



WELCOME!!



“The Art of Asking Questions in Collaborative Cases”

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www.BLC.law

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HOME
WHO WE ARE
GET INVOLVED
BLOG
DONATE

HONOR NATIVE LAND: A GUIDE AND CALL TO ACKNOWLEDGMENT

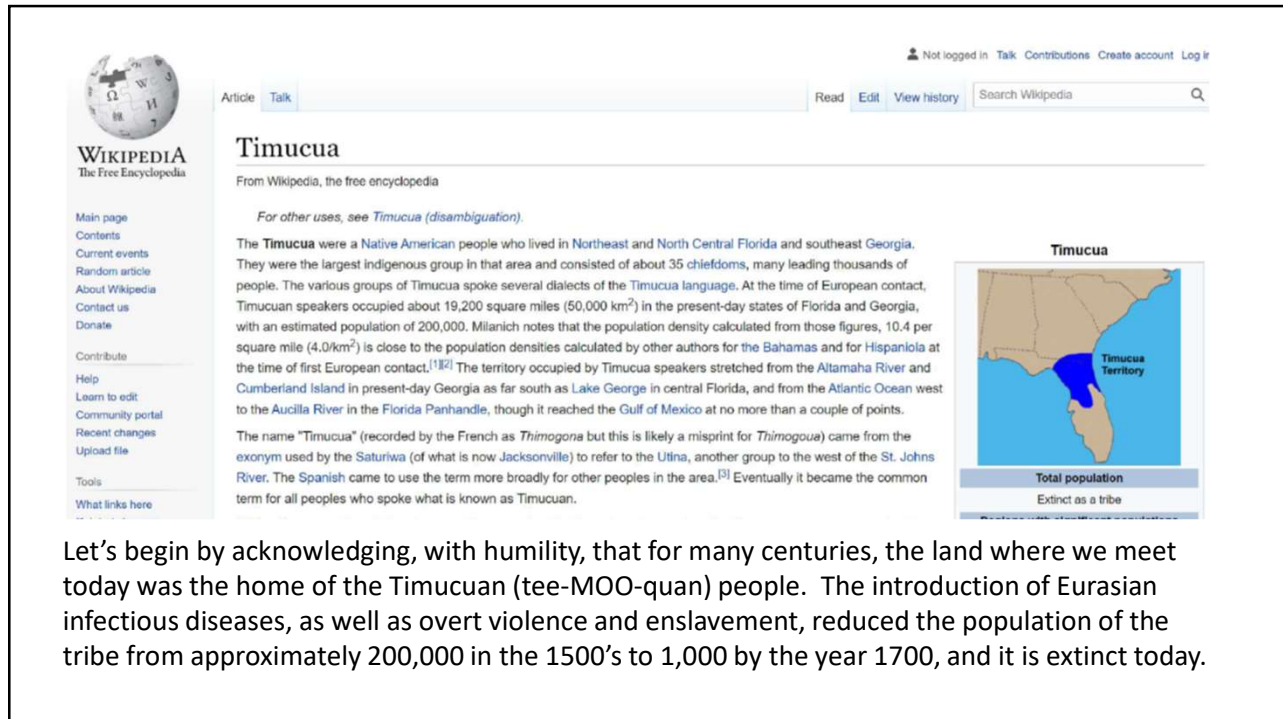
IN COUNTRIES SUCH AS NEW ZEALAND, AUSTRALIA, CANADA, AND AMONG TRIBAL NATIONS IN THE U.S., it is commonplace, even policy, to open events and gatherings by acknowledging the traditional Indigenous inhabitants of that land. While some individuals and cultural and educational institutions in the United States have adopted this custom, the vast majority have not. Together, we can spark a movement to change that.

We call on all individuals and organizations to open public events and gatherings with acknowledgment of the traditional Native inhabitants of the land.

Acknowledgment is a simple, powerful way of showing respect and a step toward correcting the stories and practices that erase Indigenous people's history and culture and toward inviting and honoring the truth. Imagine this practice widely adopted: imagine cultural venues, classrooms, conference settings, places of worship, sports stadiums, and town halls, acknowledging traditional lands. Millions would be exposed—many for the first time—to the names of the traditional Indigenous inhabitants of the lands they are on, inspiring them to ongoing awareness and action.

