

## **Difficult Mediations: Tools for Listening and Inquiry**

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Neutrals Certification Program (NCP) Quarterly Teleseminar  
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Zeke Reich (NCP Coordinator): Certified Neutrals of the Department of Veterans Affairs, welcome to our quarterly teleconference call for December 2010! [Gives logistical information about evaluating the course, getting credit for participation via the Learning Management System (LMS), how to mute/unmute oneself on the call, and how to get PowerPoint slides for the live call.]

We are here with Doug Stone and Debbie Goldstein, the Managing Partner/Co-Founder of the Triad Consulting Group and the Managing Director of the Triad Consulting Group. Doug and Debbie are consultants, trainers, coaches and mediators. Among their many clients, they recently gave two trainings to about 300 managers at the Tampa VA, so they are right here close to home; they also have consultations with people in governments near and far, corporations from the major to the minor, and we're extremely proud and thrilled that they're able to come here and spend some time with us.

Doug is a co-author [with Sheila Heen and Bruce Patton] of a book that I hope that some of you have read; if you haven't, go out and buy a copy today. It's a highly, highly recommended book called *Difficult Conversations: How to Discuss What Matters Most*. A book that some of you might know as a companion to *Getting to YES* [by Fisher, Ury and Patton]. The book is a New York Times Business bestseller; Doug has been featured on Oprah discussing it; and the International Space Station, in choosing a single book to be its conflict management book of all time and forever to go on the International Space Station, chose *Difficult Conversations*. And most exciting, the book has just been released in a Second Edition. The book has been around for ten years, and to commemorate that, the second edition of the book has an expanded section called "Ten Questions that people ask most often" with expanded answers to those questions. So I highly, highly encourage you to take a look at that book.

For now we're going to get started with the presentation, and I'm going to turn it over to Doug and Debbie.

Doug Stone: Thanks, Zeke It's great to be here—thank you so much for that introduction. I thought that I would begin by talking a little bit about why mediators might be interested in this book, *Difficult Conversations*. And to reflect on that, I thought I'd say a few words about how it was written. When we wrote it, the general topic that we were addressing was, "How do you talk about things that are hard to talk about?" And it's a book for people to read who are having difficult conversations themselves, but one of the ideas we had was, "What if we could give people skills when they have their own conversations, such that it was as if they had a mediator present?"

So a lot of what we describe in the book are really the skills that a mediator would use in a mediation, except that there is no mediator when you're having a conversation with your

colleague, or a parent, or a child or a friend or a spouse. So, the goal was to see if we could help people have these conversations, these challenging conversations, as if there were a mediator with them when there in fact was not. So that you sort of become your own mediator.

An example of that, in terms of the skills that we talk about, is what we call “starting the conversation from the third story.” What this concept means is: we tend to think that every story or every conflict has two sides. So if I’m in a conflict with Zeke, for example, the “first story,” my side of the story, is how I see things. The second story, from my point of view, is how Zeke sees things. And those are the two that we know about, there are the two people in the conflict and there’s my point of view and Zeke’s point of view.

The “third story,” though, is how a mediator might describe our conflict. So, for example, if Zeke and I were roommates and Zeke were very, from my point of view, sloppy. Not cleaning up after things and so forth. I might approach Zeke and say, “Gee, you’re a slob, can we discuss that?” That would be one way of starting. That has the virtue of being accurate from my point of view, and it gets us into the conversation; it has the drawback of, Zeke doesn’t like that description very much. Another way we might start the conversation is that I might come to Zeke and say, “Zeke, you think I’m impossible to live with because I clean everything all the time, and I’m anal-compulsive and I’m impossible to live with.” That has the virtue of being very appealing to Zeke, and it has the drawback of being not very appealing to me.

So that’s the first story and the second story, and the idea of the third story is to say, there is another way to start the conversation that describes the fact that we are in conflict, but doesn’t take sides. So, in that example it would be, I might start and say, “Zeke, you and I have different standards, different preferences around how we keep the apartment.” So the third story hones in on this idea of *difference*. Instead of saying, good, bad, right, wrong, it just says, “different.” You can frame most conflicts in terms of, ok, so you guys see this differently. And no matter how much one person or the other insists that in fact they’re right, you can keep responding by saying, “I know that you think you’re right—and I think I’m right, and that’s why I’m saying that we see things differently.”

