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Awareness of all conflict styles helpful in negotiations process

Clients of family law attorneys are often in a state of crisis, and specifically, those undergoing a divorce display a wide range of emotional reactions to conflict.

Attorneys who understand their own reactions to conflict can smooth the negotiation process to make room for more favorable discussions and outcomes for their clients.

It is understood that people have different inherent or default approaches to resolving conflict. Family law attorneys are often capable of seeing their client's approaches to conflict, yet may have difficulty understanding their own. Perhaps this is because conflict is a sensitive topic. Neither clients nor attorneys like to admit they have conflicts with others because conflict tends to have a negative connotation.

An attorney who understands his or her approach to conflict can effectively understand where the other side is coming from and subsequently may be capable of yielding more positive results for his or her client in the divorce process.

Similarly, a client who is capable of understanding his or her own approach to conflict may be more effective in creating new communication patterns with the other party moving forward and may be more amenable to negotiating.

Five default conflict styles

There are five styles when approaching and dealing with conflict: competing, compromising, collaborating, avoiding and accommodating. These five styles can help attorneys — and possibly their clients — understand and identify behavioral patterns of their own and their counterparts.

An attorney's style should adjust as negotiations move forward and as the attorney gains perspective on his or her counterpart's default conflict style. There is no right style as each style has advantages and disadvantages depending on the situation.

Some characteristics of each

style follow:

- **Competing** — assertive and uncooperative; a power-oriented mode; this person may pursue his or her concerns at the other person's expense. This style can be used effectively when decisions need to be made — for example, in an emergency situation.

- **Compromising** — intermediate in assertiveness and cooperativeness; this person looks to find a practical and mutually acceptable solution that partially satisfies both parties. A person using this style is striving for even distribution or seeking a middle ground. This style can be used effectively to achieve temporary settlements to complex issues or to arrive at a solution under time constraints.

- **Collaborating** — assertive and cooperative; this person listens and looks for needs and interests of all parties to find common ground. A person using this style is attempting to work with the other person to find a solution that fully satisfies all concerns. This style can be used effectively to fuse insights of two individuals with very different perspectives on an issue.

- **Avoiding** — unassertive and uncooperative; this person may not address conflict at all. A person using this style may either be withdrawing from conflict or uti-

COLLABORATIVE CONCEPTS



**BETH
FAWVER
McCORMACK**

Beth Fawver McCormack is a partner at Beermann. She practices exclusively in family law matters and is a collaborative law fellow, mediator and child representative.

own concerns to satisfy the other person. A person using this style may be making too many sacrifices and, as a result, may reduce creative solutions. This style can be used effectively when the issue is more important to others than it is to you, or when continued competition will only hinder the process.

Measuring conflict styles

There are two main tools for determining conflict styles: the Thomas-Kilmann Conflict Mode Instrument and the Dynamic Negotiation Approach Diagnostic. Both tests frame questions in "socially desirable ways," perhaps to alleviate the tendency to view conflict in a negative light.

The TKI helps identify default approaches to conflict. It focuses

on two tendencies in negotiation: assertiveness and empathy.

The TKI contains 30 pairs of statements that might describe a person's approach to generic conflict with another person; the test taker will choose the option that best describes them. The test is designed to help people gain awareness of their default conflict style and how they instinctively may resolve tensions between as-

Importance of understanding conflict styles

During a divorce, clients may be unable to determine their default conflict styles to aid in more effective communication. Fortunately, an attorney who is self-aware of his or her own default conflict style can utilize this skill to promote effective negotiations.

The tests discussed not only assist attorneys in understanding their own default conflict styles, but can also help them in identifying the default conflict style of their counterparts.

Our personal preferences for handling conflict often translate into our default style. However, your personal default conflict style should change depending on your counterpart and the conflict presented. Though difficult, it is important to acknowledge that at times, your default approach to conflict may not effectively serve you, and perhaps more importantly, your client.

For example, someone with a default competing style may look to utilize other conflict styles in a collaborative atmosphere where the goal of negotiating is to reach agreements and not simply to be right.

Having the ability to ebb and flow through a negotiation by employing and identifying different conflict styles can make the difference between constructive or destructive communication, effective or ineffective decision-making and whether or not the parties are able to reach important and life-altering agreements.

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lizing it to postpone an issue for a better time. This style can be used effectively in situations where the potential costs of confronting a conflict outweigh the benefits of resolving it. It may also be an effective tool to cool down the room and help all individuals involved regain composure.

- **Accommodating** — unassertive and cooperative; this person may neglect his or her