

Hello and thank you much for downloading this PDF. I know how difficult it is managing a job that frequently brings you into contact with people who are having high conflict disputes. I'm going to give you some tips for diffusing some of that conflict.



I'm Louisa Whitney.

When I was working as a solicitor, I actually didn't feel like learning anything new because I was so fed up and stressed out that I had no capacity to take on anything else. I felt like my heart wasn't in my work and I was always playing catch up with my home life. I felt like I wasn't being the best parent I could, or the best lawyer I could and I had a lot of guilt about this. I didn't feel fulfilled.

In 2012 I did my mediation foundation training. I had a foot in both lawyer and mediator camps for about a year. Then in 2013 I decided that it had to be better to try things and fail than to never know. I resigned from my position as a solicitor and shortly after that set up LKW Family Mediation. I am still here, so something must have gone right!

Working in a way that worked better for me enabled me to develop a new enthusiasm for learning. I no longer had to go on tedious courses about case law. I could study anything I felt might help me in my work as a mediator. I became very interested in conflict and how it occurs and what can help to diffuse it a little.

I've also come to realise that I am in a fortunate position of having taken the leap to earn my income purely from doing things I love - namely mediation, mentoring and training. Don't get me wrong, there have been many challenges in running my own business, but every day I appreciate how much I love my work and that I am master of my own working life. That is something that I also love to share with others.

I describe my career switch in this way: as a lawyer I helped people to put out fires that they started; as a mediator I could teach them how to avoid starting fires in the first place. If I can take what I have learned since I set up my mediation practice to help lawyers also teach clients how to avoid starting fires then imagine the impact of this on how we offer family justice in this country!

In time it could provoke a cultural change around separation which is something I am very much in favour of. Imagine an episode of Eastenders where the separating couple sit down and talk constructively rather than yelling! (Look I can dream).

These are the top 5 tips that you can teach clients to help them manage their conversations more calmly and constructively (they work for any conversations so you can also use them yourself!):

## TIP 1

### WHAT ARE THE CURRENT BARRIERS TO BEING CALM?

This is really important. Calm is an essential ingredient in a constructive conversation but there are physiological barriers to the calm state needed. If your client is stressed, pressured and overwhelmed then they may well be in their fight or flight response which means they simply don't have access to their full brain functioning. If this has been going on for a long time then they have probably had adrenaline and cortisol rushing into their system for some time. We know the long term effects stress can have on people and it's not conducive to being calm. People who are anxious, on edge, worried and scared will find it harder to have calm conversations. Looking after yourself has to be a priority in any stressful situation to help counteract the stress response that goes on in the body.

## TIP 2

### KNOW YOUR TRIGGERS

You know you want to have a calm conversation but someone says a particular thing and then wow you've gone from calm to incandescent or sobbing in a nano second. We all have triggers. These can be things that we're afraid of. It might relate to something that happened to us in childhood or adulthood. It might be related to the person we're having the conversation with, or it might be something that triggers you with anybody. This often happens to those dealing with a separation but it happens in all difficult conversations too.

By being aware of what might trigger us we take our power back. We know something might be a trigger but firstly we're aware of it so we can choose how we react (our fight or flight doesn't kick in in the same way). Secondly, by being aware of our triggers it enables us to give some forward thinking to what might be difficult for us to hear and to address this, or at least, work on hearing difficult things.

### TIP 3

#### A LESSON IN PROPERLY LISTENING

Newsflash from a family mediator: lots of people don't listen properly. Often we listen to respond so we filter some of the information for the bits that we particularly need. Separating couples sometimes listen to react: they have a view on what the other person is thinking and they're upset or angry about it. As soon as they hear something (anything!) that they think confirms that's how the other person feels they're off. It might be shouting or crying but they've heard enough to confirm their view. **Listening to understand is different.** It's listening without any preconceived views on what the person might be saying or mean. You are listening purely to appreciate their point of view. A little confession: I don't think I did this as a lawyer. I just listened for the key bits of information I needed and I'm sure I missed a lot as a result of this.

### TIP 4

#### ACKNOWLEDGE AND SUMMARISE

Once you have listened to someone (and listened to understand) then it can help to summarise what you think they're saying. This enables you to check if you've understood but it also enables them to check that they've been heard on things that are important to them. It can easily iron out any misunderstandings at an early point. Acknowledging emotions can also be a very powerful tool. You might privately think that you don't know why someone is upset about something but if you can say "I can see this has upset you" it helps the person to feel seen and heard. This is really powerful in discussions between separating partners.

### TIP 5

#### USE "I" LANGUAGE AND AVOID WHY OR WHAT WORDS

One of the things about difficult conversations is that one or both parties often feel defensive even before a conversation starts, so it can help to avoid language in the conversation that might trigger defensiveness. Starting any question with "why" or "what" can make the other person feel like they are being asked to justify themselves. A way round this is to ask things like "I'm wondering" or "I'm curious". For example "I'm wondering how you felt when this happened". Or "I can see this was a difficult time for you and I'm curious to understand what led up to this event". This can help the person to feel more open to discussions. If you're having to approach a particularly challenging part of a difficult conversation then it can also help to soften your tone a little.

## I am excited for you to try these

I would love you to try out these tips and see how you get on. I give them to you to help you assist your clients in having calmer conversations with their ex-partners but they're useful for all conversations - whether that's at work with colleagues or partners, or at home with our life partners, family and friends.

## How can I help you further ?

I am always willing to answer an email or point you in the direction of further learning so please always get in touch. I also run training events and workshops for lawyers that are all designed to help you develop skills to work in a way that lights you up a bit more.

You can have a look at the [training program](#) to find out about forthcoming events, and please follow LKW Family Mediation via your favourite social media channel.



If you have found this useful then please encourage others to check out the social media pages or to download this too. I honestly want to share this knowledge with as many people as possible. If you'd like to join a supportive and free community to learn more then why not join my LinkedIn Group with communication tips for lawyers?

Thanks and do let me know how you get on using these tips. I'd love to hear if they made a difference for you.

*Louisa*



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