And that frame of difference is a very powerful frame to be sitting in, because it accurately describes the conflict—we see this differently, we want different things, we keep the apartment in different ways—but it’s inviting to both of us, it’s not a judgment on either of us. And that’s a very traditional, powerful, and important skill that mediators use, because they need to be seen as neutral but they can’t be seen as avoiding the problem. They can’t sit there with two people who are arguing about how to keep the apartment and say, “Come on, there’s no real problem here.” It’s that concept of difference.

So our advice in *Difficult Conversations* is that you can use that concept even when there is no mediator. You can start by saying, “We see this differently, we keep the apartment differently.” And there’s a series of things like that throughout the book, and so although the book is written for people who are in the conflict itself, it very much contains the perspective of mediation.

Having said that, I want to turn it over to Debbie, who’s going to do a couple of quick exercises.

Debbie Goldstein: I want to introduce a seminal theme that shows up in all difficult conversations, whether it’s a mediated conversation, which most of you are involved in, or a

dyadic one. And to do that we're going to do an exercise, and we'll see how it works over the phone—we'll try it.

The exercise is going to look like this. Doug and I are going to be reading something at the same time. And what we want all of you to do is two things. First of all, we want you to listen and try to understand and parrot back everything that Doug and I are saying. When we're done with the exercise, we'll unmute you so that you can respond. On top of you listening with specificity to what two voices are saying—does this sound familiar from mediation?—we'd like you to pay attention to the strategy that you're using to try to accomplish that task. Because it's no easy feat to listen to two voices at the same time.

In a moment, Doug and I are going to read or talk at the exact same time, and again, your job is to listen to everything we're saying so that you can parrot back what we're each saying, and also, pay attention to the strategy you're employing to do that task. Ready –go. [Debbie and Doug both read different texts at the same time for several minutes.]

Debbie: So, we're going to unmute you. Only respond if you can say with specificity what you heard Doug and me just say.

Caller #1 (Gary): This is Gary in Los Angeles. I heard "So internally, in my brother and mediocre Santa Claus is really my father..."

Debbie: [laughter] This is good! We could play Mad Libs with this. Anyone else? I'm going to gather from your silence—and even Gary, you caught that nice cornucopia of words, but probably don't have a sense of what we were each saying.

Caller #1 (Gary): No real meaning, no.

Debbie: Yeah, the meaning, forget it. This is very, very common: most of us cannot hear what two voices are saying at the exact same time and tell you what they are saying. I'll tell you, since we are in a scientific community for many of you who work in a health care world, that scientists have studied this and there are people in the world who can listen to two voices and can tell you what they're saying. It's good that we're not them, because the reason scientists are studying them is because they have a trauma, they have brain trauma. It is normal for most of us to not be able to hear two voices and tell you what they are saying.

What I'm also interested in is, what strategies did people use to try to listen to what Doug and I were saying. I'm curious if anyone—this will be sort of hard because there are a lot of people on the phone, but if anyone wants to speak up and say how they accomplished that task.

Caller #2 (Sue): Can you hear me? This is Sue Black. I was trying to listen to each of you separately and then try to at least get a little bit of what each of you were saying, but it was even difficult at that.

Debbie: So when you were listening to Doug, what were you doing to my voice?

Caller #2 (Sue): I couldn't hear it!

Debbie: Yeah, just sort of blocking it out or trying not to hear it, and then I imagine when you were sampling over to my voice, you would block out Doug. I imagine that's a shared experience, that's how many people do it.

Did anyone have a different strategy? Did anyone just decide, there's no way I'm going to be able to do this, so I may as well just try to listen to one voice, and block out the other? [Two callers speak at once.] Yeah, that's what you tried to do. A few people are speaking up to say that that's what they tried to do, and we have someone in the room who tried to do that too. So that's also very common. [Debbie cut off momentarily]

We think that that exercise that we just did is a very apt illustration of what is happening to each person, including the mediator, every time you're in a difficult conversation. We think that there are multiple voices competing for your attention, and you're constantly trying to figure out which one to listen to. And when I say multiple voices, I mean the voice of the person talking out loud—such as right now I'm talking out loud—but the other voice that's really competing for your attention is your internal voice. It's the voice in your head. It's the voice that is a running dialogue that never shuts off. Some people think of it as the metaphorical angel and devil that are sitting on your shoulder, or, we have a British colleague who calls it her "drunken monkey." And for me I think I have a few "drunken monkeys" in my head!

