



Applying Conflict-coaching Techniques in Mediations

A presentation by
David Lim

Former District Judge (State Courts Centre for Dispute Resolution)
Principal Mediator & Mediation Trainer (Singapore Mediation Centre)

for the
**State Courts' Training for
Court Volunteer Mediators**

4 June 2021

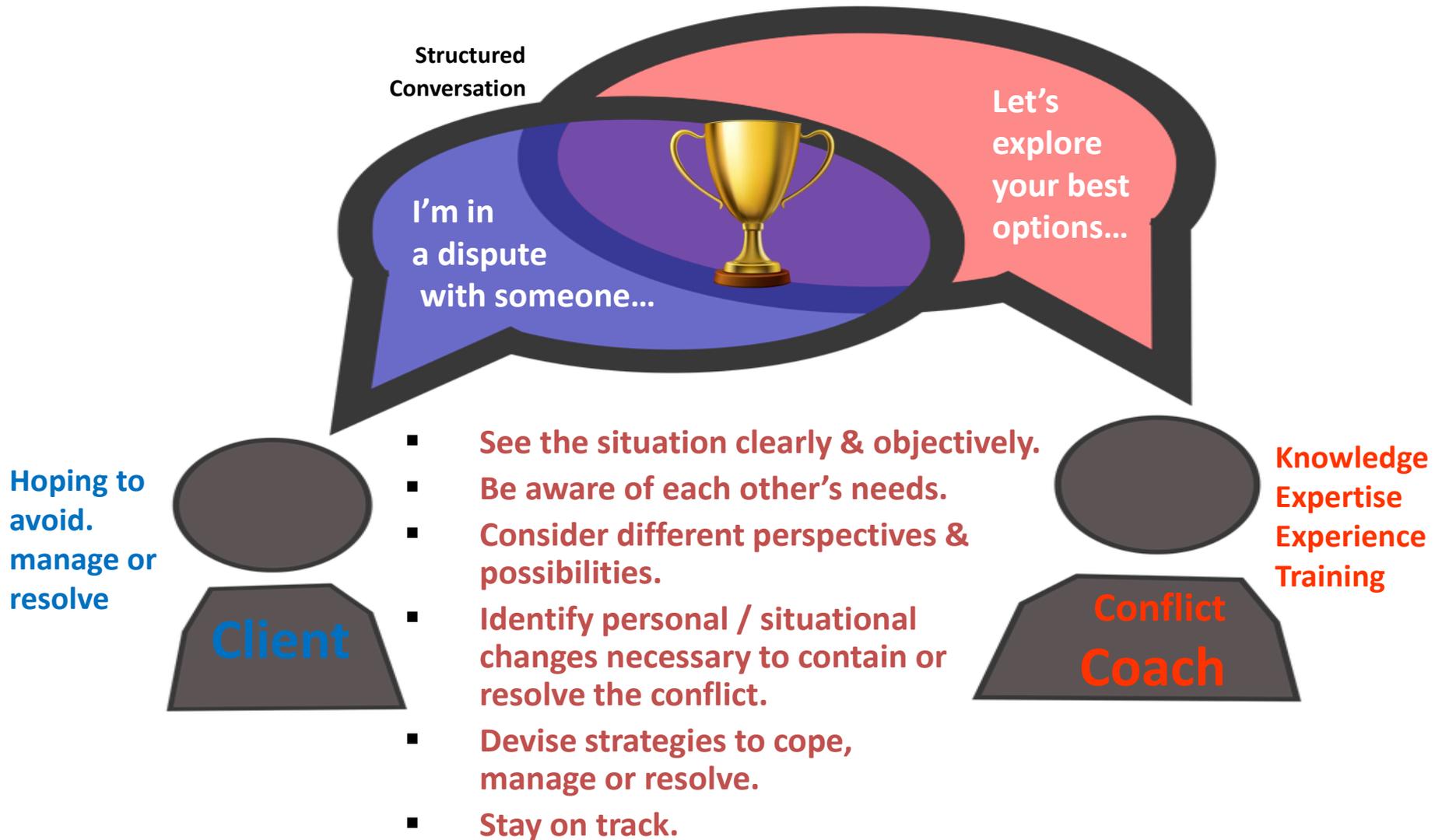
Applying Conflict Coaching Techniques in Mediation

What is Coaching?



Applying Conflict Coaching Techniques in Mediation

What is Conflict Coaching?



