

Sharon Strand Ellison

*Author of "Taking the War Out of Our Words"*

Creator of the *Powerful Non-Defensive Communication™ (PNDC™)* Process

Content: Overview — Client List — Comments from Attorneys & Professors  
— Addendum on the Applicability of The Process to the Field of Law

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The *Powerful Non-Defensive Communication* process is designed to defuse defensiveness, often quickly, with no residue of adrenaline. Sharon's work in the field of law offers the potential for more efficient, effective conflict resolution, applicable both in AD process and litigation.

Sharon was invited to be the 10<sup>th</sup> anniversary speaker (6 hours) for the Centre for Dispute Resolution, London, England

The guest speaker at the Kaplan Lecture, in honor of Judge Kaplan, Sharon received an honorary award as a pioneer in the field of communication. (2014)

In addition, she was an invited participant at the Human Dignity and Humiliation Symposium at Columbia University, NY, on the topic of international conflict resolution. (2015)

Judges at the 9<sup>th</sup> Circuit Court, invited Sharon to speak at the Annual Conference in Anaheim, CA on the topic of how to reduce needless conflict in the courtroom between judges and attorneys, as well as during depositions. (2018)

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## **Clients in the Field of Law that Provided MCLE Credit**

Below is a partial list of organizations in the US, that have authorized MCLE credits for training Sharon Ellison has provided for attorneys on the topic of: *Powerful Non-Defensive Communication™*

It also includes a list of legal organizations in Canada and England, without reference to whether they provided any form of continuing education credits.

Sharon has been a speaker for the following organizations from one to five times. She has also provided 3-hour monthly on-site or webinar training programs of various lengths for collaborative practice professions.

### **United States:**

9<sup>th</sup> Circuit Court, Annual Conference, Anaheim, CA (Session)

American Bar Association, International ADR Conference, (Washington DC, Miami FL) (Sessions)

Arkansas Judiciary, Administrative Office of the Courts, Alternative Dispute Resolution Commission (Speech)

Maryland State Bar Association, ADR Section, Annual Statewide Conference (Day-long session)

State Bar of California, Family Law Section, ADR Standing Committee, Annual Conference, Pepperdine University Law School (Day-long session)

State Bar of Georgia, Office of Dispute Resolution (Keynote)

State Bar of Texas, Annual Collaborative Law Conference, Austin, TX (Keynote-3 hours)

Marin Bar Association, ADR Section, CA (Speech)

Pasadena Bar Association, CA (Session)

Kansas Women Attorneys' Association, Annual Statewide Conference (Keynote & Session)

National Conference of Women's Bar Associations: Leadership Summit, Dallas TX (Day-Long Session)

Association of Family and Conciliation Courts, Statewide Conference, Sonoma, CA (Keynote)

Center for Families, Children and the Courts, Family Dispute Resolution Statewide Educational Institute, San Jose, CA (Session)

Connecticut Council for Divorce Mediation, Annual Regional Conference, Quinnipiac Law School, CT (Day-long Training)

Bartholomew & Wasznicky LLP, Annual Symposium, Sacramento, CA (Day-long training)

Collaborative Family Law—International Academy of Collaborative Professionals international Conferences held in the US: San Diego, CA; New Orleans, LA; Minneapolis, MN; Washington DC, San Antonio, TX, Seattle, WA (Sessions)

Collaborative Family Law, California Statewide Conferences: Sonoma (Keynote), Pasadena (Session), San Francisco, CA (Session)

Collaborative Family Law, Statewide Conference, Washington: Day-long Training

Collaborative Family Law, Statewide Conference, Maryland, Day-long training

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## **Canada:**

Federation of Law Societies, Bi-Annual Conference, Deerhurst, Ontario, Canada, for family law judges and lawyers (Keynote)

Canadian Bar Association, Women's Forum, National Conference, Toronto, Ontario (Keynote & Day-Long Training)

International Academy of Collaborative Professionals, International Collaborative Family Law Conference Toronto, Ontario (Pre-conference Day-Long Session & Breakout)

