

HCP Solutions table (mediation)

Bonding

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| <ul style="list-style-type: none"> • Change your perspective and assumptions • Make a human connection (at arm's length) • Listen with Empathy, Attention and Respect <ul style="list-style-type: none"> • Be sincere, authentic, active • Observe with curiosity • Use open-ended questions • Reflective listening vs. questioning (≥3:1 ratio) • Validate the person, not the complaint | <ul style="list-style-type: none"> • Emphasize their strengths • Mediate with the one before mediating with the many • Allow / create face saving • Being consistent with both parties • Maintain neutrality (equipoise) to manage risk of becoming emotionally hooked |
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Structure

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| <ul style="list-style-type: none"> • Set relationship boundaries, roles and expectations • Choose your battles • Contain emotions by focusing on <ul style="list-style-type: none"> • The future • Proposals (“Make a proposal”) • Focus on tasks • Manage the negative advocates (and enablers) | <ul style="list-style-type: none"> • Make lists to engage both sides of the brain and keep the focus off the past • Use a centered-column property-division worksheet • Use external authorities (including office policies) • Use third party recommendations • Offer alternatives yourself, if stuck |
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Reality Testing

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| <ul style="list-style-type: none"> • Maintain a healthy skepticism and suspect lying (keeping an open mind) • Keep burden of resolving issue on the parties (“You have a dilemma, how do YOU want to solve it?”) | <ul style="list-style-type: none"> • Tell them “You might be right, but we may never know” • Model flexible thinking • Give choices |
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Consequences

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| <ul style="list-style-type: none"> • Repeat above first • Confront indirectly • Educate about the consequences and legal realities (and eliminate the fantasies) • Motivate them by explaining positive consequences | <ul style="list-style-type: none"> • Refer out for legal / financial advice • Discuss BATNA / WATNA • Discuss realities of court • Build automatic consequences into agreements • Terminate the relationship / mediation |
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