

**Advanced Skills with
High Conflict Clients**
By Bill Eddy, LCSW, Esq.

Exercise #1 (In Pairs): The Angry Client

Participants:

One mediator
One angry client
In a private caucus

Purpose:

1. To practice not getting emotionally hooked by an angry client
2. To practice giving an angry client your Empathy, Attention and Respect (E.A.R.)

Problem Scenario:

The client is really angry about his/her spouse's proposal for equal (50-50) parenting time with their two children.

The client is dramatically upset that the professional doesn't seem to understand how unreasonable this is. The client raises his or her voice and says:

- A. "You don't understand how unfair and unreasonable that proposal is. He/she's not ever getting MY children half the time!"

Professional responds with a statement showing empathy, attention and/or respect (you don't have to use those words) in response to each of these statements.

Then STOP and debrief with large group.

- B. "You don't seem to care about how hard I have worked to provide for my children!"
Professional responds with E.A.R. Then, debrief.

- C. "My spouse told me that his/her lawyer says you're not very experienced."

- D. "I consulted with a highly respected professional in the community who says that your actions have been unethical in handling my case."

Exercise #2 (In Threes or Fours): Analyzing and Focusing on Tasks

Participants:

One or two mediators
Two high conflict clients
In a joint mediation session

Purpose:

1. To practice shifting the Client(s)'s focus from emotions to list-making.
2. To practice helping the Client(s) focus on the next task.

Problem Scenario:

Two business partners are facing the dissolution of their partnership. The First partner has locked the Second partner out of their office, and has filed several causes of action against the Second partner, alleging fraud, conversion of property, and intentional infliction of emotional distress. The First partner wants to end the partnership (he/she *appears* to feel insulted by the success of the Second partner at gaining new clients).

The Second partner would like to save their working relationship, but is thinking of filing several counter-claims. There are several areas of potential dispute: should they dissolve the business or re-structure their working relationship; the validity of their original Operating Agreement; whether the original Agreement should be rescinded; who put more money into the business; who put more work into the business; etc.

Your Assignment: This is an initial mediation session. The mediator is meeting with both parties, who quickly become upset with each other. They want to focus on Who Is To Blame for this Sorry Situation! The mediator's task is to:

RESPOND to their emotions with Empathy, Attention and Respect, in a neutral manner.

SHIFT the parties to making lists of whatever is relevant and helpful. Include next tasks.

FOCUS the parties on choosing a next task.

Debrief, especially focusing on what worked when you:

RESPONDED to emotions:

SHIFTED to list-making:

FOCUSED on a next task:

Exercise #3: Setting Limits and Providing Consequences

Participants:

1 Manager and 1 Employee

Purpose:

1. To practice setting limits with an employee.
2. While providing empathy, attention and respect.

Problem Scenario:

John has threatened to hit Zachary because of a vague insult about his wife. Zachary has complained to his manager. John doesn't deny the threat, but points out he didn't hit anybody and his words were harmless.

You, as his manager, need to discipline John. Have a meeting with John in which you:

- A. Discuss the problem with empathy, attention and/or respect;
- B. Educate him about the company policy;
- C. Educate him about the potential consequences of his behavior;
- D. Develop a plan of action with John, including a written statement that you can put in his personnel file.
- E. Discuss whether it might be helpful to have a mediation session with Zachary.

Debrief and discuss whether it would be a good idea to have a mediation between John and Zachary, and how you would perform that mediation – as a manager or as an outside mediator.