

Emotional Intelligence: The Key to Mediation Miracles



Presented by:

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Mari is a podcast host, professor, negotiation coach, conflict transformation trainer, and author of *Negotiation Breakthroughs*, *Stepping Stones to Success*, *Fighting for Love*, several other books, and dozens of published articles.

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Mari is a Continuing Legal Education Trainer for the State Bar of California and is an advisor to the Law Practice Management and Technology Executive Committee. Learn more at www.MariFrank.com

What will we share today?

- *What is emotional intelligence ?*
- *How does Emotional Intelligence impact your role as a mediator?*
- *What is your current level of EI in your mediations?*
- *What are the critical components of Emotional Intelligence in mediation?*
- *How can you improve your EI to create Mediation Miracles?*



What is Emotional Intelligence?

Emotional intelligence (EI) is the capacity for understanding:

- Our own thoughts/ feelings /emotions
- How to manage our own emotions
- How to assess, respect, handle the emotions of others
- How to evaluate and transform conflict in ourselves and others.

How is EI or EQ different from IQ?

EQ is “people smarts”

EQ is different from IQ, which focuses on conceptual abilities,

EQ is more relevant to success than IQ!

EQ is learnable and can **increase for a lifetime**

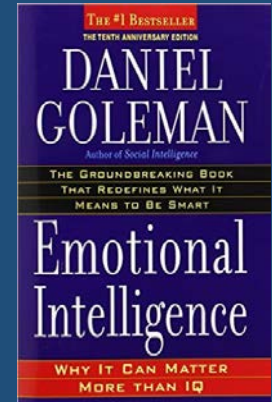
IQ is static after age 17.



What are the components of emotional intelligence and why are they important to mediators?

(Dr. Daniel Goleman psychologist 1998)

- Self awareness
- Self regulation/management
- Social awareness (empathy)
- Relationship/ Social skills



Ethical Considerations of EI in Mediation

True or False?

1. A mediator who pushes a disputant to settle, when he/she knows that the client is being pressured by his/her attorney, is violating Ethical Rule 10.220
2. A mediator who sees that one party (pro-se) is at a disadvantage cannot provide additional help to that party in deference to the other party- even if there is an imbalance of power.
3. A mediator who loses his/her temper when one party constantly interrupts everyone in a joint session is adequately asserting his/her authority to manage the process..

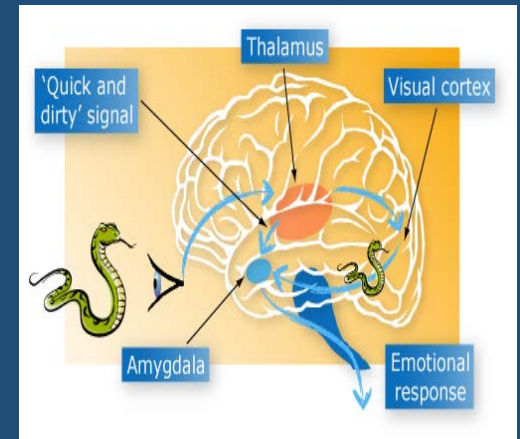
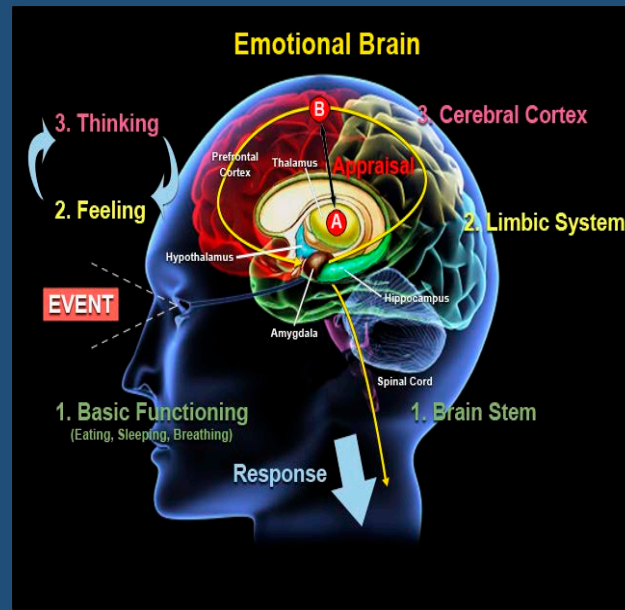


How does the emotional brain react in time of stress?

- ✓ Fear – (False Expectation Appears Real), fight/flight/Flee
- ✓ Anger – Aggression, hostility
- ✓ Sadness – Grief, depression

Our 3 Brains

1. Reptilian
2. Mammalian
3. Modern Thinking



What major hormones are created by emotions?