<https://usdac.us/nativeland>

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The screenshot shows the Wikipedia article for "Timucua". The article text reads: "The **Timucua** were a Native American people who lived in Northeast and North Central Florida and southeast Georgia. They were the largest indigenous group in that area and consisted of about 35 chiefdoms, many leading thousands of people. The various groups of Timucua spoke several dialects of the Timucua language. At the time of European contact, Timucuan speakers occupied about 19,200 square miles (50,000 km²) in the present-day states of Florida and Georgia, with an estimated population of 200,000. Milanich notes that the population density calculated from those figures, 10.4 per square mile (4.0/km²) is close to the population densities calculated by other authors for the Bahamas and for Hispaniola at the time of first European contact.^{[1][2]} The territory occupied by Timucua speakers stretched from the Altamaha River and Cumberland Island in present-day Georgia as far south as Lake George in central Florida, and from the Atlantic Ocean west to the Aucilla River in the Florida Panhandle, though it reached the Gulf of Mexico at no more than a couple of points. The name "Timucua" (recorded by the French as *Thimogona* but this is likely a misprint for *Thimogoua*) came from the exonym used by the Saturiwa (of what is now Jacksonville) to refer to the Ufina, another group to the west of the St. Johns River. The Spanish came to use the term more broadly for other peoples in the area.^[3] Eventually it became the common term for all peoples who spoke what is known as Timucuan.

To the right of the text is a map titled "Timucua" showing the "Timucua Territory" in Florida and Georgia. Below the map is a table:

Total population
Extinct as a tribe

Below the screenshot, the text reads: "Let's begin by acknowledging, with humility, that for many centuries, the land where we meet today was the home of the Timucuan (tee-MOO-quan) people. The introduction of Eurasian infectious diseases, as well as overt violence and enslavement, reduced the population of the tribe from approximately 200,000 in the 1500's to 1,000 by the year 1700, and it is extinct today."

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The screenshot shows the homepage of the Seminole Tribe of Florida. The header includes a logo on the left and navigation links: HOME, HISTORY, CULTURE, GOVERNMENT, ENTERPRISES, SERVICES, EMPLOYMENT, CONTACT US. The main content area features a large image of a canoe with several people on a body of water. The text reads: "Seminole Tribe of Florida" in large white letters, followed by "We are a Federally Recognized Indian Tribe. The only Tribe in America who never signed a peace treaty." Below this is a decorative border.

Below the screenshot, the text reads: "We also recognize the enduring presence of Indigenous peoples on this land to the present day and acknowledge, and seek to respond properly, to their calls to respect their sovereignty and help them care for the land and water."

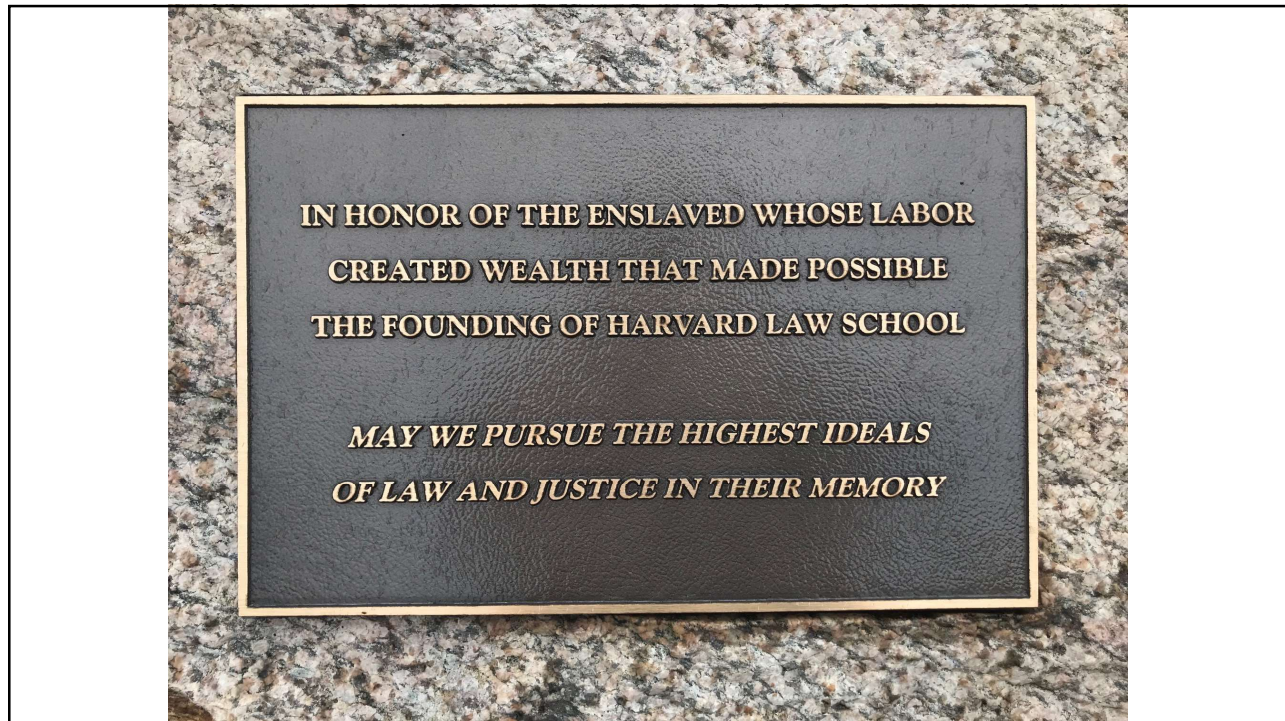
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Agenda

