

SOCIAL PSYCHOLOGICAL FACTORS IN MEDIATION

Goals of Training:

The course is designed for experienced general civil or family law mediators. It will assist them in understanding various aspects of the negotiating process. Since human beings do not always process information and make decisions according to the rules of logic, this course will identify various social psychological principals that attorneys and parties unconsciously apply to their negotiations. The course will suggest ways to deal with these factors through lecture, discussion and work groups to make mediation more successful.

Text:

The Science of Settlement, by Barry Goldman, M.A., J.D.

Instructor:

STEPHEN J. TRESIDDER, Attorney, Mediator, Arbitrator

COURSE OUTLINE

- | | |
|------------------|---|
| 8:00 - 8:15 a.m. | Welcome and Introductions |
| 8:15 a.m. | <u>Chapter 1</u> - Introduction to Human Processing of Information
Rational v Emotional Mind
Monkey Justice
How These Principals Apply to Mediation |
| 8:40 a.m. | <u>Chapter 2</u> - Preparation
The need for mediators to understand and appreciate the steps in negotiation
Basic Steps in Approaching the Negotiation
Evaluating the Case
Over-Confidence
Class Exercise
Self Serving Bias
Endowment Effect
Illusion of Control
Belief in a Just World
Fundamental Attribution Error |
| 9:40 a.m. | Break |

9:45 a.m.	Availability Heuristics Probability Conjunction Fallacy Status Quo Bias Regret Aversion What's a Mediator to Do? Work Groups/Discussion
10:50 a.m.	Break
10:55 a.m.	The Set Up Leverage in Negotiations Location Timing Cooperation v Competitive Negotiators Plan of Concessions Contract Effect
Noon-1:00 p.m.	Lunch
1:00 p.m.	The Set Up (Continued) Contract Effect Rapport Building Authority Listening Body Language Lying What's a Mediator to Do? Work Groups/Discussion
1:45 p.m.	<u>Chapter 3</u> – Bargaining The First Offer and Anchoring The Winners' Curse Zone of Possibility Agreement The Prisoners Dilemma and Tit for Tat
2:30 p.m.	Break
2:35 p.m.	Cliff Negotiating Rejection then Retreat Reactive Devaluation Loss Aversion Size and Timing of Concession Scarcity Commitment and Consistency Confirmation Bias Partisan Reception Social Proof

Sunk Cost Fallacy
What's a Mediator to Do? Work Groups/Discussion
3:45 p.m. Break
3:50 p.m. Chapter 3 - Bargaining (Continued)
Irrational Escalation Commitment
Mental Accounting
Timing Effects
Certainty Effect
Peak End Rule
4:15 p.m. Goldman's thoughts on How These Principals Apply to
Mediation
The Lawsuit Market
The Spinner in the Pie
4:45 p.m. Parting Thoughts
Questions & Answers
Evaluations