- **Stress Hormones:**

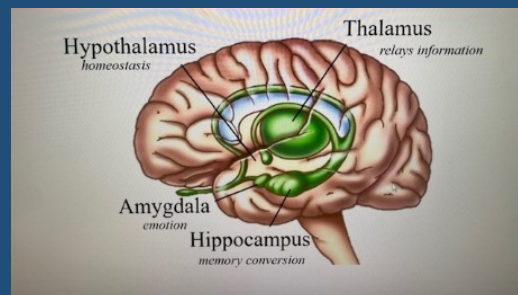
- Sympathetic Nervous system;
- Adrenalin
- Norepinephrine
- Cortisol

- **Calming Hormones:**

- Parasympathic System;
- Dopamine
- Oxytocin
- Endorphins

Hypothalamus: The command center Regulates the endocrine system releasing various hormones into the system. Expresses emotions: lateral parts express feelings of pleasure . Median part associated with negative emotions.

Emotions express in the body with hormonal chemicals .



How does EI impact your success as a mediator?



Research shows:

- The higher your emotional intelligence, the more likely you are self manage and meet the interests of those with whom you are mediating .
- Having a good understanding of yourself, your strengths, and your weaknesses builds confidence- essential to superior performance as a mediator (and personal life, too).
- When your emotional intelligence is fully developed, it is easier to work well under constant stress of being in the center of conflict.
- Emotional intelligence is key to conflict resolution, as you can manage your own emotions , be calm and think logically.

***“He who knows others is wise;
He who knows himself is enlightened.”***
—Lao Tzu



What is your EI ? True/False?

1. It's easy for me to be clear about and express my feelings without blame or judgment
2. I am able to observe my thoughts and feelings and examine them objectively in order to reframe them for myself
3. My moods are rarely affected by external events and other people's moods
4. I can set goals and stick to them .
5. I am very patient even when tired or stressed.
6. I can restrain myself from expressing anger if criticized or offended.
7. I empathize with my clients' feelings and listen without distraction
8. I am mindful of the impact of what I say to others
9. I am very dependable, helpful, and compassionate.
10. I am able to speak with new acquaintances easily.

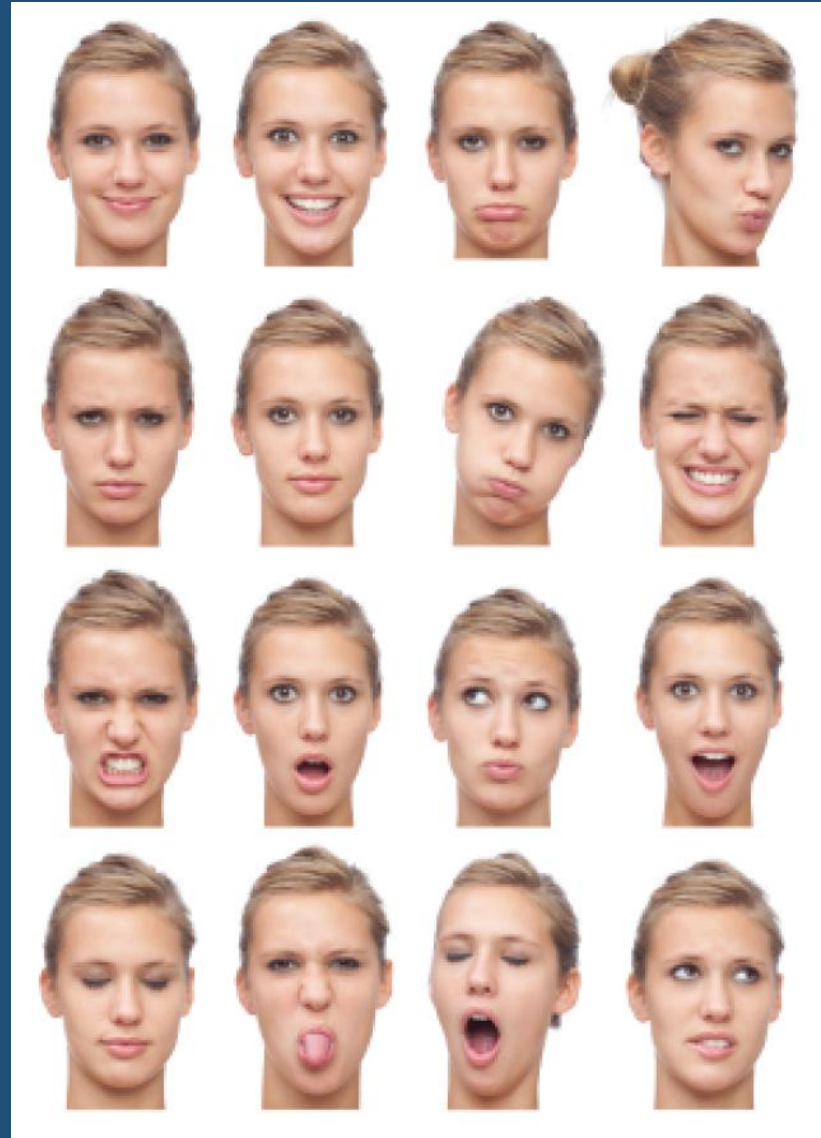


Take the free EI tests at :

1. <https://globalleadershipfoundation.com/geit/eitest.html>
- 2 <http://www.maetrix.com.au/meit/eitest.html>

What factors demonstrate emotions?