But whatever you call it, the notion that there are internal voices is actually really crucial, because if you are mediating a conversation, there aren't two voices in the room or even three voices in the room, the two parties to the mediation and your voice as the mediator, but there are six. Because there are the outside voices, the external voices of each party, and your own, and all three of you have an internal voice which is constantly talking.

And of course your internal voice is always saying "what's right," "what's true," "what's smart." As a mediator we spend a lot of time trying to keep that voice neutral, but let's be honest: we often have opinions about what we're hearing the parties mediate about. And our own internal voice can be a challenge as a mediator, because the challenge of the internal voice is that we're not very good at hiding it. Some of us are better, maybe some of us are good poker players, but a lot of us are not great at hiding it. What we're thinking and feeling leak out in other ways. It leaks out in our body language. It leaks out in the look on our face. There's a social psychologist named Paul Ekman, who says that if you're lying about a fact, like [saying] "I have a job" when I don't, people can only tell about 50% of the time, but if you're lying about an emotion, like [saying] "I like you" but I really don't like you, people can tell about 90% of the time. So this, as you can imagine, is hard for the parties in mediation, but also a challenge for the mediator ourselves. Because we think we're stifling and remaining neutral, and oftentimes we are. But often our internal voice belies us.

The other thing I'll point to is that, not surprisingly, often what we're thinking and feeling is different from what we're saying. And we call that difference "the gap." So imagine you have two people in a conversation, one with a very small gap: they walk into the conversation thinking "I wonder how this person's doing," and they say "How are you doing?" that's a small gap. If the person on the other side of the conversation sighs and says "Fine, thanks," but what their internal voice is saying is, "I hate you," that's a large gap. And the challenge in difficult conversations, as you might imagine, is that gaps become contagious. And where our job as mediators really comes in is helping people skillfully talk about what's in their internal voice, in a

way that both lets each party talk about what's at the heart of the matter. But also our job is to help them say it in a way that will be well received by the other person instead of constantly triggering the other person. This notion of the internal voice is really crucial and critical, because as mediators we have a double duty: we're always monitoring the internal voices of the parties, and of course when we caucus with them individually we often get their internal voice in venting mode, but also [we're monitoring] our own. We're managing a lot of things in the room. What's also helpful, and is in the book and Doug will talk more about it right now, is that there is a pattern that shows up in our internal voices. And if we can start to recognize the patterns that show up, that's when we can make skillful interventions as a mediator or as the conversants ourselves. So I'm going to throw it to Doug to talk about that.

Doug: Thank you, Debbie. One way to think about *Difficult Conversations* is that it identifies a series of common patterns that show up in conflict. And common patterns are, "I'm right and you're wrong," and "This is your fault and not my fault." A third common pattern has to do with determining what someone intended based on the impact on ourselves. And I want to look at that a little bit because it's so important in mediation, it's such a common pattern.

I want to start by referring to a study done in 1946 by a social scientist. What he did was he made a little film, and the film was incredibly simple. It just had two geometric shapes, two circles—one big and one small—moving across the screen. And the small one was in front, the bigger one was behind, and they were moving across the screen at the same speed. And he asked a very simple question, he said "What's going on in this movie?" And people all had the same answer, which was, "The big circle is chasing the small circle." And what's interesting about that, is a couple of things. One is, these weren't people, these were circles, and they weren't even little ducks or animals. They were literally just circles. But people treated them as if they were alive, with personalities and so forth. In other words, they told a story about these circles. No one just said, "There's nothing going on and there are circles moving across the screen." Everyone wanted to tell a story.