- Introductions and warm-up exercise (“who’s here?”)
- **Stories** (what have we learned from experience?)
- **Theory** (why are questions so powerful?)
- **Practice** (how do questions make us feel?)
- **Role playing** (how can I make better use of questions?)
- **Practical applications** (can I use this at home?)
- **Conclusions** (what have we learned?)
- Q & A / Discussion

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Working Agreements

Respect

Recognition

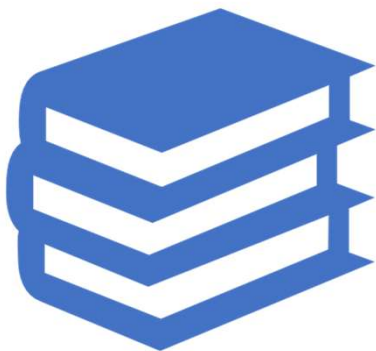
Responsible risk-taking

Share the air time

Confidentiality (no attributions)

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Principles of pedagogy

- We teach what we want to learn
- The most important things can be learned but cannot be taught

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Introductions

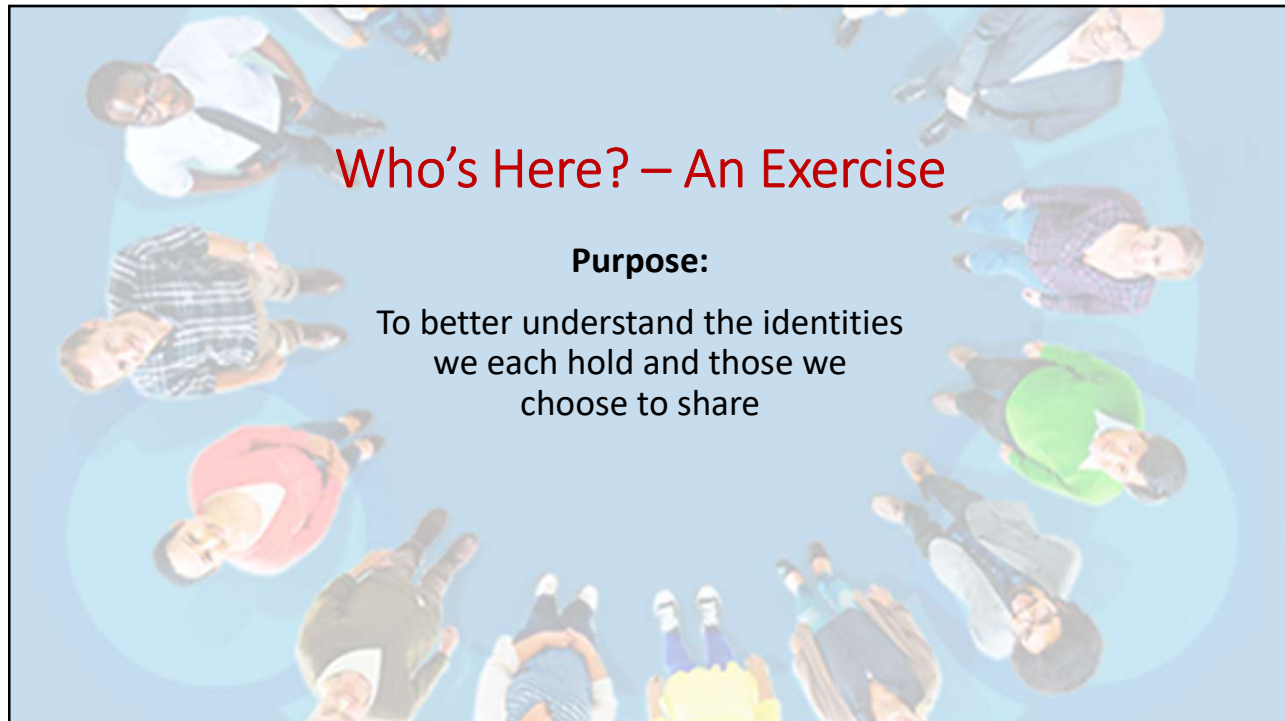
- Pair up
- 3 minutes each
 - Name, pronouns, where you live
 - What's your day job
 - Fun fact
- Plenary
 - Introduce each other (30 seconds)

