



New Ways for Mediation®

A Breakthrough Approach for Mediating High Conflict Disputes

September 22-24, 2021, from 8:30 a.m. to 12:30 p.m.

Presenter: Bill Eddy, LCSW, Esq.

PROGRAM DESCRIPTION

High conflict disputes are different. They often involve one or more individuals with a pattern of high conflict behavior, characterized by all-or-nothing thinking, unmanaged emotions, extreme behavior, and preoccupation with blaming others. In this 12-hour training over three mornings, Bill Eddy will provide a background on five high conflict personality disorders and then he will present his new approach to mediating such disputes, called *New Ways for Mediation®*, which includes several paradigm shifts from ordinary mediation by not relying on insight, expression of emotions or discussions of the past.

Instead, this method focuses on teaching clients four simple skills to use within a simple structure that keeps them focused on problem-solving solutions and away from venting, re-working the past, extreme demands, rigid positions, and other self-defeating behaviors. The skills for mediators are also simple and less stressful, so that they serve primarily as a guide and source of information throughout the process. Some or all of the tips and tools of this new method can be used with any mediation. Mr. Eddy has been developing and teaching this method over the past ten years to many lawyers and mediators around the United States and Canada, including a 2-day training in this approach to over one hundred Family Court Services counselors throughout California last year.

This training will include PowerPoint presentations, video clips, role-play practice exercises, and opportunity for questions and discussion of difficult situations throughout the training.

This program qualifies for 12 hours of CLE credit, which will be provided by the High Conflict Institute. Legal specialization credit in Family Law will also be provided.

This training is being coordinated on behalf of the Marin County Bar Association by Ingrid Carbone, Kate Rockas and Liat Sadler.

ABOUT BILL EDDY, LCSW, JD

Bill Eddy is a therapist (12 years as a Licensed Clinical Social Worker), lawyer (15 years as a Certified Family Law Specialist), and mediator (15 years as the Senior Family Mediator at the National Conflict Resolution Center in San Diego). He is the co-founder and Chief Innovation Officer of the High Conflict Institute based in San Diego, California. Mr. Eddy provides training worldwide on the subject of high-conflict personalities to lawyers, mediators, judges, mental health professionals, human resources, and others. He has presented in over 35 states and ten countries.

Mr. Eddy is the author of several books, including: *Mediating High Conflict Disputes*; *High Conflict People in Legal Disputes*; and *BIFF for CoParent Communication*. He is the developer of the *New Ways for Families*® method for potentially high-conflict families, which is being implemented in several family court systems. He is also the developer of the *New Ways for Mediation*® method, which emphasizes more structure by the mediator and more negotiation skills for the parties. His website is: www.HighConflictInstitute.com.

AGENDA

Day 1: Managing High Conflict Personalities in Mediation

8:30-9:45: There will be an overview of five high conflict personality disorders and their common behavior patterns. Two different brain styles of handling conflict will be addressed. Tips for reducing client resistance and dealing with negative advocates will be addressed.

9:45-10:00: BREAK

10:00-11:15: Three key skills for mediators will be discussed, emphasizing connecting with empathy, attention and respect (EAR Statements); guiding the decision-making process focusing on the parties' own proposals; and educating the parties about standards and reality. There will be an exercise in calming upset clients and others.

11:15-11:30: BREAK

11:30-12:30: Four key skills for clients will be discussed, as a way to more deeply engage them in thinking, rather than reacting during mediation. These skills include teaching clients to ask more questions, make their agendas, respectfully make and respond to each other's proposals, and finalize their agreements.

Day 2: Structuring the Process to Avoid Impasse

8:30-9:45: In this session the structure of the method *New Ways for Mediation*® will be presented, including four steps which emphasize the role of the parties and the role of the mediator as a guide through the process.
Step 1: Establishing the process
Step 2: Guiding the parties to make their agenda
Step 3: Guiding the parties to make and respond to proposals
Step 4: Finalizing and revising their agreements

9:45-10:00: BREAK

10:00-11:15: A role-play high conflict mediation exercise will be explained and then practiced by participants in Zoom break-out rooms. The exercise will include custody issues, support issues, property issues, allegations of inappropriate behavior, mistrust, anger, and blame.

11:15-11:30: BREAK

11:30-12:30: The role-play exercise will be debriefed with feedback and questions from each group. Problem areas and fine-tuning will be discussed.

Day 3: Further Mediation Practice and Coaching Skills

8:30-9:45: There will be a brief review of the 4 client skills, the 3 mediator skills, and the structure of the *New Ways for Mediation*® method. Then there will be a second role-play high conflict mediation exercise to give an opportunity to practice what was learned on Day 2.

9:45-10:00: BREAK

10:00-11:15: The role-play exercise will be debriefed with feedback and questions from each group.

A method of single-session Pre-Mediation Coaching and screening for appropriateness for mediation will be presented. Two models of the *New Ways for Families*® parent skills training method will be briefly explained: 1) the full counseling model and 2) coaching with the NWFF online program to prepare parents for success in mediation.

11:15-11:30: BREAK

11:30-12:30: The BIFF Response® method for written communication for clients, lawyers and mediators will be explained. Additional high conflict resources will be presented. Final Q & A as needed.

LEARNING OBJECTIVES

1. Identify the conflict dynamics of five types of high-conflict personalities.
2. Apply brain science to managing high-conflict people with empathy, attention and respect.
3. Reduce resistance to positive problem-solving with a 2-step mediator method.
4. Provide a structured mediation approach designed for high-conflict personalities.
5. Teach parties to make their agenda with the mediator's assistance, and to change their agenda by agreement as needed throughout the process.
6. Teach parties a 3-step method for making proposals, asking questions respectfully and thoughtfully giving a response.
7. Educate high conflict parties about choices and consequences in making their decisions.
8. Assist high conflict clients and lawyers in addressing ambivalence about final agreements.