And the story that everyone told—for a story to be a story, the characters in the story have to have intentions. They have to have reasons for doing what they're doing, motivations. And the motivation, people said, was: the big one is chasing and the little one is running away. Now, that's sort of an interesting story. If you told a kid a bedtime story and you said, "Two circles moved across the screen," that's a pretty boring story. If instead you said, "Once upon a time there were two circles, there was a big one and a little one, and the big one was chasing the little one," that starts to be a little more interesting. And the thing that makes it interesting is that both of these entities, these circles, have intentions. They have goals, they have purposes.

And what is important to notice in the experiment is that the people who are watching the movie are making it all up. Their brains are generating these stories, these intentions, where there are no intentions. Then they reversed the video, by the way, and the big one was in front and the little one was in back, and the guy said, "What's going on here?" and people said, "The little one is following the big one." So, different story, but the characters again had motivations.

And what's interesting to me about this is that it illustrates the way that the brain, all of our brains, takes in the world. Which is that we do actually tell stories about everything. Anything that's not a story in your head doesn't get remembered. Unless it's like a phone number or something like that. But if you walk by someone in the hallway, you don't remember

that you walked by them or care that you walked by them unless there's something interesting to you about them which has to do with their motivations. Like, "Was that person ignoring me? Maybe they aren't interested in me...maybe they read my work and they didn't like it..." There's something going on that makes it memorable, and we automatically tell the story.

So this is how we take in the world. We notice it, we tell a story, and we attribute intentions to the people in our story. And importantly, we don't know other people's intentions, so we literally make them up in order to have a story. A good example of this is in driving. Because we know nothing about people in other cars, but we have all these stories about who they are and what's going on. When we get cut off, we suddenly know a lot about the person who cut us off: we know they're a jerk, they're not a good driver, they shouldn't be allowed on the road, they're selfish.... When, of course, in reality we know nothing about the actual person. And when we ourselves cut other people off, what's our thinking? It's like, "Oh, I'm sorry, obviously I didn't do that on purpose, I was suddenly having to make a left turn, I didn't realize!"

The bigger point is that we attribute intentions based on our own feelings, based on the impact of their behavior on us. If an ambulance is blocking us in a small one-way road, we say, well, that ambulance is probably helping somebody. If a sports car is blocking us and the guy is going into a liquor store and is blocking us, we get angry and we think, the guy's a jerk, is selfish, whatever. But for all we know, the guy's in there helping someone who's having a heart attack. So we need to know intentions, but we don't, so we make them up. And when the impact on ourselves is negative, we make up negative ones.

It's not surprising, from an evolutionary point of view, why we would make up negative intentions. If you think of two people standing on the plains, in caveman days, and there's a sabretooth tiger coming at them, and one of them says, "Well, I know nothing about this tiger's intentions, so I'm just going to stand here and wait and see what it does," and the other one says, "I know nothing about this tiger's intentions, but I'm just going to assume that it has bad intentions, and I'm going to run away," well, you can imagine which of these two cavemen people we're related to. We're related to the one that ran away, assumed bad intentions and ran away, and is now our great-great-great-grandparent. So what is useful, though, on the plains with the sabretooth tiger, is sometimes less useful in the world that we inhabit now, and can lead to all kinds of conflict.

In any kind of conflict you can think of, we immediately attribute intentions. I had surgery a number of years ago, and I made a follow-up appointment a couple of weeks after the surgery, and I was in a cast and it happened to be a very hot summer day. I went to the follow-up appointment and I hobbled there, I went on the subway and it took 45 minutes on the hot subway, and I walked up the stairs, and I finally got there and I was exhausted and about to pass out. I got to the doctor's office and the nurse, the administrative nurse informs me, the doctor's still on vacation and he'd like to reschedule the appointment. And I just went through the roof. I was like, first of all, obviously you should have informed me of this. But more interestingly, from the point of view of this topic, I started imagining, what is the doctor doing right now? Well, he's on vacation, he's probably some wealthy doctor, he's on a yacht somewhere in the Caribbean, he's with his mistress, and his other mistress, and he's drinking champagne and he's thinking to himself, "Oh, I have an appointment with Doug Stone, but who cares about that guy, so we'll just blow it off, and I'll hang out in the Caribbean." So I'm picturing that, and I'm standing there and I'm just getting more and more upset.