Applying Conflict Coaching Techniques in Mediation

Five Responses to Conflict (K Thomas / R Kilmann)



Applying Conflict Coaching Techniques in Mediation

Benefits of Conflict Coaching

No conflict exists:

Helps client to —

- Cultivate ability to see broader perspectives;
- Reflect on & change own potential conflict-causing conduct & perspectives;
- Improve communication & interaction skills;
- Develop useful problem solving skills;
- Gain confidence & competence for engaging in conflict.

Conflict exists:

Helps client to —

- Understand his own contribution to the conflict;
- Realise how the conflict is affecting himself & others;
- Check his own assumptions;
- Shift unhelpful conduct & perspectives to more constructive ones;
- Identify suitable ways to manage / resolve the conflict;
- Devise action plans to effectively manage / resolve the conflict;
- Prepare for constructive engagement with the other party.

Applying Conflict Coaching Techniques in Mediation

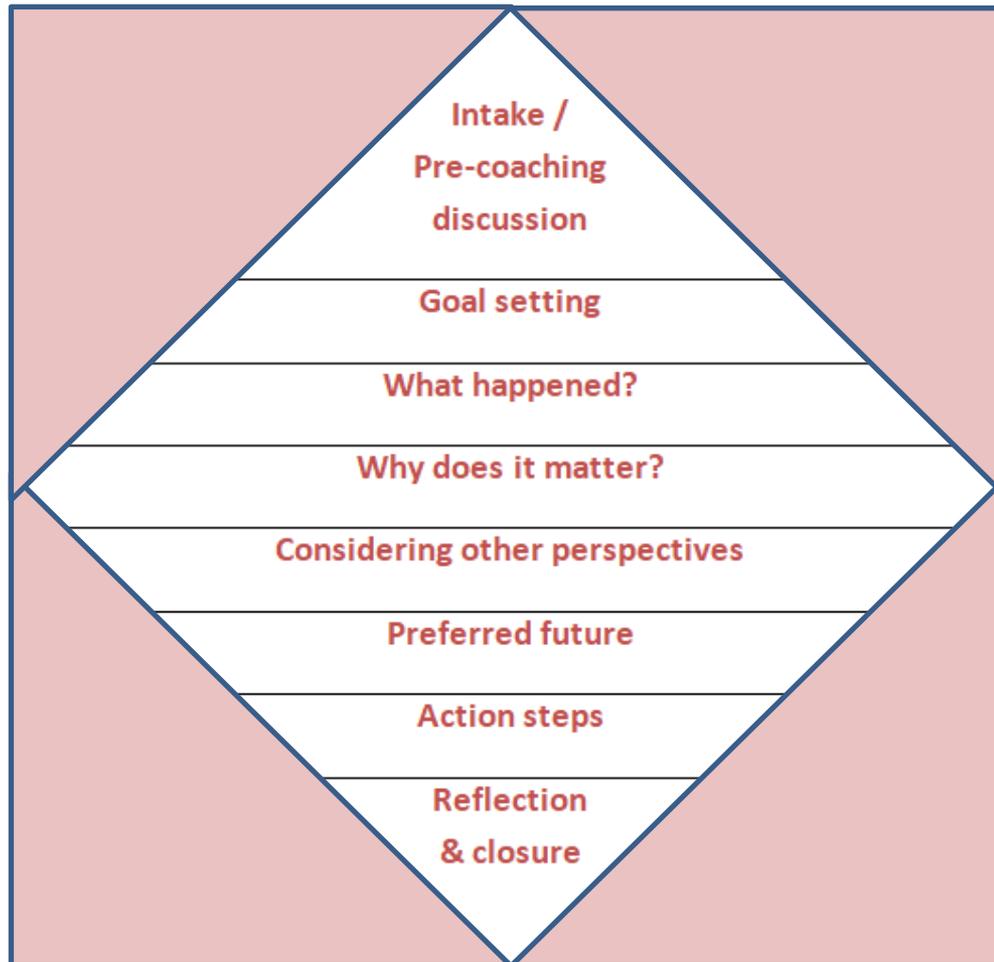
Suitable Cases

Where parties —

- have an **on-going relationship** or
- have to **continue to co-exist or engage** with each other, e.g.:
 - **Family / matrimonial disputes**
 - Maintenance / custody / access.
 - **Workplace disputes.**
 - **Neighbour disputes.**
 - **Disputes between friends / housemates / schoolmates / team-mates.**
 - **Partnership disputes.**
- **Commercial cases**
 - business / contractual disputes

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)



Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)

Stage	Purpose
1. Intake / Pre-coaching discussion	<ul style="list-style-type: none">• Build rapport• Assess suitability of modality & client• Explain process• Enter into a Coaching Agreement

