



Working Effectively with High Conflict People

Presented to:
Council of
Australasian Tribunals
10 June 2022

Chaired by:
Janet Robertshaw
New Zealand Disputes Tribunal

Presented by:
Megan Hunter, MBA
Co-founder/CEO

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Hello, We Are High Conflict Institute.

Founded in 2008 by **Bill Eddy**, LCSW, Esq. and **Megan Hunter**, MBA, we take a **skills approach** to understanding and managing human interactions in a manner that is **fair, respectful, and builds trust**.

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Conflict

←	LOW	MEDIUM	HIGH	→
	flexible / able to compromise		rigid / uncompromising	
	able to self-reflect		unable to self-reflect	
	able to empathize		difficulty with empathy	
	takes responsibility		avoids responsibility	
	accepts feedback/criticism		defensive/can't take criticism	
	accepts place in society		demand special treatment	
	moderate behaviors		extreme behaviors	
	manages emotions		frequent anger/upsets	

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What is High Conflict

IT'S NOT JUST A LOUD ARGUMENT
OR LEVELS OF CONFLICT.

It involves someone who:

gets **satisfaction** from conflict

thinks of conflict as **normal & necessary**

approaches situations as a **victim**

zero **insight** into their behavior

unable to stop themselves

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High Conflict Personality Is NOT a Diagnosis

IT'S A DESCRIPTION OF A PATTERN OF CONFLICT BEHAVIOR

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All people have positive and negative characteristics.

“High Conflict” is a pattern of behavior that is often self-sabotaging and self-defeating

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Clusters of Personality Disorders

Cluster A

- Paranoid
- Schizoid
- Schizotypal

Tend to avoid people

Cluster B

- Borderline
- Narcissistic
- Antisocial
- Histrionic

Tend to be high-conflict

Cluster C

- Avoidant
- Dependent
- Obsessive-Compulsive

Tend to avoid conflict



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PERSONALITY DISORDERS SHOULD BE
CONSIDERED IN MORE LEGAL CASES.

Australia–25 August 2020

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(Cooper, A. “Landmark ruling gives judges power to consider personality disorders,” *The Age*, August 25, 2020)

UNITED STATES–1 September 2020

Family Law

An article reported on a study by the Santa Clara University School of Law on the significance of personality disorders in families. The study included interviews with family lawyers, judges, and a custody evaluator. They specifically found that **narcissists “fundamentally thrive on conflict.”** Also, the **“narcissists perceived sense of infallibility and accompanying resistance to settle is amplified by the traditional civil process.”**



Of the approximately 10% of family law disputes that go to trial, many are conflict-fueled separations. While most divorce cases are settled out of court in less than two years, high-conflict cases typically last 2-5 years and can involve scores of filings, endless delays, tens and hundreds of thousands of dollars in legal fees, and a high rate of attorney turnover. Worst of all, children become collateral damage and often wind up developing a wide range of mental-health issues.

Rarely are formal diagnoses made in family court. Thus, attorneys unequipped to recognize NPD traits struggle to meet their ethical obligations to serve as zealous advocates for clients taking untenable and unreasonable positions.

(Rosenfeld, E. "Opinion: Dealing with narcissists in the family law courtroom," *Mercury News*, September 1, 2020).

Personality Disorders are Interpersonal Disorders

“Antisocial, borderline, histrionic, and narcissistic personality disorders, historically classified as Cluster B (dramatic-emotional-erratic) personality disorders, all showed moderate-to-large and significant associations with **domineeringness, vindictiveness, and intrusiveness.**” (Emphasis added)

Wilson S., Stroud, C. and Durbin, C. Interpersonal Dysfunction in Personality Disorders: A Meta-Analytic Review, *Psychology Bulletin*, July 2017; 143(7): 677-734. doi: 10.1037/bul0000101.

Personality Disorders Can Be Blamers

“Personality-disordered patients will often see the difficulties that they encounter in dealing with **other people** or tasks as **external to them**, and generally independent of their behavior or input. They often describe **being victimized by others** or, more globally, by ‘the system.’ Such patients often have little idea about how they ... contribute to their own problems....” (Emphasis added)

Beck, et al, *Cognitive Therapy of Personality Disorders*. 1990. pp. 5-6.

