

**EMERGING CAREERS IN CONFLICT RESOLUTION:  
REACHING NEW MARKETS WITH SKILLS YOU ALREADY HAVE**

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According to federal Department of Labor Statistics, in 2012, there were approximately 759,800 attorneys working in the United States (“US”). The US had an estimated population of 316,128,839 in 2013, when the District of Columbia and Puerto Rico were included. See <http://lawschooltuitionbubble.wordpress.com/original-research-updated/lawyers-per-capita-by-state> (Visited 07/27/14 at 6:11 PM EDT). Assuming these statistics are accurate, more than 43% of all US lawyers work in New York and California. Yet when last calculated, more than 4.3 million court users in California were self-represented. See Report of California Judicial Council Task Force on Self Represented Litigants (2004). Businesses such as LegalZoom and Rocket Lawyer have emerged to fill some of the gaps, but there is evidence that many parties go without counsel because they: a) can’t easily find affordable counsel, b) don’t know about clinics, c) don’t qualify for free services, d) don’t trust attorneys, e) don’t trust the process, f) over-estimate their ability to represent themselves, or g) some combination of these. For those willing to Stay on PARR™ (Plan, Act, Revise, Repeat) until they get the results they want in their careers, there might be huge opportunities that are more financially lucrative, personally fulfilling and otherwise meet individual definitions of success.

**\*Stay on PARR is a trademark of Nance L. Schick, Esq. and is a crucial step in the Third Ear Conflict Resolution process.**

Each panelist has packaged her or his unique education, interests, and work and life experiences to create a law, mediation or multi-disciplinary practice that is filling gaps in the dispute resolution marketplace. One of the ways I am expanding my market is to package a program that I first presented here, at the SCMA Conference, in 2006. In this handout, I use the Third Ear Conflict Resolution™ process to work through conflicts you might be having with your career. In the process, I apply mediation techniques to define the conflict, identify the interests underlying and driving it, play with the wide range of possible solutions, and create the future by developing an action plan for the coming week. Then, again, we Stay on PARR™ until we get the results we want—or something better. I currently think I got something better than I imagined possible, and this continues to unfold a little more for me each day. I am developing what my new friend, J. Kim Wright, calls “a charmed life.” I want you to have one, too.

STEP ONE: DEFINE THE CONFLICT. In the background information above, I already identified some potential conflicts: between the court purposes and their resources or between the needs of the communities they serve and their availability. For the purposes of this exercise, let’s look at how this is playing out in your life as a conflict resolution professional. It’s probably some variation of:

I am not happy that I have to do \_\_\_\_\_ to keep my practice financially viable.  
I don’t think it’s right that \_\_\_\_\_.  
I disagree with \_\_\_\_\_ about the proper way to \_\_\_\_\_.

You might even disagree with me, but I ask you to set that aside and complete the exercise anyway.

STEP TWO: IDENTIFY YOUR INTERESTS. We aren't going to address the interests of the courts, communities or parties yet. Once you've begun to master your own conflicts you can take that on and let me know how I can support or contribute to your vision. In the meantime, let's look at you.

I want/wanted \_\_\_\_\_.  
I think/thought \_\_\_\_\_.  
I believe/believed \_\_\_\_\_.  
I expect/expected \_\_\_\_\_.  
I wish/wished \_\_\_\_\_.  
I have to \_\_\_\_\_.  
I'm afraid that \_\_\_\_\_.

Notice, as you do with your clients, which of these interests are in the present tense and still very much alive for you and which ones are in the past tense and seem like disappointments you just have to accept.

STEP THREE: PLAY WITH THE POSSIBILITIES. You have the tools you need to create the future you want. You can see opportunity and solutions in others' problems all of the time. If anything, you can't stop seeing the possibilities for them. See them for yourself, too.

If I could have this conflict resolve in any way possible \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Allow yourself to go a little crazy and declare the things you think you don't deserve or can't possibly happen. You're not locked into this vision, although you are welcome to create it in your reality.

STEP FOUR: CREATE THE FUTURE. Those of you who accepted my challenge and created a vision that seems like a fantasy might be feeling pretty uncomfortable now. That's, well, fantastic! You are pushing yourself outside of your comfort zone and now get to design an action plan that disproves some of the limitations your brain put on your life. Declare three to five actions you will take over the next week to start moving your career again in a direction you want to explore. I recommend that you put them in "SMART" form, making them Specific, Measurable, Attainable, Reaching, and Time-bound. For example:

I will draft a Perfect Pitch\* for my practice by Friday.