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)

Stage	Purpose
1. Intake / Pre-coaching discussion	<ul style="list-style-type: none">• Build rapport• Assess suitability of modality & client• Explain process• Enter into a Coaching Agreement
2. Goal setting	<ul style="list-style-type: none">• Set a target for client to achieve<ul style="list-style-type: none">• Specific / Measurable / Achievable (Attractive) / Realistic (Relevant) / Time-related• Macro & micro goals

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)

Stage	Purpose
1. Intake / Pre-coaching discussion	<ul style="list-style-type: none">• Build rapport• Assess suitability of modality & client• Explain process• Enter into a Coaching Agreement
2. Goal setting	<ul style="list-style-type: none">• Set a target for client to achieve<ul style="list-style-type: none">• Specific / Measurable / Achievable (Attractive) / Realistic (Relevant) / Time-related• Macro & micro goals
3. What happened?	<ul style="list-style-type: none">• Hear & understand client's story• Elicit information to fill in gaps in the story• Challenge the story

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)

Stage	Purpose
1. Intake / Pre-coaching discussion	<ul style="list-style-type: none">• Build rapport• Assess suitability of modality & client• Explain process• Enter into a Coaching Agreement
2. Goal setting	<ul style="list-style-type: none">• Set a target for client to achieve<ul style="list-style-type: none">• Specific / Measurable / Achievable (Attractive) / Realistic (Relevant) / Time-related• Macro & micro goals
3. What happened?	<ul style="list-style-type: none">• Hear & understand client's story• Elicit information to fill in gaps in the story• Challenge the story
4. Why does it matter?	<ul style="list-style-type: none">• Explore impact of conflict on client's wrt<ul style="list-style-type: none">• Identity• Emotions• Power

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)

Stage	Purpose
1. Intake / Pre-coaching discussion	<ul style="list-style-type: none">• Build rapport• Assess suitability of modality & client• Explain process• Enter into a Coaching Agreement
2. Goal setting	<ul style="list-style-type: none">• Set a target for client to achieve<ul style="list-style-type: none">• Specific / Measurable / Achievable (Attractive) / Realistic (Relevant) / Time-related• Macro & micro goals
3. What happened?	<ul style="list-style-type: none">• Hear & understand client's story• Elicit information to fill in gaps in the story• Challenge the story
4. Why does it matter?	<ul style="list-style-type: none">• Explore impact of conflict on client's wrt<ul style="list-style-type: none">• Identity• Emotions• Power
5. Considering other perspectives	<ul style="list-style-type: none">• Help client to be aware of / consider –<ul style="list-style-type: none">• The other party's needs & concerns• Other possible perspectives of the situation

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)

Stage	Purpose
1. Intake / Pre-coaching discussion	<ul style="list-style-type: none"> • Build rapport • Assess suitability of modality & client • Explain process • Enter into a Coaching Agreement
2. Goal setting	<ul style="list-style-type: none"> • Set a target for client to achieve <ul style="list-style-type: none"> • Specific / Measurable / Achievable (Attractive) / Realistic (Relevant) / Time-related • Macro & micro goals
3. What happened?	<ul style="list-style-type: none"> • Hear & understand client's story • Elicit information to fill in gaps in the story • Challenge the story
4. Why does it matter?	<ul style="list-style-type: none"> • Explore impact of conflict on client's wrt <ul style="list-style-type: none"> • Identity • Emotions • Power
5. Considering other perspectives	<ul style="list-style-type: none"> • Help client to be aware of / consider – <ul style="list-style-type: none"> • The other party's needs & concerns • Other possible perspectives of the situation
6. Preferred future	<ul style="list-style-type: none"> • Envisage what the situation would be like when the client's goal is achieved • Reality-test and adjust the vision • Identify the changes to be made / steps to be taken, to achieve the vision.

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)

Stage	Purpose
1. Intake / Pre-coaching discussion	<ul style="list-style-type: none"> • Build rapport • Assess suitability of modality & client • Explain process • Enter into a Coaching Agreement
2. Goal setting	<ul style="list-style-type: none"> • Set a target for client to achieve <ul style="list-style-type: none"> • Specific / Measurable / Achievable (Attractive) / Realistic (Relevant) / Time-related • Macro & micro goals
3. What happened?	<ul style="list-style-type: none"> • Hear & understand client's story • Elicit information to fill in gaps in the story • Challenge the story
4. Why does it matter?	<ul style="list-style-type: none"> • Explore impact of conflict on client's wrt <ul style="list-style-type: none"> • Identity • Emotions • Power
5. Considering other perspectives	<ul style="list-style-type: none"> • Help client to be aware of / consider – <ul style="list-style-type: none"> • The other party's needs & concerns • Other possible perspectives of the situation
6. Preferred future	<ul style="list-style-type: none"> • Envisage what the situation would be like when the client's goal is achieved • Reality-test and adjust the vision • Identify the changes to be made / steps to be taken, to achieve the vision.
7. Action steps	<ul style="list-style-type: none"> • Help client develop and commit to action steps to achieve the goal / preferred future.

