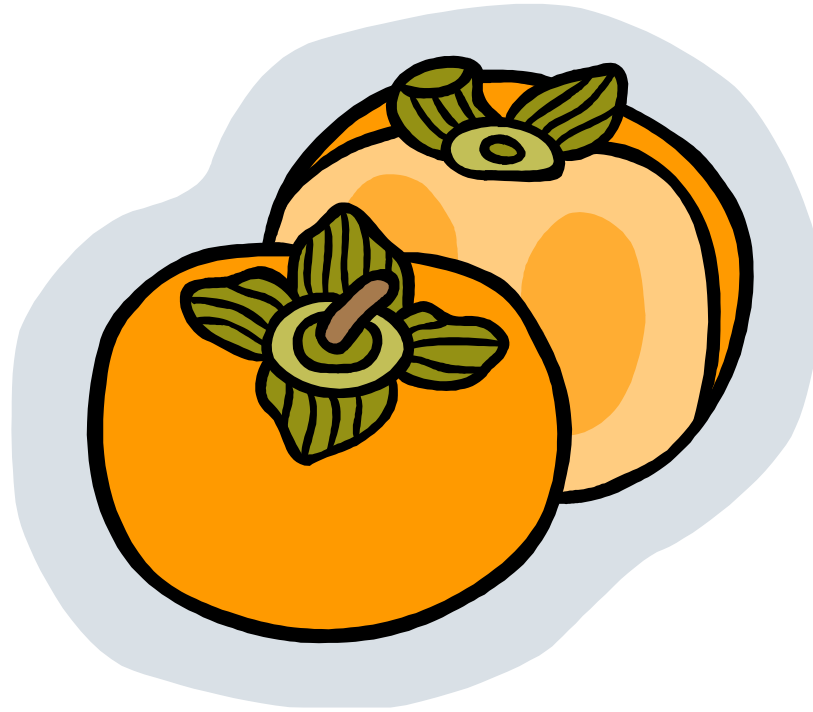
- ✓ Don't personalize -- avoid disparaging comments
- ✓ Don't gossip -- share information on a need-to-know basis
- ✓ Don't ask others to keep secrets provide intelligence reports or carry messages



Group Dynamics: Avoid Conflicting Loyalties

- Keep Others “Out of the Middle”
 - ✓ Don’t allow others to speak negatively of the other side
 - ✓ Don’t create factions
 - ✓ Value free speech and dissent

THE PROBLEM SOLVING METHOD



Two models of conflict

management

Problem Solving Settlement

Goals

- - ✓ Sound Problem Solving based on particulars of the dispute
 - ✓ Creative agreements based on reality
 - ✓ Self determination for the parties

Goals

- - ✓ End conflict
 - ✓ Arrive at agreement as quickly as possible

Two models of conflict management

Problem Solving

- Assumptions
- ✓ Process is more important than settlement
- ✓ A skewed contribution to the conflict is possible
- ✓ Correct identification of core strategic problems is essential

Settlement

- Assumptions
- ✓ Settlement is more important than process
- ✓ Parties are equally “at fault”

Two models of conflict management

Problem Solving

- ✓ Use of “Interrogatory Style”
- ✓ Activity directed at placing conflict in context
- ✓ Clear “strategic direction”

Settlement

- ✓ Activity directed at deriving solutions and not concentrating on causes
- ✓ Little or no “strategic direction”



The Interrogatory Style

Question Types

- Information gathering questions
- Assessment questions
- Inventory questions
- Moving questions
 - ✓ climate changing
 - ✓ issue oriented
 - ✓ settlement oriented