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Bella, our "Pandemic Pup,"
rescued from Serbia



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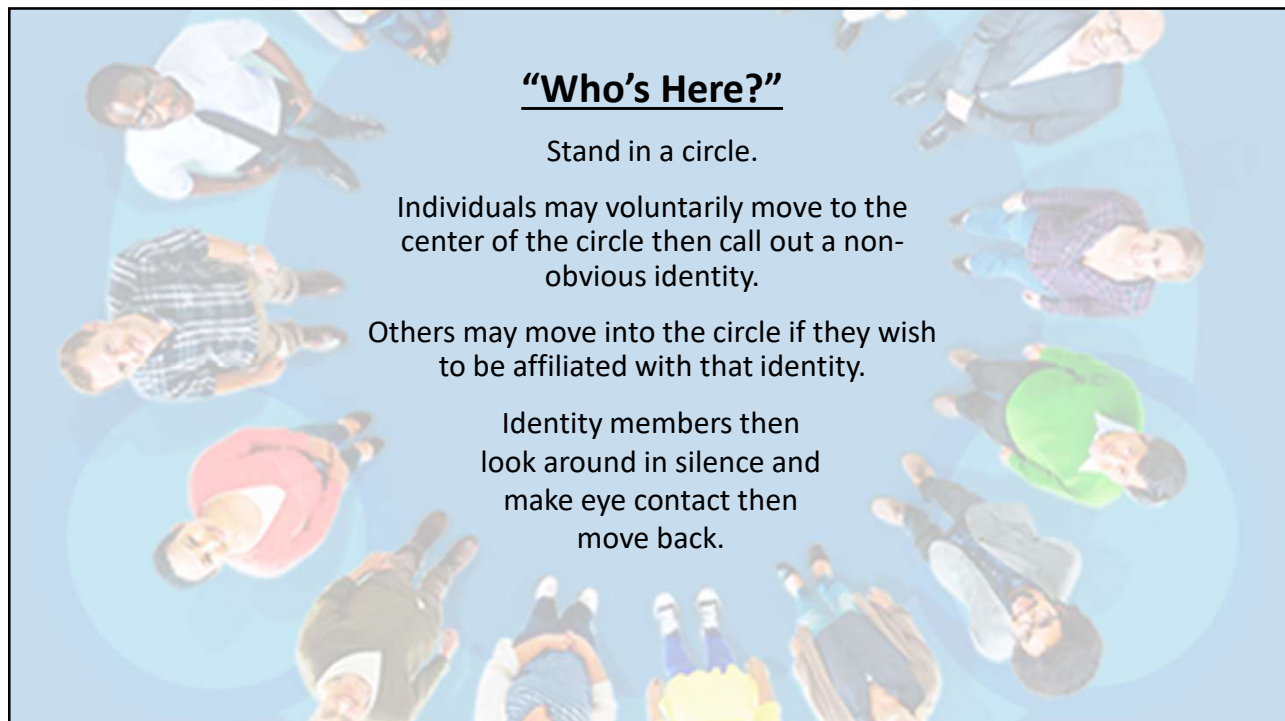


Who's Here? – An Exercise

Purpose:

To better understand the identities
we each hold and those we
choose to share

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“Who's Here?”

Stand in a circle.