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching Process (REAL/CCI model)

Stage	Purpose
1. Intake / Pre-coaching discussion	<ul style="list-style-type: none"> • Build rapport • Assess suitability of modality & client • Explain process • Enter into a Coaching Agreement
2. Goal setting	<ul style="list-style-type: none"> • Set a target for client to achieve <ul style="list-style-type: none"> • Specific / Measurable / Achievable (Attractive) / Realistic (Relevant) / Time-related • Macro & micro goals
3. What happened?	<ul style="list-style-type: none"> • Hear & understand client's story • Elicit information to fill in gaps in the story • Challenge the story
4. Why does it matter?	<ul style="list-style-type: none"> • Explore impact of conflict on client's wrt <ul style="list-style-type: none"> • Identity • Emotions • Power
5. Considering other perspectives	<ul style="list-style-type: none"> • Help client to be aware of / consider – <ul style="list-style-type: none"> • The other party's needs & concerns • Other possible perspectives of the situation
6. Preferred future	<ul style="list-style-type: none"> • Envisage what the situation would be like when the client's goal is achieved • Reality-test and adjust the vision • Identify the changes to be made / steps to be taken, to achieve the vision.
7. Action steps	<ul style="list-style-type: none"> • Help client develop and commit to action steps to achieve the goal / preferred future.
8. Reflection & closure	<ul style="list-style-type: none"> • Summarise the session and the actions to be taken by client. • Get client to reflect on gains made during the session

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching vs Interest-based Mediation

Differences:

- **Conflict Coaching: 1 to 1;**
Mediation: 2 or more parties.
- **Mediation aims to resolve the dispute.**
- **Conflict Coaching may not necessarily aim to resolve the dispute,**
BUT
to empower client to engage in the dispute more confidently, effectively & strategically.

Similarities

- **Future focused.**
- **Assume that client/parties-**
 - **know best how to resolve dispute, &**
 - **can generate their own solutions.**
- **Coach / Mediator –**
 - **is a facilitator / process manager**
 - **does not decide, dictate, advise or counsel.**
- **Client / parties are decision makers.**
- **Private & confidential.**
- **Many models / varied approaches.**
- **Relevant ethics apply.**
- **Ineffective for-**
 - **unreasonable people,**
 - **people with mental / personality disorder.**

Applying Conflict Coaching Techniques in Mediation

Conflict Coaching vs Interest-based Mediation

Common Prerequisites

- **Coach / Mediator must:**
 - be neutral / impartial / non-judgmental;
 - build & gain rapport, trust & confidence;
 - be patient, respectful & empathetic;
 - actively listen;
 - have good communication skills.

Applying Conflict Coaching Techniques in Mediation

Where Conflict Coaching fits in Mediation

- **Pre-mediation meeting.**
- **Private sessions:**
 - before or after joint sessions.
- **When only one party turns up for the mediation.**

Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

1. Goal setting

- Focuses parties on positive outcomes to work towards.
- Overall goal for the mediation:
 - Start of mediation

“As we begin the mediation, could I just ask each of you to tell me what are your goals for coming for mediation? Shirley? Gary?”



Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

1. Goal setting (contd.)

- Smaller goals during each stage:
 - In joint session:

Relate goal to the agenda.

“In the next hour or so, what would you like to discuss & resolve before we take a short break?”

“Shall we first resolve what’s the best way to repair the Plaintiff’s house before lunch? After that, we can resolve how to share the costs between the two Defendants.”



Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

1. Goal setting (contd.)

- Smaller goals during each stage:
 - In private session:



“What would you like to discuss & sort out in this private session that will bring you closer to an amicable settlement?”

“Shall we work out a proposal that you can make at the next joint session, as well as how you are going to present it to them?”

Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

1. Goal setting (contd.)

- Don't make achieving the goal an ultimatum.
- **Cheer the parties for whatever gains made.**
- Break the goal down to facilitate incremental achievement.
- **Continue to motivate them towards achieving the goal.**



This photo by Unknown Author is licensed under [CC BY](#)

Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

2. Challenging the Story

- Usual psyche of most disputants:

"I'm the good one."