Regional Collaborative Family Law Conference, Ottawa, Ontario (Keynote & Conference Session)

Association of Family and Conciliation Courts (2006-Keynote)( 2018 Session)

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## **England:**

London, *Centre for Dispute Resolution*

Somerset, Taunton Barristers

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## **Training for Collaborative Practice Groups**

### **United States:**

*California:* San Francisco, East Bay Region, Marin, Sacramento, Fresno, Marin, Orange County, Sonoma, Silicon Valley, Palo Alto

Connecticut

Florida, Tampa

Illinois, Chicago

Minnesota, Minneapolis

Maryland, Baltimore

Michigan, Detroit

New Jersey, Newark

New Mexico, Albuquerque

New Mexico, Taos

New York, New York

New York, Rochester

Oklahoma, Tulsa  
Pennsylvania, Pittsburg  
Pennsylvania, Harrisburg  
Texas, Dallas  
Washington, Seattle  
Wisconsin, Milwaukee

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## **Canada:**

Alberta, Edmonton  
Alberta, Calgary  
British Columbia, Vancouver  
British Columbia, Victoria  
Saskatchewan, Saskatoon  
Manitoba, Winnipeg  
Ontario, Peel & Halton  
Quebec, Montreal

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## **Comments by Attorneys and Law Professors:**

*The following comments are testimonial support for the degree of impact non-defensive skill sets can have in upgrading the conflict resolution process.*

After seeing you in action and learning more about the non-defensive communication process you teach, I believe it is the most powerful and effective communication technique I have seen.

—Maureen A. Tighe, Attorney, U.S. Department of Justice

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The *Powerful Non-Defensive Communication* process has been invaluable to me in my work as an attorney and mediator. It allows me both to utilize and to model non-defensive communication methods with parties who are in the midst of conflict or are unable to communicate effectively. The formats for non-defensive questions have been particularly helpful, as they allow me to move beyond a party's position to find the true interests that lie behind it, without creating defensiveness. In turn, this helps the parties to feel that they have been thoroughly heard, creating more potential for the resolution of conflict. Sharon Ellison's book, and her technique, should be studied by attorneys and mediators everywhere.

—Emily Doskow, attorney and mediator, Panelist for the U.S. District Court Alternative Dispute Resolution Panel

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I consider you a treasure, as does each and every legal professional I have spoken with regarding your work and the manner in which you present it. In the highly complex and emotional area of family law in which we work, relearning the manner in which we deal with one another is nothing short of extraordinary. I formerly thought of myself as a professional who had good self-awareness and excellent non-defensive communication skills. After reading your book, listening to your tapes and attending several workshops that you have offered, I am now acutely aware of how much better my communication can be in my professional and personal life. My clients have commented on the manner in which I deal with difficult situations and difficult communications.

—*Suzan Barrie Aiken, Attorney, Mediator, Mill Valley, Past President, IACP*

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I think that your model and hypothetical examples were most helpful in understanding these new concepts for communication. You presented your material clearly and beautifully. The way you demonstrated how to better communicate before the group was masterful. Your love of the material and patience in working through conceptual glitches was much appreciated. I find the application to the field of law intriguing.

—*Carson Bowler, Attorney, Portland, OR*

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I have experienced Sharon Ellison's PNDC presentations both in a brief workshop at a national conference and at a full-day seminar she presented to our group in Chicago a few months later. Her presentations were riveting, powerful, and effective. Her voice, her manner, her inclusiveness and her approach helped each participant to understand the importance and the effect of PNDC on personal communication experiences as well as professional ones. I try to utilize Sharon's methods whenever possible and have found it has made a profound difference in how I approach problem conversations professionally and personally. As an adjunct professor teaching a law school seminar on Alternative Dispute Resolution, I require my students to first read and then discuss "Taking the War out of our Words," so that they will be receptive to the paradigm shift necessary to fully understand ADR. Sharon Ellison has my utmost respect and

admiration. I would unhesitatingly recommend any program she offers to any group who may have the privilege of attending it.

