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Conflict coaching a useful dispute resolution process for clients

There are times when a prospective client will come to a lawyer with a problem that for one reason or another does not merit litigation, but can be easily resolved if both parties could communicate more effectively.

In assessing the available options, which may include asking a mediator or an alternative dispute resolution institution case manager to discuss the benefits of mediation with all parties involved, counsel should also consider referring the prospective client to a conflict coach.

Conflict coaching is a dispute resolution process where a coach works with just one party to a dispute, allowing him to manage the dispute. With the assistance of skilled coaching, a client may find that by changing his own behavior in the interaction, he can obtain his goals as well as defuse a conflict before it reaches the point of litigation or irreparable damage to an important business or personal relationship.

Typically a coach is someone who is knowledgeable about conflict theory, has strong conflict resolution skills and is a professional mediator or executive coach. Conflict coaching fits somewhere on the advising spectrum between lawyer-client counseling and therapeutic counseling.

As noted by Robert F. Cochran, John M.A. DiPippa and Martha M. Peters in "The Counselor at Law: A Collaborative Approach to Client Interviewing and Counseling" legal counseling is not intended to change the client or to provide him with a heightened awareness or insight into his own life.

Legal counseling, even with a lawyer who has a problem-solving outlook, is used to help the client reach a decision about a matter within the lawyer's legal competence and to provide the lawyer with the appropriate next steps for the client.

Conflict coaching, on the other hand, is designed not only to help the client understand the conflict

at hand from a variety of perspectives (including considering his own contributions to the conflict), but to help him employ particular interaction strategies and increase conflict management skills.

Like an athletic coach, the role of the conflict coach is a mix of trainer, adviser and motivator. Conflict coaching is not intended to replace therapeutic counseling, as it is limited to the conflict at hand and is not appropriate for someone with severe mental health issues.

Conflict coaching is useful in workplace disputes, family business disputes, estate disputes and other emotional matters.

For example, in a family estate dispute, perhaps a client feels disrespected by a parent's choice of executor as well as frustrated by the way the estate has been handled. A coach can help a client see how repeated patterns of ineffective communication have resulted in conflict and then assist the client in letting go of the emotional upset so he may make better decisions and interact with the others in a productive way to resolve the problem at hand.

Although emotion is an important aspect of coaching, a coach does not try to delve into all of the history behind client emotions as in therapy, but rather helps the client become more aware of his or her emotional response. This is important because it allows the client to set aside emotion, take a forward-looking perspective and find a solution that meets the client's interests as well as those of other family members. (An awareness of one's own emotional responses has also been shown to engage parts of the brain useful in problem-solving.)

Coaching can be used alone or in conjunction with other dispute resolution processes, including negotiation and mediation.

The ability to refer a matter to a conflict coach may also be particularly helpful to employment attorneys or human resource departments because the coach can provide assistance to an employee

BEYOND DISPUTE



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who may be upset about a conflict in the workplace where no laws have been violated.

Although various models for conflict coaching exist, one well-known model is the comprehensive conflict coaching model set forth in "Conflict Coaching: Conflict Management Strategies and Skills for the Individual" by Tricia S. Jones of Temple University and Ross Brinkert of Pennsylvania State University-Abington College.

Under the comprehensive conflict coaching model, there are four stages of the process: Discovering the story, exploring the story from three perspectives (identity, emotion and power), crafting the best story and enacting a successful outcome.

Skills training by the coach can include communication skills,

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awareness of conflict styles, negotiation skills and coordinating conflict coaching with other conflict management processes.

In the initial phase, the coach assists the client to articulate and to refine her story by using questions to help her identify information gaps, to consider how other parties may be experiencing the conflict and to determine how the conflict fits into the family or organizational culture.

The coach then “tests” the narrative, for example, by asking questions about client assumptions, including questions that may cause the client to rethink some of the hostile intent she has been attributing to the actions of the other parties. Similar to mediation, the process of letting go of an assumption that someone is behaving solely out of spite is often a powerful step towards resolution.

Other useful coach questioning helps familiarize the client with the mediation practice, such as using questions to assist a party in considering another party's perceptions, needs and interests.

The coach also helps the party explore the conflict from the identity perspective. The identity threat aspect of conflict is possibly the most fascinating part of this type of coaching. As noted by Jones and Brinkert, people in conflict are often unaware of how their actions are undermining the identity of another and creating hostility. With a little effort, the client can learn how to affirm another's identity without losing any power in the negotiation.

Conflict coaching is a new and valuable addition to the dispute resolution landscape. Coaches are helping people increase their conflict management skills both on an individual and organizational basis.

In addition, a conflict coach might be the answer the next time a prospective client comes in the door with a stressful conflict situation inappropriate for the courtroom, or for a long-standing client who needs help in avoiding repetitive conflict.