1. I will \_\_\_\_\_ daily/by/on \_\_\_\_\_.
2. I will \_\_\_\_\_ daily/by/on \_\_\_\_\_.
3. I will \_\_\_\_\_ daily/by/on \_\_\_\_\_.
4. I will \_\_\_\_\_ daily/by/on \_\_\_\_\_.
5. I will \_\_\_\_\_ daily/by/on \_\_\_\_\_.

\*The key elements of a perfect two-minute pitch are your name, business name, location, years in business, problem you solve, target market or client, number and type of employees, current and projected revenues, and plans for scaling your business.

**STEP FIVE: Take the action, and stay on PARR™.**

I also recommend that you schedule time to complete the above actions, and block out that time on your calendars before you leave the conference. Then, make sure you're reviewing your calendar each day and checking your progress. If you didn't get something done when you planned, consider why you didn't, whether you still want or need to do it, if it can be delegated, or if you're satisfied that it didn't get done.

# RESOURCES

## Books to Help You Clarify Your Career Vision:

- Good to Great, Jim Collins
- Life without Lawyers, Philip K. Howard
- Delivering Happiness, Tony Hsieh
- Start with Why, Simon Sinek
- The End of Lawyers, Richard Susskind

## Other Books in My Wisdom Center:

- Quitter, Jon Acuff
- Punch Fear in the Face, Jon Acuff
- Getting Things Done, David Allen
- Managing By Values, Ken Blanchard and Michael O'Connor
- The Artist's Way, Julia Cameron
- Money Drunk, Money Sober, Julia Cameron and Mark Bryan
- The Secrets of Simplicity, Mary Carlomagno
- The Five Love Languages, Gary Chapman
- Secrets of the Millionaire Mind, T. Harv Ecker
- The Miracle Morning, Hal Elrod
- The 4-Hour Work Week, Timothy Ferriss
- Bend, Not Break, Ping Fu
- The Partnership Charter, David Gage
- Faces of America, Henry Louis Gates, Jr.
- Tribes, Seth Godin
- Ask and It is Given, Esther and Jerry Hicks
- Who Moved My Cheese?, Spencer Johnson, M.D.
- Leading from the Heart, Jack Kahl
- Money is My Friend, Phil Laut, Jeffrey Coombs and Lisa Kitter
- Mastery, George Leonard
- The Compass of Pleasure, David J. Linden
- Are We Rome?, Cullen Murphy
- Drive, Daniel H. Pink
- Entreleadership, Dave Ramsey
- Financial Peace, Dave Ramsey
- The Total Money Makeover, Dave Ramsey
- The Celestine Prophecy (series), James Redfield
- The Diamond Cutter, Geshe Michael Roach and Lama Christie McNally
- The Happiness Project, Gretchen Rubin
- The Four Agreements, Don Miguel Ruiz
- The Voice of Knowledge, Don Miguel Ruiz
- Spousenomics, Paula Szuchman and Jenny Anderson
- Who Owns the Ice House?, Clifton Taulbert and Gary Schoeniger
- Mavericks at Work, William C. Taylor and Polly LaBarre
- The Purpose Driven Life, Rick Warren
- The Law of Divine Compensation, Marianne Williamson
- The Art of Possibility, Benjamin and Rosalind Stone Zander

Courses that Have Influenced Me:

- The Happy Practice (CLE)
- Litigation Survival Skills (CLE, renamed “Ethically Satisfying Client Needs” on Lawline.com)
- The Landmark Forum and Curriculum for Living
- FastTrac Growth Venture

Organizations I Dance with:

- American Bar Association (for its Rebel Lawyers series, Law Practice Management Committee and Annual Tech Show)
- Conversations NYC
- Cutting Edge Law
- New York City Bar Association (for its Alternative Dispute Resolution Committee and Contemplative Lawyers’ Group)
- Renaissance Lawyers

## **EMERGING CAREERS IN CONFLICT RESOLUTION: REACHING NEW MARKETS WITH SKILLS YOU ALREADY HAVE**

*PREFACE: Everything starts with who you are as a person, in terms of strengths and weaknesses, so that you can align your "Self" with your professional role*

### **For instance, "Hass is a business Peacemaker:"**

Hass brings peace to business legal conflicts, by guiding people through the law to heal their wounds -- Hass essentially is able to understand people and translate that into the necessary legal process.