—*Sandra M. Rosenbloom, Attorney at Law, Northfield, IL*

My professional life has changed dramatically since the day I discovered Sharon Ellison's theory of Powerful Non-defensive Communication. Non-defensive communication skills have enhanced my effectiveness as a lawyer, mediator, and as a law professor who teaches counseling and negotiation to law students. Although I prided myself on being a problem-solver and collaborator, with both my clients and counterpart lawyers, I found myself shifting into defensive modes more than I liked, especially when I felt most strongly. I struggled to understand how and why I was undermining myself, and what to do about it. When I met Sharon, heard her lay out her theory, and watched her demonstrate her approach, I was amazed at how many answers clicked for me. The theory and the practice of PNDC gave me a clarity, control, and a new mindset that had eluded me in the past.

—*Carolyn Kass, Associate Professor; Director of the Legal Clinic; Co-Director, Center for Dispute Resolution; and Director of the Family and Juvenile Law Concentration; Quinnipiac University,*

Powerful, Non-Defensive Communication can significantly improve how we, as lawyers, practice law. Law schools historically have not taught communication skills. Likewise, there has been little in the way of high quality continuing legal education on the subject of communication.

Only a very small percentage of cases make it to the courtroom. In my experience, most of the lawyer's time is spent in verbal interactions - with clients, opposing counsel, witnesses, etc., in person, on the phone, in settlement negotiations, depositions and interviews. This communication, regardless of the setting, tends to be adversarial and defensive, which I have found is often counterproductive to achieving an early, acceptable resolution to the client's legal matters. This causes many people to lose faith in our justice system, and foster criticism.

There is a better way of doing it, one which can assist the lawyer in representing clients better. With skill in communicating non-defensively, I believe that lawyers would be in a unique position to model appropriate conflict resolution skills to clients and others with whom we come into contact with in our work. I believe that Sharon's workshop can provide

lawyers, judges, mediators, and arbitrators with a highly effective approach to communicating with power, dignity and integrity in our professional and personal lives.

—*Laura Parrish, attorney, Past President, Lane County Bar Association, Eugene, OR*

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I first encountered Sharon and her teachings in 2006 and I can still remember the silence of the audience being pierced by little astounded gasps as the profundity of what she was talking about became evident. It was in many ways, for myself and what I believe to be the overwhelming majority of the audience, a "eureka!" or "a-ha!" moment wherein one comes to realize that one has been unconsciously acting in the world in a way that is so counter-productive and unnecessarily harmful - and more importantly - that within grasp is an awareness and a set of techniques whereby one can act in the world in a way congruent and harmonious with our highest intentioned selves, as attorneys and as human beings.

From that introduction to Sharon and her work, I have had a hunger for more exposure and familiarity with her material (her books and CDs) and participated in a full-day workshop with her at the Toronto Forum. I continue to marvel at the simplicity and beauty of Sharon's words. . . . and I continue to strive to take it all, literally, to heart."

—*Chris Arnold, Collaborative Lawyer and Mediator, Past-President, Ontario Collaborative Law Federation, Adjunct Professor, University of Ottawa Faculty of Law*

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The way you synthesise complexity into simpler concepts and create the tools to manage specific issues and instances is so profound Sharon. If we could all take away at least a few 'top tips' from your training, and practise them, what a world that would be.

— *Marguerite Picard, Director, MELCA; Collaborative Family Lawyer, NMAS Nationally accredited Mediator & Conciliator, recipient of placement on Melbourne, Australia's Leading Family Law Firms list*

## **Applicability of *Powerful Non-Defensive Communication*<sup>™</sup> Courses to the Field of Law**

The following quotations from an article by Dr. Brent Atkinson provide foundational information in the interest of clarifying the impact of the non-defensive communication paradigm I have developed and its value for attorneys.

The scientific research demonstrating that when any person gets defensive, the impact is physiological as well as cognitive/emotional is no longer “new news.”