Individuals may voluntarily move to the
center of the circle then call out a non-
obvious identity.

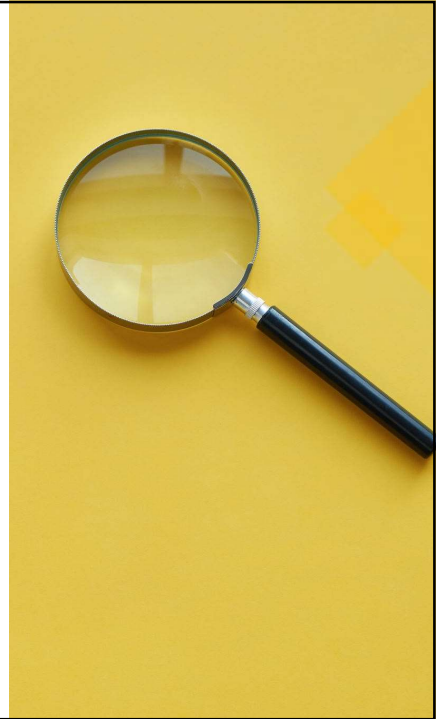
Others may move into the circle if they wish
to be affiliated with that identity.

Identity members then
look around in silence and
make eye contact then
move back.

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“Who’s Here?” - Debrief

- What was it like to name your “identities”?
- . . . to respond (or not) to others’ identities?
- Why do this exercise?



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Four Stories about Questions



Negotiating your salary



Negotiating for a client



Helping clients find their way



Asking the right question at the right time

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Four Stories about Questions



Negotiating your salary



Negotiating for a client



Helping clients find their way



Asking the right question at the right time

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Salary negotiation (posted range \$40K - \$45K)

- “We’d like to hire you at a starting salary of \$40K.”
 - *“Is that the best you can do on the salary?”*
- “We can make it \$42.5K – when can you start?”
 - *“Next week.”*
- “OK”

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Salary negotiation (posted range \$40K - \$45K)

- “We’d like to hire you at a starting salary of \$40K.”
 - *“Is that the best you can do on the salary?”*
- “We can make it \$42.5K – when can you start?”
 - *“What would you be looking for in someone that you paid \$45K?”*
- [Pause]
- “You’re a really good negotiator – we can start you at \$45K.”
 - *“Thank you - I accept!”*

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Four Stories about Questions



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Asking the right question at the right time

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“Sally Soprano” negotiation exercise

- Lyric Opera suddenly needs a lead singer
- Sally Soprano, nearing the end of her career, is available
- What are the terms?
- [Negotiated by pairs of lawyers each year, for several years]
- Winning strategy?

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“Sally Soprano” negotiation exercise

- Lyric Opera suddenly needs a lead singer
- Sally Soprano, nearing the end of her career, is available
- What are the terms?
- [Negotiated by pairs of lawyers each year, for several years]
- Winning strategy: **asking questions!**

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Four Stories about Questions



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HELPING CLIENTS FIND THEIR WAY

Sex-Discrimination Case against Major Company

Separate “Caucus” Meeting with Employee and her Lawyer

- “It sounds like there’s a **part** of you that wants to go the distance because it feels you were treated unlawfully.”
 - “*Absolutely*”
- “... and another **part** of you that’s being very practical about the risks of going to trial?”
 - “*Yes, that too.*”
- “I think we all have a **mediator inside** that helps us manage these different parts – and helps us make wise decisions. Can you feel that mediator inside you?”
 - “*Yes, ... [pause] I know that I need to settle this and move on.*”

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Four Stories about Questions



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ASKING THE RIGHT QUESTION AT THE RIGHT TIME

Ken Cloke,
“No More Teacher’s
Dirty Looks:
A Case Study”



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ASKING THE RIGHT QUESTION AT THE RIGHT TIME

- Rose: a veteran teacher who was being fired for yelling at three teachers during school hours, using ‘world-class’ swear words in front of the school children
- Rose had been chairperson of the union local, was a strong advocate for teachers, and stepped down after 20 years
- Mediation:
 - Teachers angrily said what Rose had said and done to them
 - Rose responded defensively, first by denying that what she had done was so serious and then by accusing the teachers of having provoked her
- “Sensing the determination behind Rose’s resistance and also its utter futility, I stopped her in mid-sentence during one of her counterattacks against the teachers and said, ‘Excuse me, Rose – can I ask you a question?’ She said, ‘yes’ and I asked, softening my tone of voice and leaning toward her until I was at the edge of her personal space, ‘Has anyone ever *thanked* you for all that you have done for this school.’”