"I'm the innocent victim here."

"I'm telling the truth here."

"I didn't do anything."

"I was just minding my own business."

"I have nothing against him."



"He's the bad one."

"He's the villain."

"He's making it all up."

"It's all his fault."

"He's the one who started it."

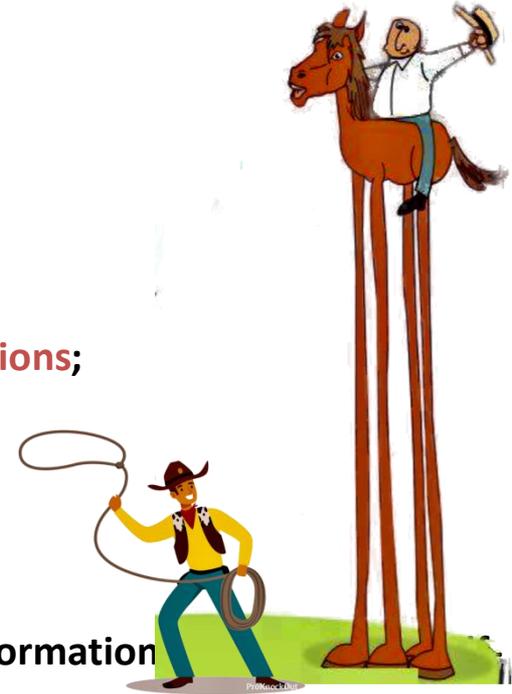
"He hates me and is out to make my life miserable."

Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

2. Challenging the Story (contd.)

- To non-judgmentally help the party to consider -
 - his/her own **possible biases**;
 - the validity of his/her **assumptions & conclusions**;
 - **different perspectives** to the situation;
 - his/her **own contributions** to the situation;
- Listen out for exaggerations, time gaps, missing information, justification, etc.
- **Ask questions (& use other tools) to test the story / fill in gaps.**
- **Give feedback for consideration.**



Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

2. Challenging the Story (contd.)

*"She hated my family since the very day we moved in.
She's always picking on us – coming to bang on our door every other day to complain about our shoes, plants and other things in the corridor, and that our children make a lot of noise.
Look, we have 3 young kids; surely some noise is inevitable, why be so sensitive and difficult? And surely we have the right to put a few pairs of shoes and some plants outside our house?
She too has so many things in the corridor but we don't complain.
Two months ago she shouted at my kids for bouncing their ball in the corridor.
They were so traumatised till they had nightmares.
She also accused them of being rude to her. Come on, they are just kids, and sometimes kids say things without thinking, so why take it so seriously?
Then last week, she suddenly lodged a police report accusing us of causing nuisance to her.
She's totally unreasonable and a real neighbour from hell.
She's trying to force my family to move out ..."*

No basis.
Exaggeration.
Self-justification.
Playing up own virtues.
Time gap / missing information.

Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

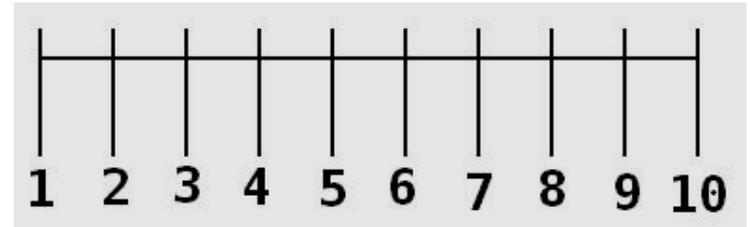
2. Challenging the Story (contd.)

- **Be gentle & respectful.**
- **Don't talk down.**
- **Don't overdo / cross-examine.**

Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

3. Scaling Questions



- Useful for reality testing

“On a scale of 0 to 10, with 0 being absolute quietness, and 10 being noise at a volume where you can’t even hear yourself talking, how you rate the volume of their karaoke singing?”

“Out of seven days a week / in a space of 24 hours, how often do they sing?”

“On a scale of 0 to 10, with 0 being absolutely not, and 10 being definitely, how do you rate your chances of winning at trial?”

- Don’t over-use.
- Complement with other tools.

Applying Conflict Coaching Techniques in Mediation

Useful Tools & Interventions

4. Considering a Different Perspective

A. Own Observation / Reflection



“How do you think they might be feeling about this?”

“How do you think this might have affected them?”

“What argument do you think they would raise to counter your argument?”

“How do you think they might react to your proposal?”

Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

4. Considering a Different Perspective (contd.)

B. Trying on Their Shoes

*“If you were in her shoes,
how would you feel about this?”*

*“If you were her, how would you
react to this?”*

*“If you were them /their lawyer, what argument would
you raise against your own case?”*

*“On a scale of 0-10, how convinced would you be with that
argument as opposed to your own?”*



Applying Conflict Coaching Techniques in Mediation

• Useful Tools & Interventions

4. Considering a Different Perspective (contd.)

C. Fly on the Wall Observation



“If there was a fly on the wall watching this whole dispute between you Shirley, and him Gavin, what might the fly be thinking -

- was the real cause of the dispute?*
- were your respective contributions to the dispute?*
- about your saying that it was all Gavin’s fault?”*

Where appropriate, reference may be made to a significant person instead of a fly, e.g.:

“If your late mother / your Guardian Angel / Mother Mary / Guanyinma were watching this whole dispute between you and Gavin, what might she be thinking?”

Applying Conflict Coaching Techniques in Mediation

• Useful of Tools & Interventions

4. Considering a Different Perspective (contd.)

D. Watching a Movie



“If we were watching a movie in which this whole situation between Gavin and you, Shirley, were being played out, what would you feel –

- *was the real cause of the dispute?*
- *were their respective contributions to the dispute?*
- *about Shirley saying that it was all Gavin’s fault?”*

“If you were the scriptwriter, how would you create a happy ending in which they resolve the dispute amicably?”

Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

5. Revisiting & Rewriting the Past

- Reviewing the past to find a way forward into the future.
- Helps party confront / realize / address own contributions to the situation.

“If you could go back in time to when the goods were damaged, what might you do differently this time?”

“How might this have made a difference in the situation?”

“What ideas can you draw from this to find a way to resolve the situation now?”

“What would you do differently the next time in a similar situation?”



Applying Conflict Coaching Techniques in Mediation

- **Useful Tools & Interventions**

6. Mentor's Table

- **Tool to help party tap into inner wisdom.**
- **Helpful for difficult decisions.**
(e.g. whether to accept a proposal).
- **Mentor(s) can be real or imaginary.**
- **May involve working with party's belief system.**



Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

6. Mentor's Table (contd.)

Steps:

- *Seek permission before using the tool.*
- *Ask party to imagine inviting into the room one or more (max 3) persons whose wisdom / guidance he values.*
- *Ask party to seek the advice of each person on the difficult question.*
- *Allow / encourage party to “converse” with the Mentor(s).*
- *Note the answers obtained & explore them with the party .*



Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

6. Mentor's Table (contd.)

Example:

“Would you allow me to use a coaching tool that might help you gain some clarity?”

I want you to think of one or 2 or 3 persons whom you trust and turn to for wisdom and guidance whenever you're faced with a difficult situation.

Now, imagine they're here with us in this room.

Put the question to them and seek their guidance.

What does A say? What about B? What about C?

Considering what they each say, what do you think is the best way forward?”

