

WORKING WITH HEAT DURING MEDIATION

Heat as an Opportunity
Acknowledgment as a Tool

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WHAT IS HEAT?

- Heat is when the conflict feels ready to explode, to derail the mediation.
- Heat may be irrational.
- Heat may have brought the participants to mediation.
- Heat can be loud and overt, or quiet and subtle.
- Heat can be the heart of the conflict, the obstacle to resolution.
- Heat must be dealt with, one way or the other.

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SAFETY FIRST

- Heat can be harmful.
- Heat can harm everyone – the mediator, the other participant, and the participant expressing the heat.
- A mediator must monitor everyone for safety, including the mediator.
- A mediator must know when and how to intervene, if safety is at risk.

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TENDENCY TO REDIRECT MEDIATION AWAY FROM HEAT

- Jump to solutions.
- Jump to caucus.
- Change the subject.
- Suppress the heat.
- Adjourn and return on another day.
- End the mediation.
- *And more...*

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POTENTIAL BENEFITS FROM WORKING WITH HEAT

<ul style="list-style-type: none"> • Discover what is really going; • Discover needs, interests, values, and critical information; • Discover what could make mediation unsafe; • Dissolve a major emotional or other barrier to resolution; • Normalize a situation so that the participants may work with it; • Reduce physiological stress response; 	<ul style="list-style-type: none"> • Shift the participants' mindset; • Discover motivations and options for resolution; • Discover the dynamics of conflict ; • Discover whether the dispute can be mediated and if so, how; • Discover how to make heat workable; • <i>And more...</i>
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IS HEAT WORKABLE?

- Heat can be viewed from many perspectives:
 - *Counselors and therapists* look to diagnose causation and to prescribe treatment.
 - *Trial attorneys and negotiators* may seek to comprehend the heat of a conflict for the purpose to gain an advantage for winning.

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IS HEAT WORKABLE?

- *Mediators* are offering a dispute resolution process.
- The mediator is looking for how heat can impact the mediation process – whether the mediation may go forward, safely and constructively.
- A mediator needs to explore whether the heat is workable, and if so, how to work with the heat.

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HOW TO EXPLORE HEAT

1. Safety checks constantly
2. Observe what is happening
3. Select a technique to try
4. Use the technique
5. Observe what happens
6. Repeat as needed

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WHAT MAY BE UNDERNEATH

<ul style="list-style-type: none"> • Low blood sugar • Lack of sleep • Exhaustion, physical or emotional • Pain • Fear • Anger • Disappointment • A sense of loss • Biological stress reactions • Past trauma/core injuries 	<ul style="list-style-type: none"> • Physical impairments • Substance abuse • Mental illness • Unmet needs • Unheard needs • Misunderstanding • Differing information or lack of information • <i>And more...</i>
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TECHNIQUES FOR WORKING WITH HEAT Acknowledgement

- A participant can become heated when, the participant feels unheard, not respected, devalued, ignored, or insulted.
- If a participant experiences being heard by the mediator, then the participant will experience:
 - The mediator is not responding with hostility;
 - The mediator is listening with interest; and
 - The mediator is validating that their experience is real for them.

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TECHNIQUES FOR WORKING WITH HEAT Acknowledgement, continued

- For the participant who experiences being heard:
 - the need to defend or attack may lessen,
 - because being respected, accepted, and understood may allow the participant to experience a safer environment,
 - and, heat may begin to dissipate.

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TECHNIQUES FOR WORKING WITH HEAT More Techniques

<p><i>Problematic Techniques</i></p> <ul style="list-style-type: none"> • Venting • Enforcing a Rule • Suppressing • Avoidance 	<p><i>Helpful Techniques</i></p> <ul style="list-style-type: none"> • “Name It, Tame It” • Reframing • Normalizing • Preempt • Caucus • Take a Break • Eat • Come back another day • <i>And more...</i>
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TECHNIQUES FOR WORKING WITH HEAT
Know when to stop

- A mediation can rapidly change.
- At any time heat can become unworkable.
- When heat is unworkable, it is time to stop what is happening and to change course.

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A MEDIATOR'S ASPIRATION

I need the ability to be comfortable working with heat during mediation, rather than to be afraid when heat comes into the room. Being conflict avoidant myself is not helpful. I wish to bring more tools than avoidance to the process. I am committed to learning when and how to work with heat – to understand how to navigate the heart of a conflict – to provide the parties with a safe and meaningful opportunity to move forward.

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