

Are Your Client's Anger & Communication Style Undermining Their Success in Mediation?

How to Help Your Client Channel Their Anger and Communicate Productively.

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Did your client's business partner make an unauthorized purchase and withhold this information? Was your client cited by their HOA for noise from a barking dog, but it wasn't their dog? Did your client's sibling take their deceased mother's jewelry and lie about it?

If you have ever managed any of the scenarios above or something similar, then it is quite likely that your client was angry. According to the American Psychological Association, anger is an emotion characterized by antagonism toward someone or something you feel has deliberately done you wrong (apa.org). Many cases are cut-and-dried settlements with parties that go into separate rooms and never see each other. However, when a case involves an existing relationship between the disputing parties, many emotions may be present, including anger, which could be preventing true resolution.

It is fair to say that most people who find themselves in a lawsuit or mediation have

the belief that someone has deliberately wronged them. It is also fair to say that most people who find themselves in a lawsuit or mediation experience a slew of strong emotions, including, but not limited to, anger.

Litigation or mediation should ostensibly relieve these strong emotions, but sadly this is not always the case. Indeed, personal and observational experience as mediator and life coach, has shown me that even successful mediation, in which the parties come to a mutually agreed resolution, and litigation in which the client prevails, typically do not alleviate anger between parties.

When channeled constructively, anger can be a helpful - and even a motivating - emotion. It can allow people to express negative feelings and provides an outlet for communicating emotions. Anger can also lead to creative problem-solving and create an alert for needed changes in each situation.

Alternatively, anger can become unhelpful and problematic when not communicated effectively. For example, in mediation, the client's unchecked anger can distract them from working toward resolution: they say things they might regret or struggle to express themselves clearly or calmly, and this leads to more arguments and conflict.

How successful have you been at helping your clients manage their anger and communicate constructively in mediation? If this is not your strong suit, then the following ideas can guide your pre-mediation discussions to help them channel their anger to maximize their results in mediation.

1. Anger & Effective Communication

In addition to preparing the client for the practicalities of mediation, discuss with them how to best leverage their anger to their advantage. Empower them to consider how they could communicate their anger with the greatest likelihood of being heard. Likewise, help them identify ways in which their anger might be negatively impacting their judgment or focus on their overall goals. It is important here to take a careful, nuanced approach to ensure that your client does not feel dismissed, but truly heard. Consider helping them look beneath their complaint (e.g., she was rude to me, he lied to me, etc.) and explore what they really want from this situation. Do they want to be treated with more respect? Honesty? Fairness? Kindness? Appreciation? Uncover what your client really wants from the person or situation and see if there are ways to constructively articulate these needs in mediation.