Joseph LeDoux, a neuroscientist at the Center for Neural Science at New York University, discovered a pathway that acts as a supersonic express route to the brain’s emotional centers. This neural back alley, which appears to be reserved for emotional emergencies, bypasses the neocortex entirely, routing information from the thalamus directly to the amygdala, a tiny, almond-shaped structure in the limbic system that has been identified as the brain’s emotional alarm center. . . which in turn [can] trigger a cascade of physiological responses—from speeded-up heart rate to jacked-up blood pressure to mobilized muscles to the release of the ‘fight or flight’ hormones, adrenaline and noradrenaline.<sup>1</sup>

Studies further indicate that once the physiological changes associated with defensive reactions take over, it can take at least 20 minutes to an hour to dissipate, and that is only if no one else in the room reacts defensively in response. In addition, trying to talk someone out of being defensive as a means to calming the person down is not effective. The person might act more civil, but the internal process will still be resistant to reason.

Subsequent to the original data collected by Dr. Joseph Le Deux and others, scientists know now that trying to talk someone out of being defensive is not only *not effective*, it is most likely to intensify defensive reactions. It is less common knowledge that while we can’t talk someone out of being defensive, if we can communicate in any way so that the other person feels safe enough to shift from defensive posture to any other *feeling* state, the shift back from an activated amygdala to the complex problem solving cortex can be as instant as the shift to the amygdala when a person’s defensive mechanism is triggered.

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<sup>1</sup> Networker, July/August 1999, "The Emotional Imperative Psychotherapists Cannot Afford to Ignore, by Brent Atkinson, Ph.D., p. 26 Director of the Family Therapy Program at Northern Illinois University



*Unfortunately, although this data has been available now for a significant period of time, many best recognized alternative dispute communication methods are still rooted in adversarial assumptions that limit the ability to quickly defuse defensiveness.*

Using a “field work” approach, for over 30 years, I have been dedicated to observing, understanding, and delineating the dynamics of defensiveness and the impact it has on human interaction. My study has been particularly focused how our use of language *can* defuse defensive responses as instantly as they can be triggered, which can have significant impact on the success attorneys can have in litigations, arbitrations, mediations, collaborative law practice, or any kind of negotiation. The skill sets in the *Powerful Non-Defensive Communication* process are designed to do exactly that. The following evaluation is representative of the quality of outcome attorneys are getting when using this process.

I’m absolutely stunned by the power of the non-defensive process Sharon teaches. What amazes me is not just the incredible success, but also the speed and directness. The potential to actually have a constructive and respectful conversation over an issue that could easily push anyone’s buttons is amazing.

—Arlene Kostant, Attorney and Mediator, San Francisco, CA; Negotiation Instructor, UC San Francisco, Hastings Law School & UC Berkeley Boalt Law School

As seen in this statement and others in the comments section of this addendum, a bulk of narrative reports overwhelmingly affirm that using these skills can enhance attorneys’ ability to get remarkable results — even in volatile, adversarial situations.

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## **Core PNDC Skills Taught in Various Learning Formats**

Because the vast majority of all legal cases are currently settled out of court, knowing how to defuse defensiveness can be an invaluable tool for attorneys doing any kind of negotiation. The skill sets central to this process involves shifts in four key aspects of the communication process that are simple enough that children are often quite able to quickly adapt to using these skills. The focus of training programs is summarized briefly below.

- 1.** Altering intention, voice tone, and body language as a means to prompt others to shift from defensive, hostile positions to having an increased commitment to the negotiation process.

- 2.** Becoming versed with a variety of formats for asking questions that can have specific functions, such as effectively holding others more accountable and quickly uncovering underlying issues that may be blocking a settlement.
- 3.** Giving feedback that provides important data and information to other parties using a process of simple steps that makes it much more likely that they will listen instead of reacting in an adversarial mode.
- 4.** Making position statements that have power and clarity in comparing and contrasting the strengths and weaknesses of various options in a negotiation rather than simply “countering” other parties’ positions.
- 5.** Learning how to outline clear boundaries without posturing and making threats when dealing with issues such as creating guidelines for effective process and clarifying clients’ expectations and limits in negotiations.

The skills learned are not structured “techniques” but a very real, multi-faceted, hands-on way of working that can break down resistance and get to workable solutions. The skills can also be used very successfully in the litigation process.