- Words
- Facial Expressions
body language
- Tone of Voice
- Loudness of Voice
- Positive/Negative Energy



What are the components of Self Awareness?

Mindfulness of your :

- Thoughts
- Emotions
- Feelings
- Beliefs
- Biases
- Judgments





How do we improve and develop Self-Awareness?

Ask yourself these questions as to your emotions, feelings-

Consider a recent negative interaction:



- What am I feeling? (thinking?)
- Where am I feeling it in my body?
- What can I do to reverse any negativity? Breathe/visualize
- What can I tell myself to reframe the thought or situation?
- What is my goal- rehearse in your mind
- BE TOTALLY CONSCIOUS AS AN OBSERVER

What are the components of Self Management?

1. Emotional self-control—Deal calmly with stress
2. Trustworthiness—Build trust through reliability, ethics and authenticity
3. Ethics & Integrity—Be aware and accountable
4. Optimism—Reframe perspectives



How do we improve Self-Management

Ask yourself these questions:

Think of a time we you may have lost your temper at work or at home.

1. What triggers my loss of **self control**
2. What can I do to prevent the loss of calmness?
(Breathe/shift thoughts, yawn)
3. How do I display **trustworthiness**—I must say what I will do, and do it
4. How **optimistic** am I ? How can I reframe negativity ?



What can you do differently?

What are the components of Social Awareness in Mediation?

Empathy—ability to understand, hear and feel what another is feeling by listening and hearing unspoken thoughts. *This is not sympathy*

Relationship awareness—ability to understand values, and culture of another person.

Helpfulness to others —ability to recognize and meet needs of others – even if it is not what we would like .



How do we improve our social awareness in mediation?

Ask yourself:

- How can I pay more attention to verbal and non verbal needs of others to **become more empathetic?**
- How can I better understand differences?
- What can I do be more sensitive to the needs of disputants in mediation?



What are the components of competent Relationship Skills?

- **Inspire** – motivate, persuade, be a role model, build consensus
- **Communicate** – listen, mirror and ask open ended questions
- **Manage Conflict**– model collaboration, problem solving, mutual gain options, deflect negativity
- **Build bonds** – connect authentically, a caring attitude
- **Collaborate** – Be inclusive, share ideas , give praise, show gratitude



How can we enhance relationship skills?

Ask yourself these questions:

Consider a challenging person who you have had in mediation?

- How can I be more **inspiring** to engender cooperation?
- How can I better **communicate with difficult people**?
- How can I enhance my ability to encourage **collaboration** ?



Let's practice YOUR EI and Ethics

1. One of the attorneys loses his temper in mediation because he appears angry with his client and you. He starts yelling and angrily throws papers and a pen.

What do you do?

- a. Take the client and leave immediately.
- b. Throw something at the lawyer.
- c. Ask to take a break, then speak with counsel privately.



Let's practice YOUR EI and Ethics

2. One of the disputants tells you in caucus that the other party called him and said he wants to settle, but his attorney won't let him.

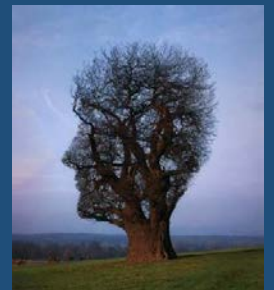
What do you?

- a. Tell the disputant's attorney to speak with the other counsel.**
- b. Tell the client to tell the other party to fire his attorney**
- c. Ask the parties on both sides in caucus to tell you how they feel about settlement.**



PLEASE CONSIDER THIS:

- ✓ If you can sit quietly after difficult news...
- ✓ If in financial down turns you remain perfectly calm...
- ✓ If you can love everyone around you unconditionally...
- ✓ If you can always find contentment just where you are...
- ✓ You are probably...





A Dog!





Between stimulus and response, there is a space. In that space lies our freedom and power to choose our response. In our response lies our growth and freedom.” – Viktor E. Frankl

As mediators we have an ethical duty to manage our emotions and respond with integrity to the emotions of others so that they may calmly be empowered to make decisions that are best for them.

That's when we see Mediation Miracles.

EMOTIONAL INTELLIGENCE : THE KEY TO MEDIATION MIRACLES.



Thank you for your participation!