5 High Conflict Personality Types

THEIR DEFAULT

SUPERIOR
Always dissing
NARCISSISTIC

ATTACHED
Always attaching
BORDERLINE

ATTENTION
Always seeking
attention
HISTRIONIC

DOMINATING
Always dominating
ANTISOCIAL

HYPERVIGILANT
Always suspicious
PARANOID

THEIR FEAR

INFERIOR

ABANDONED

IGNORED

DOMINATED

BETRAYED

THEY REACT WITH/BY BEING:

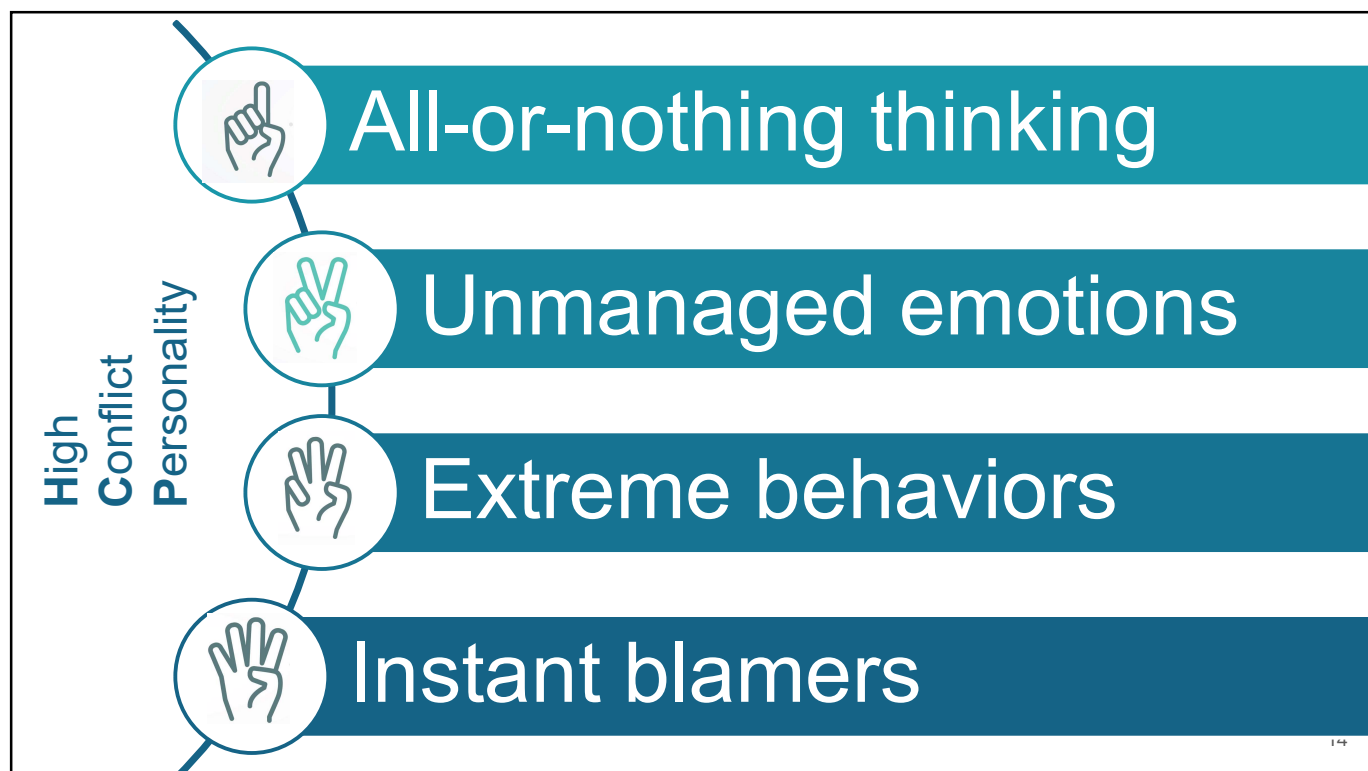
- Demeaning/Demanding
- Insulting
- Defensive
- Self-absorbed
- No empathy

- Mood swings
- Intense anger
- Revenge
- Manipulation
- Vindictive

- Attention-seeking
- Superficial & helpless
- Endless story-telling/talking
- Exaggerating