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ASKING THE RIGHT QUESTION AT THE RIGHT TIME

- “Her mouth dropped open and she immediately burst into tears and started sobbing uncontrollably.”
- “I turned to the other teachers and asked if they would each turn to Rose, tell her one thing that she had contributed to the school, and thank her for having done it.”
- “Now they all started crying, and as they told their stories of Rose’s dedication to the teachers and the school, their accusativeness, her defensiveness, and the atmosphere of impasse were completely transformed.”



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Four Stories – Conclusions / Takeaways



Negotiating your salary



Negotiating for a client



Helping clients find their way



Asking the right question at the right time

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Your Stories

- Small groups (15 minutes)
- Pick a reporter / notetaker
- Do a go-around
- “Can you think of a time – in your practice or your life outside the office – when you saw the **impact** of a well-worded, or poorly worded, question?”
- Plenary session: each group’s reporter has a minute or so to tell one story from their group

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Break



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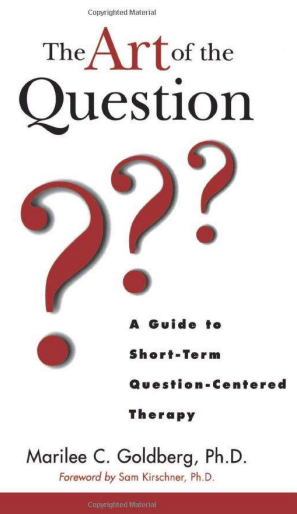
Theory – Why Are Questions So Powerful?

- Directing the conversation
- Empowering the recipient of the question
- Creating the experience of being seen
- Creating the experience of being heard
- Showing respect and empathy
- Fostering relationship and connection
- Revealing what the questioner cares about
- Revealing who the questioner is (**e.g., Ken Cloke**)

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While I was growing up, my mother often told this story about her mother, Emma, and *her* mother, Berthe, my great-grandmother. Emma, then 12 years old, moved with the family to a new neighborhood, and became friends with a girl who invited her home to play. It must have been quite a fancy place, for an impressionable Emma came rushing home to tell her mother about the silver, the furniture, the wonder of it all. When she finally paused in her excitement, my great-grandmother had only one comment, a single question that said everything about what *she* thought was important:

"But Emma, did they have books?"



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Theory –
Why Are
Questions
So
Powerful?

Inquiry vs.
Assertion

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Kim Cameron, "Positive Leadership: Strategies for Extraordinary Performance" (2008)

TABLE 4.1 Communication in Top Management Teams

	TEAM PERFORMANCE		
	High	Medium	Low
Positive Statement Ratio	5.6 to 1	1.8 to 1	0.36 to 1
(supportive, encouraging, appreciation versus critical, disapproval, contradictory)			
Inquiry/Advocacy Ratio	1.1 to 1	0.67 to 1	0.05 to 1
(questioning versus asserting)			
Others/Self Ratio	0.94 to 1	0.62 to 1	0.03 to 1
(external versus internal focus)			
Connectivity Average	32	22	18
(mutual influence, assistance, interaction)			

Source: Losada & Heaphy, 2004

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Theory –
Why Are
Questions
So
Powerful?

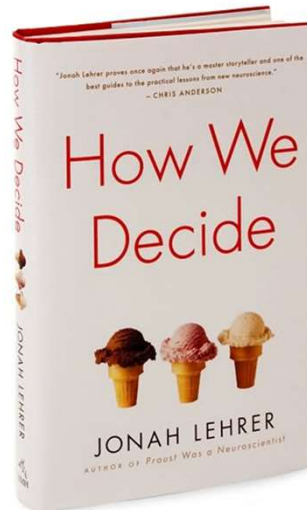
Inquiry vs.
Assertion

Example: Ronald Reagan
("Are you better off today
than you were four years
ago?")