I reschedule the appointment, of course, I come back a week later and the doctor is there and I say, "How was your *vacation*." He doesn't pick up on my tone at all and he says, "Oh, it was great!" and I'm thinking, come on, give me a break, now you're going to push it in my face, like "It was an amazing vacation!" And he says, "it was great," and I say, "What did you do?" and he says, "Well, it's interesting, I was setting up a medical clinic in Bosnia, they're having a war right now," and he says, "I'm so sorry that we had to cancel your appointment, I was in the middle of setting it up, and it's just impossible to tear yourself away from it, because they're so needy over there and there were so many people who were injured and dying." And so he tells me this completely true story that is very different from what I was imagining, and it didn't change at all the inconvenience to me, but it changed the situation quite a bit. And it made me feel a lot better about what had gone on, and who he was. So we care deeply about what motivates other people, and we're often in this bind of not knowing.

So when we're mediators, we're sitting in front of parties who are engaged in that very dynamic. They're sitting there, they're thinking how they've each [been hurt by the other], and they're massively attributing these negative intentions to each other. And they're not doing it to be bad, or to escalate the conflict, they're just doing it because that's how our brains work. And this is not to say that other people never have negative intentions, or that they're never trying to hurt us—sometimes they are. But we attribute negative intentions far more often than they are actually present.

So one of our tasks as mediators is not to tell people, "You're attributing negative intentions, you're wrong," but to just help them separate them out. So, "When your brother didn't include you in the family conversation you felt very excluded, so you're saying you felt very hurt. And, your experience of it was that you feel like your brother was excluding you *on purpose*, and that was even particularly more hurtful." So you're not agreeing or disagreeing, you're just helping them separate out the two things, so that they can discuss them clearly and well.

So that's an example of a dynamic which we talk about in the book which we really got from observing mediators, like all of you, who see those kinds of dynamics and try to help parties work their way through them, and our assertion is that people without a mediator can be aware of those dynamics as well when they're in their own conflicts.

So let me stop here and turn it over to Zeke who can facilitate Q&A. We can take questions on any topic relating to this basket of stuff, it can be about what Debbie talked about, what I'm talking about or anything else about conflict or difficult conversations that people want to ask.

Zeke: So we're going to do Q&A. [Describes how participants can mute and unmute themselves for purposes of live Q&A.] Any topics that folks found particularly striking or confusing, that we can explore in more depth? [Mentions again how to mute and unmute.]

Caller #3 (Barbara): Hi, this is Barbara from Maine. I have a question, because when I was listening, one of the things that caught me was "The bigger the gap"—I'm referencing the slide about, "How's the project going," "Fine, thanks, and I hate you." [The slide is described by Debbie, above in transcript p. 4] When you were referencing all of these voices or additional people sort of running around in our minds, as mediators—when we're listening to all of these voices that have, for lack of a better word, *façades*—how do we as mediators, armed with that

knowledge, break through or know if we're listening to a true voice which is relating to us a true concern?

Debbie: I have a couple of thoughts about that. The first thing is that we're really good at ferreting out whether someone's being honest or whether they're using the façade or whether they're hiding it. We can tell in their body language, when their body language doesn't align with what they're saying; we can tell if they roll their eyes, we can tell with their tone. So we can often tell. And the question of how do you as mediators draw out what's in their internal voice: there are multiple ways. One is to observe what you see: "I noticed you said you were fine, but your body language appears to say something different." Or, "I heard a [certain] tone in your voice, is that right?" And just to check in.

The other thing that I often say, and I use this all the time in my mediations, is literally to say "What are you thinking and feeling but not saying right now?" And it often catches people so off guard that they literally tell you what they're thinking and feeling and not saying. Because you can't hide anywhere, because the question is so direct yet it's asked in a way that doesn't feel threatening. Because they can still say, "I'd rather not say," and that's an ok answer too. And that's what I would say. Doug, do you have anything to add?

Doug: I agree with that. I would add that "I hate you" is also another façade, as you called it (which is a good way of putting it). Because I suppose it's possible to hate the other person: particularly in a mediation, they potentially might. More commonly, and probably even when they do hate someone, there's a bunch of layers beneath that. People feeling hurt, which is easier to work with; people feeling treated unfairly, which is easier to work with. You know, presumably there are reasons why someone would have such a strong emotion. And "hate" is an awfully difficult one to work with. But you can work with the things that gave rise to that, and so forth. So there are multiple façades here.