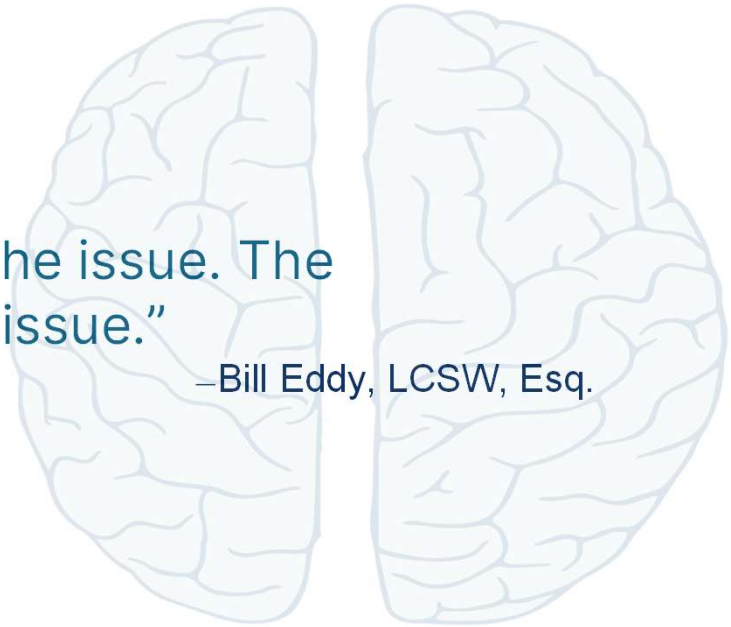
- Breaks rules & laws
- Enjoys hurting people
- Wreckless behavior
- Lying (even when know they can get caught)

- Expect conspiracies
- Counter-attack first
- Always worried about being in danger
- Hyper-vigilant



“The **Issue's** not the issue. The **personality's** the issue.”