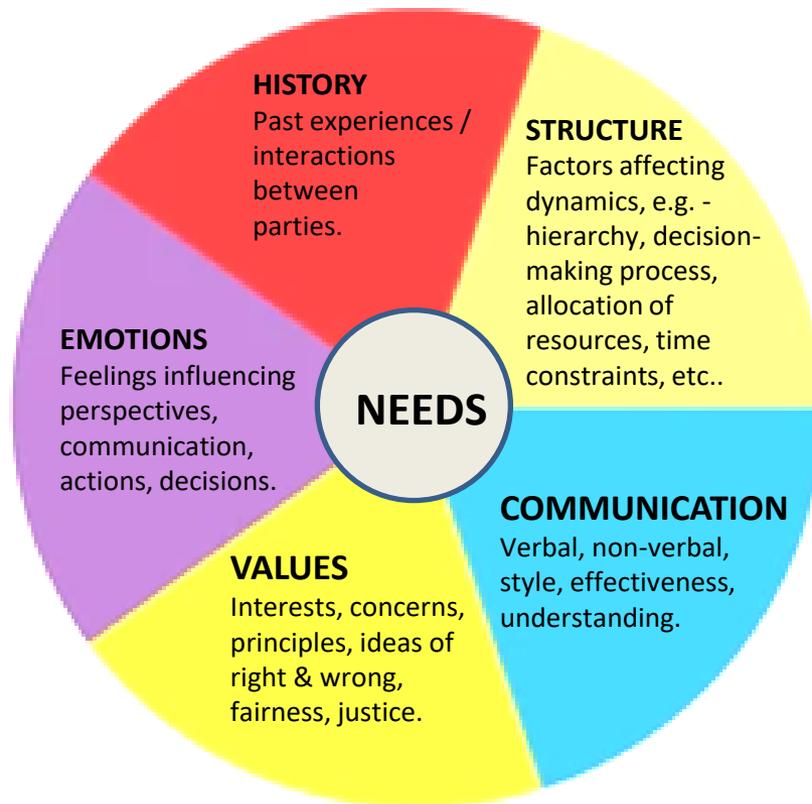


Applying Conflict Coaching Techniques in Mediation

• Useful Tools & Interventions

7. Coaching Wheels

A. Wheel of Conflict (B Mayer PhD)



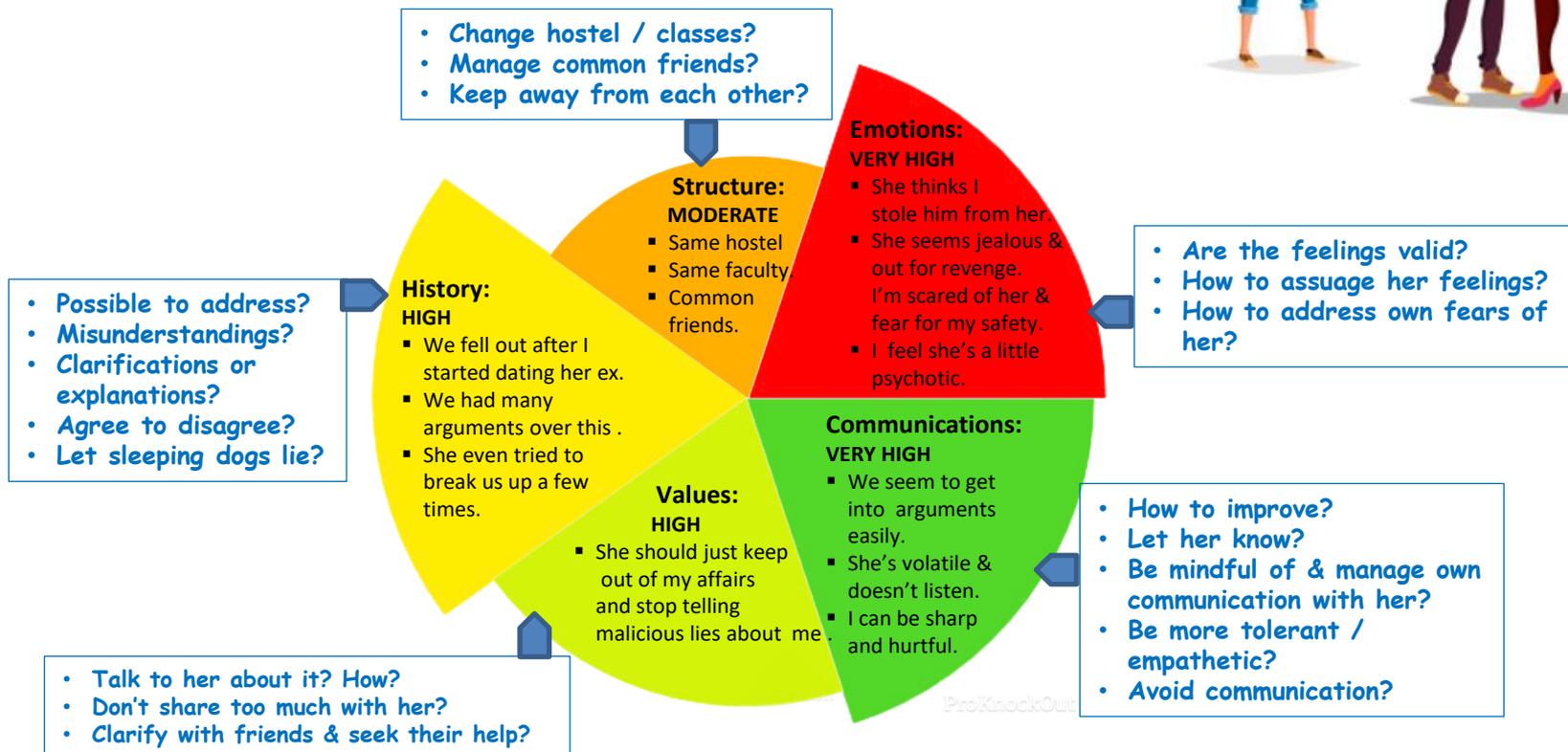
- Identify the causes of the conflict & their weightage.
 - e.g. LOW / MODERATE / HIGH / VERY HIGH
- How could each cause be addressed?
 - Generate Options.
- What changes / compromises / exceptions can or need to be made?
- How can they be made?
- Action plan.

