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PERSPECTIVE

Managing conflict at your Fourth of July gathering

By Richard Birke

Most days, I'm busy at work preventing or resolving conflicts in health systems, institutions of higher education, trade associations and other complex business entities. But on July Fourth, like many of you, I'll be looking to keep the peace at social gatherings – some of which may involve alcohol and incendiary devices. Based on my 35-plus years in the field, I'd like to offer four tips for the Fourth that will help you keep the heat where it belongs: on the grill and not on the picnic table.

DTIP 1: Keep 'em busy.

When we mediate, it's often the case that we shuttle from room to room, party to party. That leaves at least one group alone while the mediator is attending to another. In my mediations, I generally give homework to the group I'm leaving, saying something like "I'll be back in 30 minutes, and we'll be talking about ways to address issue X, so start coming up with ideas and anticipated critiques." That keeps them from wondering why I'm spending so much time with their opponent.

At a party, in order to keep people from getting into heated discussions about politics, structure activities and give people chores. Have a few up your sleeve for just the right moment. When Uncle Harold is starting to nitpick Cousin Jessye's choice of hair color/friends/politics/diet, maybe that's exactly the time



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to ask Harold or Jessye to load the dishwasher or make a run to the garage to get more ice!

TIP 2: Keep the focus on the future.

Legal disputes generally resolve when people start thinking about all the great things they can be doing instead of continuing with emotionally and financially costly litigation. When the head of the widget factory can go back to making widgets instead of appearing in depositions, their mood turns from backward-focused and full of blame to future-oriented and full of possibility.

When family and friends gather they often want to rehash the past.

Sometimes that's just lovely. Who doesn't like to reminisce about the good old days? But it can sometimes turn into an ugly scene where old grievances resurface. If you happen upon some relatives living in the past, try to interject some news about an upcoming event, such as a birth or birthday, a summer vacation plan, or even the location of the next family feast (it's never too early to start thinking about Thanksgiving dinner!).

TIP 3: It's easier to advocate for others than for yourself.

I know plenty of lawyers who are conflict-averse in their personal lives, but when advocating for a client,

they are fierce and unafraid. They might feel selfish asking for their own rewards, but they aren't at all shy on behalf of someone else.

So when someone is ready to blow off some fireworks too near the house (assuming that fireworks are legal in your particular municipality; check your local codes!), it's easier to talk about how frightened the puppy will be than it is to talk about your dislike of the smell of the smoke. And if you don't have a puppy or kitten in residence, there's sure to be one in a neighbor's house – maybe owned by a little child, a sympathetic "client" who needs and deserves your advocacy.

TIP 4: Replace judgment with curiosity.

If you work around legal disputes long enough, you'll hear some pretty outrageous arguments made with straight faces. And you've probably also found that countering verifiable falsehoods with verifiable facts frequently fails to persuade.

Many superstar problem-solvers take the opportunity, when confronted with such arguments, to inquire deeply and sincerely. "How did you arrive at that amount of damages? Explain your legal reasoning to me as if I were a three-year-old. I think I must be missing something..." (credit to Denzel Washington in "Philadelphia" for that line).

When someone wants to argue why their view of politics (it's usually politics) or some other controversial topic is the right or only way – and you realize by the hairs on your neck rising or your brow furrowing deeply that you are full to the brim with judgment, disarm them by refraining from arguing back, and instead open yourself up to learning something. The thing you learn may not be persuasive to you, but it may give you some insight into the roots of a pattern of thinking unfamiliar to you. And it's certainly a surer path to quieting down the person picking the fight than fighting back and inviting further escalation. Replacing judgment with curiosity is a very

hard thing to do in a heated moment, but when you can pull it off, it's magic.

Resolving conflict requires a large toolkit, and the better stocked you are, the more nimble and successful you're likely to be. We hope these tips help you have a peaceful and happy Fourth of July.

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