Mediation

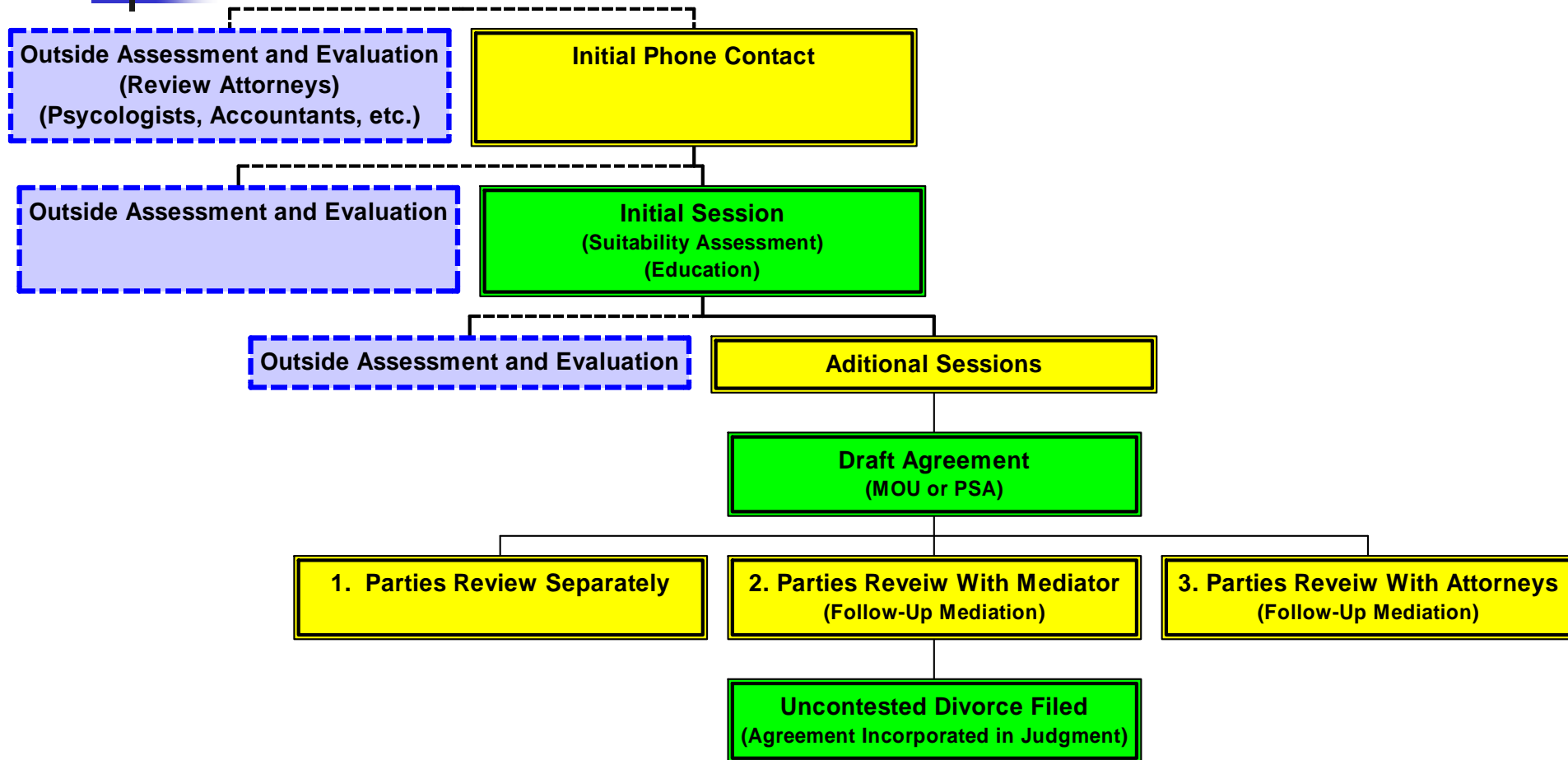
- ✓ Independent neutral third party
- ✓ Parties reach agreement on their own
- ✓ Create solutions specially tailored to the your special needs
- ✓ Faster and cheaper than court



Mediation

- ✓ Mediated arrangements are less likely to fall apart
- ✓ Self determination
- ✓ Develops conflict management skills for the future

Mediation Procedure



Responsibilities of the Parties

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-
- **Commitment to process of mediation**
 - **Creating a level playing field**
 - **Management of interpersonal conflict**
 - **Deriving a mutually satisfactory solution**
 - **Commitment to full disclosure of information**
 - **Commitment to completing assignments**
 - **Payment at the time of sessions**

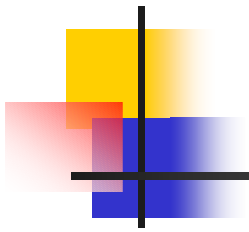


The Role of the Mediator

Standards of Conduct

- **Protect the principle of self-determination**
- **Maintain impartiality**
- **Avoid conflicts of interest**
- **Maintain confidentiality where possible**
- **Protect the quality of the process**
- **Competence**
- **Fees that are reasonable and fully disclosed**

Skills for Mediator and Parties

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- Objective factual investigation
 - Empathy and emotional restraint
 - Tolerance of opposing viewpoints
 - Inventiveness and problem solving
 - Logical persuasion



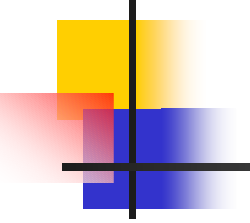
Why Mediate?

➤ **Conventional Wisdom**

- **Limit Conflict**
- **Save Time and Money**

➤ **Less Apparent Reasons**

- **Self determination and empowerment**
- **Lasting solutions tailor-made to unique situations**
- **Using divorce as a transitional event**
- **Personal development and new emotional skills**



A Final Word of Don't Be Your Own Worst Advice Enemy

- Accept Change
- Don't fight for total control
- Don't escalate conflict
- Avoid self-help
- Look in the mirror
- Self-critical evaluation
- Set goals and stick to them – redefine winning