2. Communication Styles & Capabilities

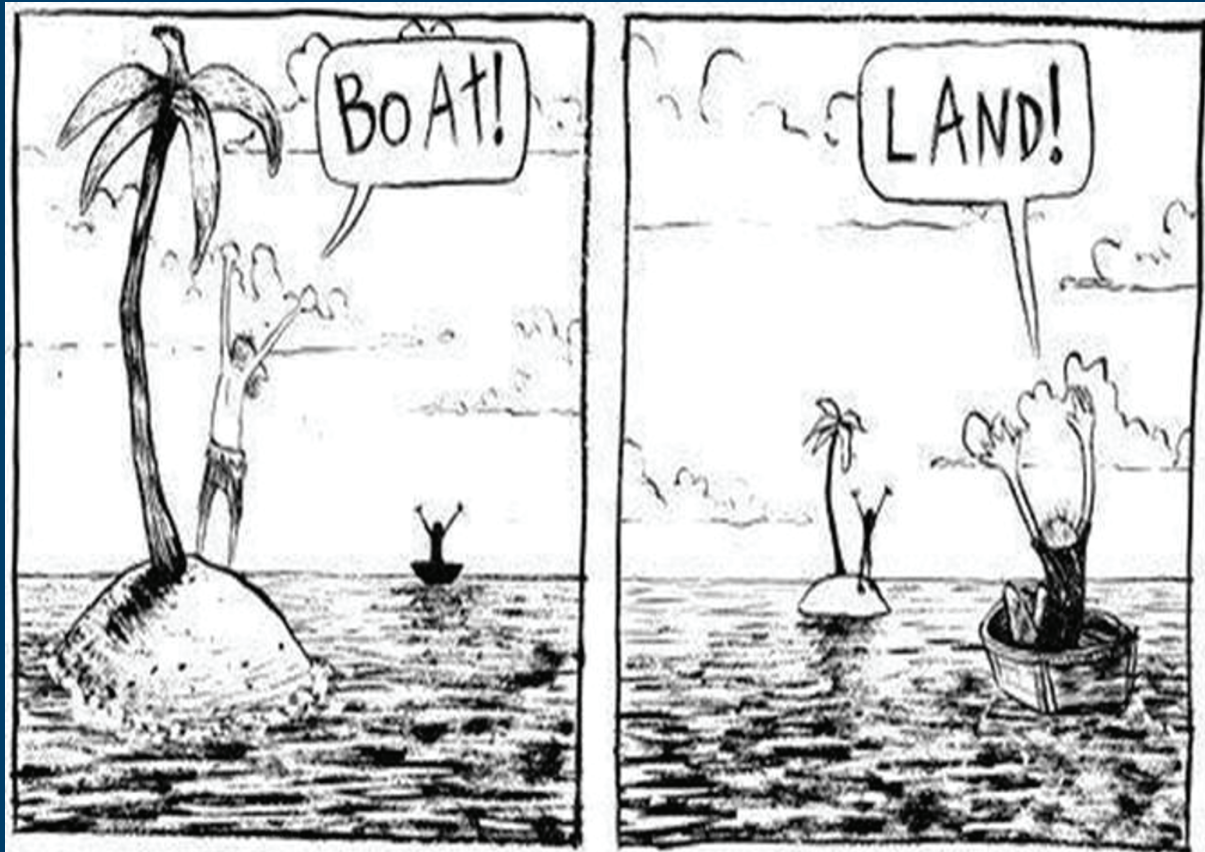
In many cases, conflict erupts because people have radically different communication styles or limited capacity to communicate clearly and calmly - or both. Perhaps your client is more direct, reactive or aggressive when they communicate. Or perhaps your client is conflict avoidant and shuts down when confronted. They might internalize their anger or express it more passively or indirectly. These differing styles can, in and of themselves, create a myriad of misunderstandings and reactions.

Consider other factors, such as age, cultural differences, disparities in education, generational patterns or attachment styles, that might prevent productive communication. Check to see whether your client's expectations of the other person's ability to communicate are realistic. Ask them what they can do to understand or accept the lack of ability or difference in style of the other person.

3. Desire for Reconnection?

If your client has an ongoing or preexisting relationship with the other party, explore whether and how they would like that relationship to move forward. Explore the value of the relationship (past, present or future) to see whether your client has any desire to repair unresolved relationship issues and what it would take to move forward. Ask how their anger is impacting the relationship and what (if anything) could be done to change this. How could your client communicate their needs in a way that maximizes their chances of being heard and of repairing the relationship? Have them consider how they would express themselves to truly listen and understand as well as share how the situation impacted them and what they really needed from the other person.

4. Perspective-Taking



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Once your client has managed their anger, helping them view the situation through the lens of the other person is one of the most powerful secrets of constructive problem-solving, negotiation and conflict resolution. While your client is not required to agree with the other person's perspective, the ability to understand what led the other person to respond in the way they did can create an impactful opening for resolution. If a person is unable or unwilling to understand the perspective of the other,

their understanding of the issue is limited and will likely not result in a fully satisfying resolution. See if they can give the other perspective the same weight and value as they give their own perspective. Encourage them to see how this could help to not only humanize the other person, but also to create a pathway to release any unresolved or lingering anger about the situation and, ultimately, give themselves the peace and relief they are seeking.

While anger will likely always be part of your client's experience in litigation or mediation, creating opportunities to help them process it and let it go is one of the most valuable benefits lawyers can help them achieve. Do not leave anything on the mediation table ... especially unresolved anger.



JULIE COBALT

West Coast Resolution Group mediator Julie Cobalt is a determined and persistent neutral. With over 25 years' experience mediating a wide variety of civil disputes, including, but not limited to, business, Homeowners Association Law, multi-party, and complex relational issues, Julie consistently and patiently works with clients and their attorneys to break down not only the legal issues, but the emotional issues that are blocking them as well. With decades of experience as a mediator, conflict coach, trainer, and lawyer, Julie is tenacious in helping break the impasse and bring attorneys and their clients to a satisfying resolution. For more information, email her at jcobalt@westcoastresolution.com.

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