Breaking Impasse

A Look Inside the Mediator's Toolbox

David Hoffman

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1

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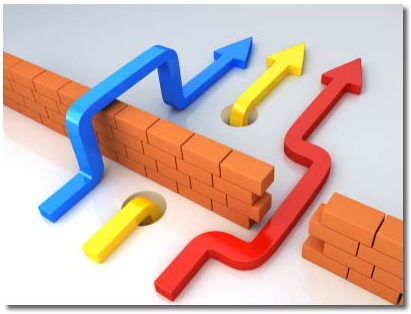
Techniques for Breaking Impasse (partial list)

1. Diagnose settlement barriers



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Techniques for Breaking Impasse (partial list)

1. Diagnose settlement barriers
2. Missing information?

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Techniques for Breaking Impasse (partial list)

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Techniques for Breaking Impasse (partial list)

1. Diagnose settlement barriers
2. Missing information?
3. Missing people?
4. Change the players?

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Techniques for Breaking Impasse (partial list)

1. Diagnose settlement barriers
2. Missing information?
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5. Partial settlements?

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Techniques for Breaking Impasse (partial list)

1. Diagnose settlement barriers
2. Missing information?
3. Missing people?
4. Change the players?
5. Partial settlements?
6. Other ADR processes?

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Techniques for Breaking Impasse (partial list)

1. Diagnose settlement barriers
2. Missing information?
3. Missing people?
4. Change the players?
5. Partial settlements?
6. Other ADR processes?
7. The power of narrative

"**The story** . . . is **one of the basic tools invented by the human mind for the purpose of understanding.** There have been great societies that did not use the wheel, but there have been no societies that did not tell stories." - Ursula K. Le Guin

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2. Missing information?
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4. Change the players?
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6. Other ADR processes?
7. The power of narrative
8. Remind parties about common interests

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9. Identifying possible trades

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6. Other ADR processes?
7. The power of narrative
8. Reminding parties about common interests
9. Identifying possible trades
10. Metaphor

"The ***metaphor*** is the most powerful tool known to humankind." - Jose Ortega y Gasset

Parents as Co-Pilots

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11. Food

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6. Other ADR processes?
7. The power of narrative
8. Reminding parties about common interests
9. Identifying possible trades
10. Metaphor
11. Food
12. Silence

"Speak only when it improves upon the silence." - Mahatma Gandhi

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Techniques for Breaking Impasse (partial list)

13. Take a break / distraction

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Techniques for Breaking Impasse (partial list)

13. Take a break / distraction
14. Role reversal

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Techniques for Breaking Impasse (partial list)

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Techniques for Breaking Impasse (partial list)

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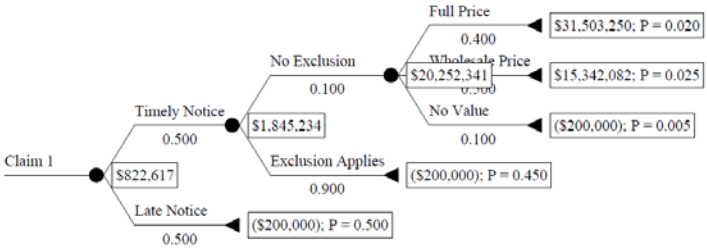
15. Apology
16. Acknowledgement
17. Case evaluation



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16. Acknowledgement
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18. Use of hypothetical proposals
19. Confidential last best offer

Only the Mediator sees the offers

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19. Confidential last best offer
20. Mediator's proposal

Yitzhak Rabin, Bill Clinton, and Yasser Arafat

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21. Remind parties that mediation is voluntary
22. Setting deadlines

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22. Setting deadlines
23. Schedule time to reconvene

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19. Confidential last best offer
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21. Remind parties that mediation is voluntary
22. Setting deadlines
23. Schedule time to reconvene
24. Begin drafting agreement

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Technique for Breaking Impasse

Tenacity

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