I guess the one skill piece I would add to it is just that often silence draws people out. They say they're fine, and you sort of give them a moment, and they might just jump in and start elaborating.

Caller #3 (Barbara): Thank you, you gave me some good ideas.

Zeke: Thanks Barbara. More questions out there? And if you're asking a question and we're not hearing you, \*6 is the way to unmute yourself.

Caller #4 (Karen): Hi, this is Karen from West L.A. Can you hear me? Okay. You know, in my world the word "hate" has a big, big connotation, and I don't use it very often. But is that really, really the feeling that people feel?

Doug: The example, if you're looking at the slide, the one that says "The bigger the gap, the harder the conversation" [the slide is described by Debbie, above in transcript p. 4]—that is meant to be humorous. But you could read it certainly as very serious, the opposite of humorous. It's meant to just demonstrate a big gap in a kind of silly way. But if it's a real

emotion, obviously it's extremely serious, and people do feel that in certain contexts, certainly. Not very often, in my experience, would someone admit that, but they might.

Caller #4 (Karen): But I guess what I'm saying is, how do you tease that out to know that they really do have that strong of an emotion about it?

Doug: From where I sit, it's more of a process over time. The thing not to do, obviously, is not to say, "Well, you're saying you're fine, but I think you actually hate this person." We don't want to tell people how they feel. But giving them space, and over time saying, "I wonder if you're feeling hurt," or "I wonder if you're feeling upset," or, "Based on what you're describing happened, I can imagine that someone in that situation might have a deep sense of resentment." Giving them multiple chances to kind of "latch on."

And it may be that you notice in your head that they're really, really angry and they don't want to admit it. It's almost universal that when someone has an emotion that they're not admitting, and you sort of name it for them, they'll start by denying that they had that emotion, even if the next sentence is that they do have it. So you'll say, "Are you feeling angry?" and they'll say, "No no, I'm not feeling angry," and then they'll say, "You know, I am feeling really *angry*, though." People have a compulsion to start by saying, "No no no." I think of it as just time and trust and so forth.

Caller #4 (Karen): Thank you!

Zeke: Other questions? [Pause] Well, folks, we're having a silent conversation about what to have next, because there are also some more slides in the presentation—no? Well, do you guys have any closing words that you want to give us?

Doug: Just that I think the work of mediators is so important and fantastic and extremely difficult. In my experience people tend to act like, oh yeah, I'm a mediator and I know all the answers—meaning people like me! And the reality of my experience is that often we're just trying different things, doing our best, and we try something and it turns out that that didn't help anybody, and then we try something else and that might or might not, and then finally something kind of helps. So it's very much trial and error and just trying to do your best and everyone is kind of in that situation. But it's just great what you're doing and it's really our privilege to be talking to such a range of mediators across the country.

Caller #4 (Karen): Doug? This is Karen again and I just have a quick question. Is there any way, and I won't be offended or whatever, that a person can call you from time to time and ask you anything?

Doug: Sure! You mean you want a phone number?

Caller #4 (Karen): Not to make it a daily thing...

Doug: Let me give you an email address, and if you want to drop a line, definitely. It's [stone@diffcon.com](mailto:stone@diffcon.com). Good luck!

Debbie: That was actually literally what I was going to say, is that we're happy to be a resource! Our website is on the last slide, for those of you who have slides [if not, the site is <http://www.diffcon.com>], and you can access Doug or me. But Doug gave you his email address, so that's the best way to do it. We're always happy to be a resource if you have questions. So thank you very much for the work that you do!

Doug: And if you do get in touch with us, reference this conversation so that we know how to place you.

Zeke: Great. Well, thank you so much Doug and Debbie, we've really appreciated this time with you. Thank you to everybody out there. [Gives more logistical information about how to evaluate the course and receive credit for it in LMS.] We're excited to hear your feedback, and you can also send it to me directly—especially about LMS, and how the LMS registration has worked, because as you know this is the first conference call that we used the LMS system to set up so I'd really value any feedback you have about that. Thank you so much, and I'm looking forward to speaking with you in a few months. Please be in touch in the meantime with anything else about the NCP. Bye!