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Theory – Key Elements in Asking Questions

- Humility
- Compassion
- Curiosity
- Excellent listening
- Central role of emotion in decision-making



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Theory – Key Elements in Asking Questions

- Humility
- Compassion
- Curiosity
- Excellent listening
- Central role of emotion in decision-making
- Creating safety and trust

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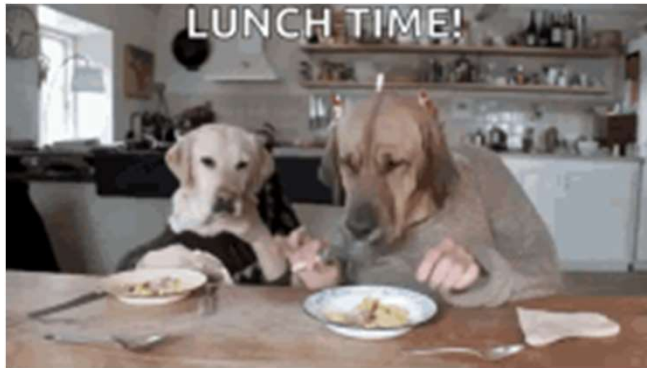
Theory – A Few Caveats

- Questions are not the only tools in our toolbox
 - Looping / reframing (sometimes questions should be preceded by looping)
 - Stories (personal or non-personal)
 - Metaphors
 - Silence
 - Etc.
- Curiosity vs. emotional boundaries
 - Questions can connect us or divide us
 - Asking permission
- Appropriate setting
 - Five-way meeting; professional team meeting; client meeting
 - Who is asking the question?

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Break

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Questions from lawyers . . .

<https://www.youtube.com/watch?v=GSu7BGbyJqc>



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Questions from lawyers . . .

<https://www.youtube.com/watch?v=T24IHnB7N8>



43

Questions from therapists . . .

<https://www.youtube.com/watch?v=rerM3wbdnYs>



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Practice – How Do Questions Make Us Feel?

- Exercise created by mediator and trainer Susan Podziba, Ph.D.
- Objectives:
 - Learn about intentions behind our questions
 - Learn about impact of our questions
 - Expand our repertoire of questions

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Practice – Crafting Effective Questions

Round One

- Pick a Storyteller; everyone else is a Questioner
- Storyteller describes something that happened in the past that made them very upset (3 minutes)
- Questioners write down questions they want to ask
- Asking questions
 - Questioner #1 asks a question; Storyteller *doesn't answer* but writes down the question and how it made them feel
 - Questioner #2 asks a question; Storyteller *doesn't answer* but writes down the question and how it made them feel
 - Etc. (each Questioner gets to ask a question or two (as time permits) (you can pass if your question has already been asked)
- Debrief: Storyteller tells Questioners about the effect/impact of each question
- Discuss: any surprises / learning points?

Rounds Two, Three, and Four

- Pick a new Storyteller
- Repeat same process as above

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Practice – Crafting Effective Questions

Plenary debrief

- What feelings came up
- Learning points / takeaways

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Roleplaying (how can make better use of questions?)

- **New partner**: After a very long marital separation, one spouse wants to introduce the kids to a new partner. (The new partner is someone that the spouse was secretly seeing before the separation, and the discovery of this affair triggered the move to a divorce.)
- **Child support**: A stay-at-home spouse had an excellent job before the kids came along – should they return to work, part-time or full time, or instead stay focused on child-rearing? (The family is neither wealthy nor impoverished; all three kids are school age, and one of them in an after-school special ed program.)

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Practical Applications (can I use this at home?)

- Pair up – Teller and Questioner
- Teller describes a decision that they are in the process of making – a question on which they are genuinely undecided (3 minutes).
- After the Teller describes their decision-situation and why they are having trouble deciding, the Questioner responds by asking questions, which the Teller answers (6 minutes).
- The only thing that the Questioner is allowed to do is to ask questions (this may feel uncomfortable / a bit strange).
- Debrief
- Rotate roles and repeat

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Conclusions (what have we learned?)

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The poet Rilke gave me my first memory of appreciating questions for their own sake. In *Letters to a Young Poet*, he wrote:

*Be patient toward all that is unresolved in your heart.
Try to love the questions themselves.
Do not now seek the answers, which cannot be given
because you would not be able to live them.
And the point is to live everything.
Live the questions now.
Perhaps you will then gradually without noticing it,
Live along some distant day into the answers.*

—RAINER MARIA RILKE

Copyrighted Material
The **Art** of the
Question
???
**A Guide to
Short-Term
Question-Centered
Therapy**

Marilee C. Goldberg, Ph.D.
Foreword by Sam Kirschner, Ph.D.

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Namaste

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