Applying Conflict Coaching Techniques in Mediation

• Useful Tools & Interventions

7. Coaching Wheels

Wheel of Conflict Example: Love Triangle on Campus



Applying Conflict Coaching Techniques in Mediation

• Useful Tools & Interventions

7. Coaching Wheels

B. Wheel of Problem-solving Choices



- Brainstorm possible options & fill in the sectors of the Wheel.
- **Prioritize options according to preference.**
- Consider each option's-
 - suitability
 - pros & cons
 - Feasibility
 - likelihood to resolve the dispute.
- **Select the best**
OR
- **Devise an action plan based on one or more options.**

(Alternative method: simple list / post-its.)

Applying Conflict Coaching Techniques in Mediation

- **Useful Tools & Interventions**

8. Powerful Coaching Questions

Help party to –

- gain clarity of the situation,
- **self-reflect,**
- consider other perspectives,
- **make beneficial mindset or behavioural shifts,**
- think creatively,
- find illumination & enlightenment,
- focus on & work towards amicable resolution.



“Wow! Why didn’t I think of it / see it that way before?”

Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

8. Powerful Coaching Questions (contd.)

- Questions to encourage peacemaking mindset

“What’s your idea of an amicable (mutually acceptable) settlement?”

“What difference will settling this dispute bring to you & the people who are significant to you?”

What would the situation be like (for you and them) if we do not manage to reach a settlement?”

“What’s one first step that you could take towards achieving an amicable settlement?”



Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

8. Powerful Coaching Questions (contd.)

- The “Tarot Spread” Questions

“How is the dispute affecting you?”

“How do you envisage to resolve the dispute?”

“What’s in your favour?”

“What might work against you, and how will you address it?”

“What’s one first step that you could take towards achieving an amicable settlement?”



Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

8. Powerful Coaching Questions (contd.)

- Questions devising / refining settlement proposal

“What would you propose to them as a settlement?”

“How will this work?”

“How would you persuade them to agree?”

“If you were them, would you agree to it? / If not, why not?”

“How can you make it better, to persuade them?”

“What if” / What’s your Plan B?”

Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

8. Powerful Coaching Questions (contd.)

- Other useful Questions

“What’s stopping you from ? / What’s making it difficult for you to...?”

“If there is something that you wished you could say to him / he would understand, what is it? How might it make a difference?”

“If there’s something that’s making it hard for you to end the dispute, what is it? How does staying in the dispute serve you?”

“Five years from now, when you look back at this episode, how would you want to feel about the way you handled it?”

“How do you want to be feeling every time you bump into each other in the corridor?”

Applying Conflict Coaching Techniques in Mediation

- Useful Tools & Interventions

9. Rehearsing the Difficult Conversation

“What do you want to say to him?”

“How would you say it?” (Let’s hear it.)

“How do you think he might react if you said it like this?”

“Is there something you might want to adjust?”

“Do you want to try it first / again before you see him?”

*“**What** would your next step be **if** his reaction were A?”*

*“**What** would your next step be **if** his reaction were B?”*



Applying Conflict Coaching Techniques in Mediation

When one Party is Absent for Mediation

- **Complainant absent:**
 - Complaint dismissed.
 - Complainant may restore for good reasons.
 - Encourage Respondent to consider possible perspectives & ways to settle.
- **Respondent absent**
 - Arrange another mediation session
 - Withdraw complaint
 - Proceed towards private prosecution.
 - Encourage Complainant to holistically consider available options.
- **Mediator should NOT give advice or decide for party.**
- **Be careful not to overstep boundaries.**

Applying Conflict Coaching Techniques in Mediation

Conclusion

- Use Conflict Coaching tools to help party –
 - gain clarity,
 - tap into his/her inner wisdom,
 - acquire a more objective & holistic perspective,
 - consider alternatives,
 - make beneficial mindset / behavioural shifts,
 - make better, well-considered & constructive choices,
 - devise a workable, durable action plan for resolving the dispute,
 - prepare to engage in difficult conversations.
- **Conflict coaching the parties can enlarge the ZOPA in mediations.**
- *The tools should not be used to manipulate the party in a direction of the Mediator's preference, against the party's inclinations.*
- *Not all tools will be relevant / usable in every situation.*
 - *E.g. context / time / responsiveness*
- *Know when to desist / change tools when party is not responding positively.*

Applying Conflict Coaching Techniques in Mediation

End of Presentation.

Thank you.