#### 1) New market in the business arena<sup>1</sup>

California's "Court Crisis" has left a judicial system broken and also bred distrust in attorneys as well as towards legal processes.

In the new economic paradigm, businesses will inevitably face legal conflicts in their expansion phase, namely "legal growing pains," or when they're exploding from interpersonal ownership legal disputes.

Most business owners are burdened with such legal problems facing their businesses caused by interpersonal disputes. Unfortunately, due to a chaotic and ineffective litigation process, business owners are now left feeling helpless and frustrated when dealing with their legal problems.<sup>2</sup>

#### 2) Empowering Business Owners to take control

Attorneys have an obligation to explore dispute resolution options with our clientele, such that our role is to help guide business owners through the legal landscape in a holistic manner.<sup>3</sup>

Besides, large businesses have already begun taking control and managing their legal disputes and conflicts.<sup>4</sup>

Thus, we can use our current skill-set as attorneys & dispute resolution professionals to empower business owners and promote business growth.

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<sup>1</sup> The Funnel article, by Lee Jay Berman

<sup>2</sup> State of the Courts article, by San Diego Lawyer magazine

<sup>3</sup> The Lawyer's Obligation article, by Paul Lurie & Sharon Press

<sup>4</sup> The DuPont Company's Development of ADR Usage, by David H. Burt

3) How Sadeghi Legal empowers Business Owners

a. **Legal Strategist:**

- (I) Diagnosis of Business (*Problem-Solver*)
  - Meet with Business Owners to gather data and info
  - Assess people involved, including personality types & cultures
  - Diagnose LB's & Risks with a systemic top-down audit
  
- (II) Legal Plan (*Facilitator*)
  - Organize legal issues relating to business growth
  - Explore options & alternatives for a comprehensive "Legal Plan"
  - Lead implementation of "Legal Plan" with necessary subject-matter experts

b. **Negotiation Counsel:**<sup>5</sup>

- (I) Negotiation (*Negotiator & Conflict Manager*)
  - Diagnose stakeholders involved, including personality types & cultures
  - Confidential meeting with all stakeholders to negotiate legal positions and align interests
  - Draft an enforceable negotiated "Agreement" and remove legal obstacles from continuing business

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<sup>5</sup> Who is your firm's "A-Game" Negotiator?, by Dan DeFoe



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Southern California Mediation Association, 2014 Conference

Pepperdine University, Malibu, CA

November 8, 2014

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*“Every organization has a conflict management system...but few know what it is.*

*Every organization pays a price for conflict...but few know how much.”*

*by Dr. Dan Dana*

Conflict comes in many shapes and forms when it comes to workplace relationships. It surfaces through acts of bullying, bad boss practices, personality clashes, dysfunctional teams, and strained executive-leadership relations at CEO and board level positions. Many workplace conflicts have little foundation in the law but represent relationship problems. Drawing upon my 30 years of experience in business with a doctorate degree in psychology, I help people understand the neuroscience behind emotionally driven behavior to achieve stronger business outcomes.

Mediation is an excellent option to resolve differences when ongoing relationships are essential to the health of the organization; however, mediation is not always the place to start. Oftentimes, organizations recognize problems exist but don't know where to start or where the source of conflict really lies. Knowing and understanding the emotional drivers of behavior in relationships at any level is critical to effectively resolving workplace conflict.

The **“POWER OF CONNECTIONS: Building Positive Relationships”** (POC) represents a 4-step process through which leaders, and professionals like you who guide those leaders, can navigate to resolve the conflict interfering with good business practices:

- 1) **Define** the business problem: What is or is not happening as a result of the conflict?
- 2) **Describe** the source(s) of conflict:
  - a. Is it organizational (or systemic)?
  - b. Is it interpersonal (relationship-based)?
  - c. Is it intrapersonal (individual characteristics such as bad bossing or bullying based)?
- 3) **Determine** (analyze) the cost of conflict to date using proven methodologies.



- 4) **Delineate** a course of action to mitigate the conflict (coaching, training, mediation, termination, etc.)

My POC process equips leaders (and professionals like you) with awareness, knowledge, and skills to make important decisions on harnessing the effects of conflict to thrive, not just survive. Ways in which the emotional intelligence of the organization can be harnessed, not just intellectual intelligence, emerge to redirect organizations in recapturing huge revenues otherwise lost to conflict.

