

How Might Mediators Inadvertently Contribute to Impasse?

- Unconsciously defending against vulnerability.
- Unwillingness to sit with confusion/not-knowing.
- Unwillingness to be out of control.
- By viewing impasse as a problem.
- By fearing the expression of negative emotions.
- By fearing to make things worse.

* * * *

Fearing to Make Things Worse

- ◆ In some Hippocratic way we want to do no harm.
- ◆ And yet we have to take the risk of harm if we're going to be effective.

Fearing the Expression of Negative Emotions

- ◆ We fear that if people "vent" it will destroy any hope of a successful outcome.
- ◆ And yet, "if we don't permit hostilities a legitimate outlet, they are bound to take illegitimate routes" (Arnold Mindel).

Viewing Impasse as a Problem

- ◆ As lawyers we are trained to fix problems. What else are we going to do with them?
- ◆ And yet by adopting a problem-solving orientation we shackle ourselves with a fixed point of view and limit the range of possibilities for resolution.

Unwillingness to be Out of Control or Confused

- ◆ We want to be competent, zealously represent our clients, guide the process, provide value.
- ◆ And yet if we insist on staying in our comfort zone, where we feel safe and confident, we are like the full cup of tea in the Zen story.

Fear of Being Vulnerable

- ◆ We believe that if we are vulnerable that means we are weak, and that we will be undefended, exposed, unprotected, open to danger and harm.
- ◆ And yet by being willing to sit with our own vulnerability we are able to sit with the vulnerability of our clients.