Why is this important? Why should organizations and the professionals who service them (like you and me) start to look at conflict in the workplace differently? Here are some startling facts.\* Uncovering good bosses versus a bad bosses is tantamount in today's financially competitive global economy as the majority of employees report that their manager is the worst aspect of their job (Blair, Hoffman & Helland, 2008). For years, organizations have hired and promoted generations of managers with robust analytical skills and poor people skills...the end result has been devastating.

In the 2002 fiscal year alone, corporate fraud was charged to as many as 354 American business leaders, including 25 top CEOs. Blair, et al, uncovered the cost of corporate abuses as more than \$600 billion annually for U.S. organizations while the 2008 Gallup poll (Robison, 2008) estimated that bad bosses cost American companies an estimated \$450-550 million per year. These numbers are staggering. And, part of these costs reflect the growing impact on the country's healthcare system as followers seek treatment from the effects of the stress, anxiety, and low self-esteem resulting from bad bossing (Robison, 2008).

Here are some more interesting facts to consider:

- The FIVE TOP REASONS for workplace conflict are related to:
  - personality clashes - 49%
  - stress - 34%
  - workload – 33%
  - poor leadership – 29%
  - lack of honesty – 26%
- 25 percent of employees said that avoiding conflict led to sickness or absence from work.
- Equally alarming, nearly 10 percent reported that workplace conflict led to project failure.
- More than one-third said that conflict resulted in someone leaving the company, either through firing or quitting.
- Replacing an employee costs 150 to 200 percent more than that employee's salary and benefits. Losing even a mid-level employee making \$30,000 a year could cost your company \$70,000 or more to replace.
- Oftentimes, conflicts between people are less overt, such as subtle forms of harassment or bullying. "Subtle harassment and bullying is a systems problem often supported unknowingly by management."
- Hire SMART to avoid Conflict. Ask questions to Identify the "one person who causes conflict" before you hire him.

- Awareness of the culture and how it can actually encourage conflict is the first step toward fixing it.
- Change is possible if senior leadership is absolutely committed to changing the culture.

\*Data derived from my doctoral dissertation submitted and approved on August 11, 2014 as partial completion of the requirements for my doctorate in psychology from Ryokan College.

You too can learn the POWER OF CONNECTIONS to help organizations navigate through conflict. Opportunities to build upon your existing mediation and negotiation skills exist by extending your own awareness, knowledge and skills into conflict coaching, communication and conflict management training for skills building, facilitating dysfunctional teams, executive leadership development, and conflict management systems design.

My POC process embraces techniques for you to expand your emotional intelligence to achieve these essential skills:

- 1) Capture the power of connections
- 2) Active listening for the sounds of the BEACH
- 3) Communicate with impact
- 4) Positively persuade
- 5) Incredible first impressions

The POC strategies can be applied to the following:

- 1) organizations striving to recapture the dollars lost to unresolved conflict
- 2) those seeking a cultural change in leadership influence
- 3) those challenged with productivity and performance
- 4) those seeking to stop the bleed of lost employees due to bad leadership
- 5) those striving to address specific workplace conflicts and relationship issues.

ADR professionals who work with organizations add to their skill sets when embracing the role of a Relationship Turnaround Specialist using my proven techniques. The marketplace for your skills expands to include C-level executives, human resource professionals, employment law attorneys, small business owners as well as family-owned businesses of all sizes.

## Resources for the Power of Connections – Building Positive Relations

Alston, G.L. *The boss hole effect*.

Blair, C.A., Hoffman, B.J., Helland, K.R. *Narcissism in organizations: A multisource appraisal reflects different perspectives*.

Chapman, G. *The Five Love Languages*.

Dweck, C. . *Mindset: The new psychology of success*.

Goleman, D., Boyatzis, R. and McKee, A. *Primal leadership: The hidden driver of great performance*.

Hayes, J. *Workplace conflict and how businesses can harness it to thrive*.

Johnson, S. *Who Moved My Cheese*.

Lencioni, P. *Death by Meetings and Five Dysfunctions of a Team*.

Robison, J. *Turning around employee turnover*.

Rock, D. *Quiet Leadership*.

Ruiz, D.M. *The Four Agreements*.

## The Power of Connections through Organizations

- Association for Conflict Resolution
- California Association of Marriage Family Therapists
- Corporate Alliance
- MoMondays
- San Diego County Bar Association
- San Diego Family Law Association
- Southern California Mediation Association
- Strategic Trusted Advisors Roundtable