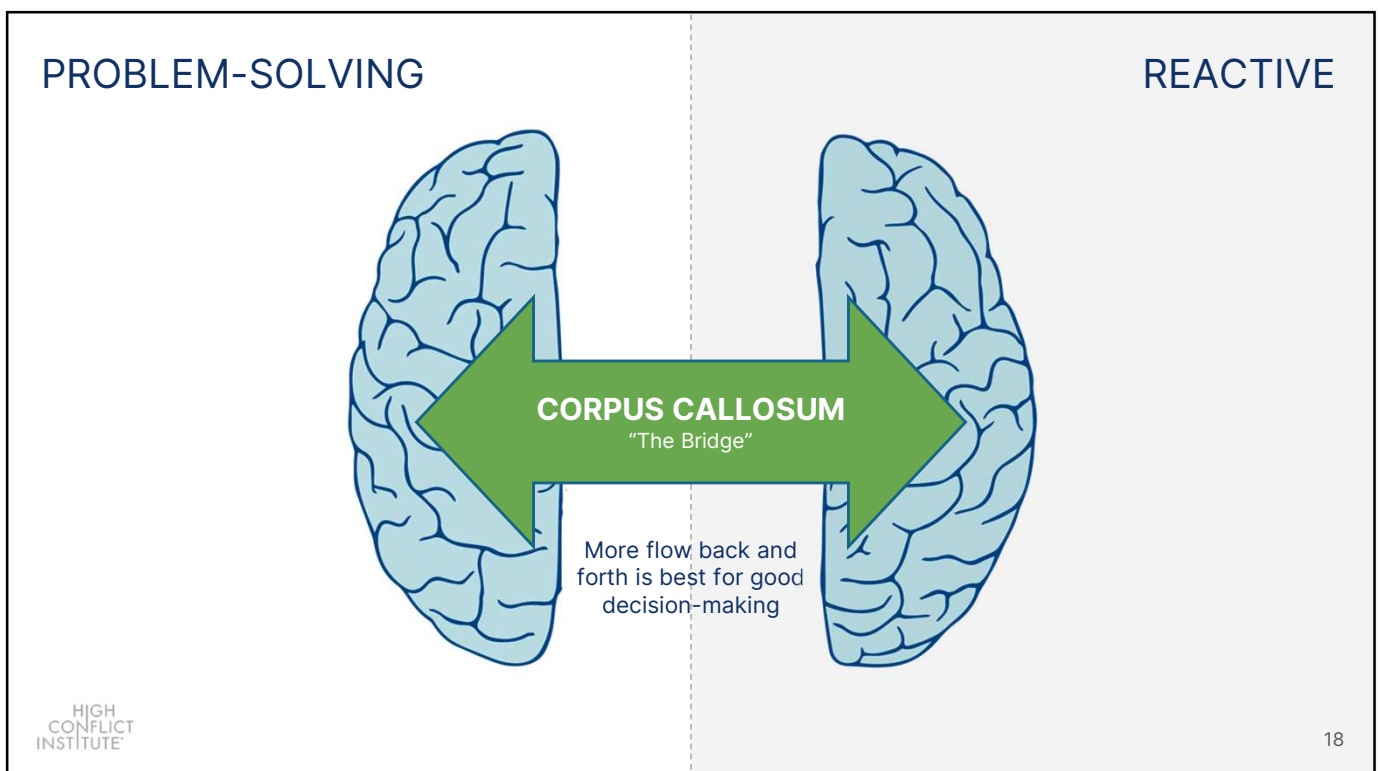
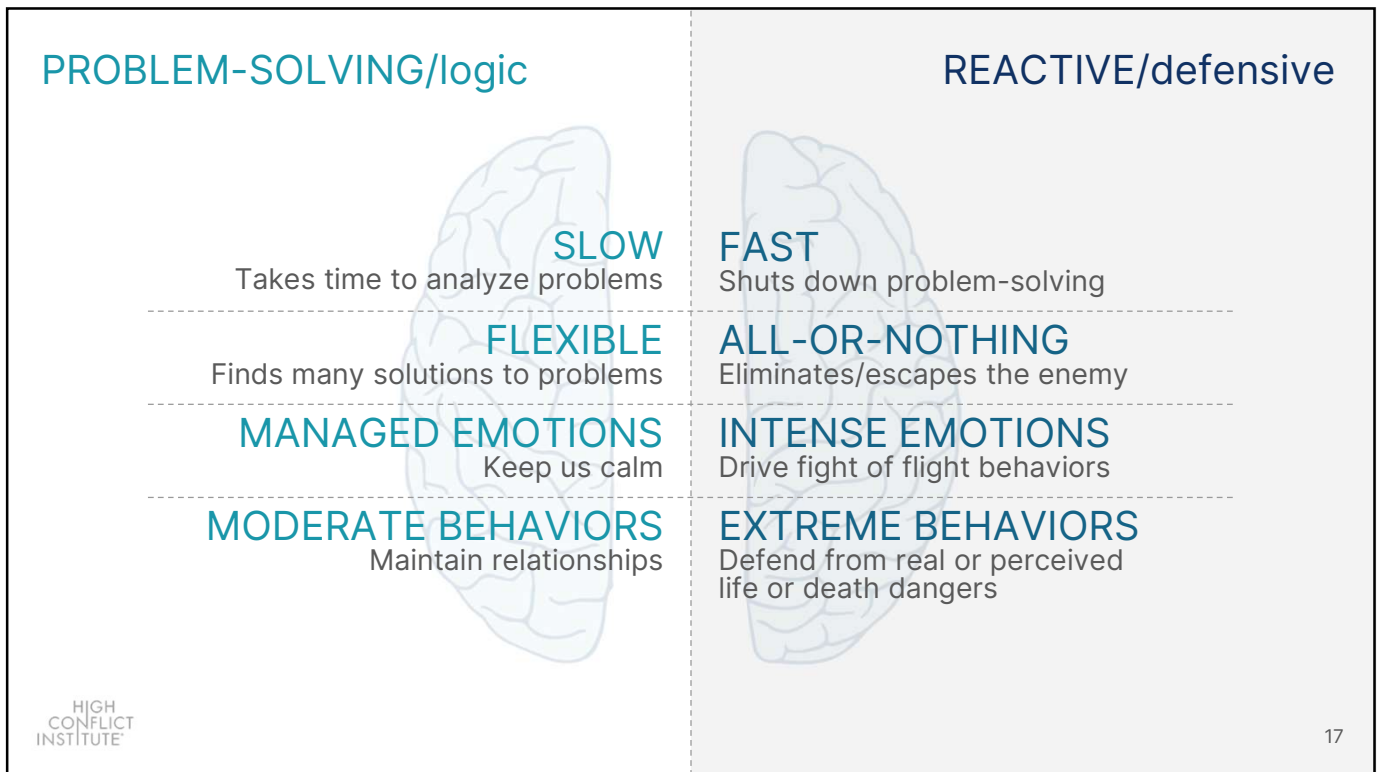
–Bill Eddy, LCSW, Esq.

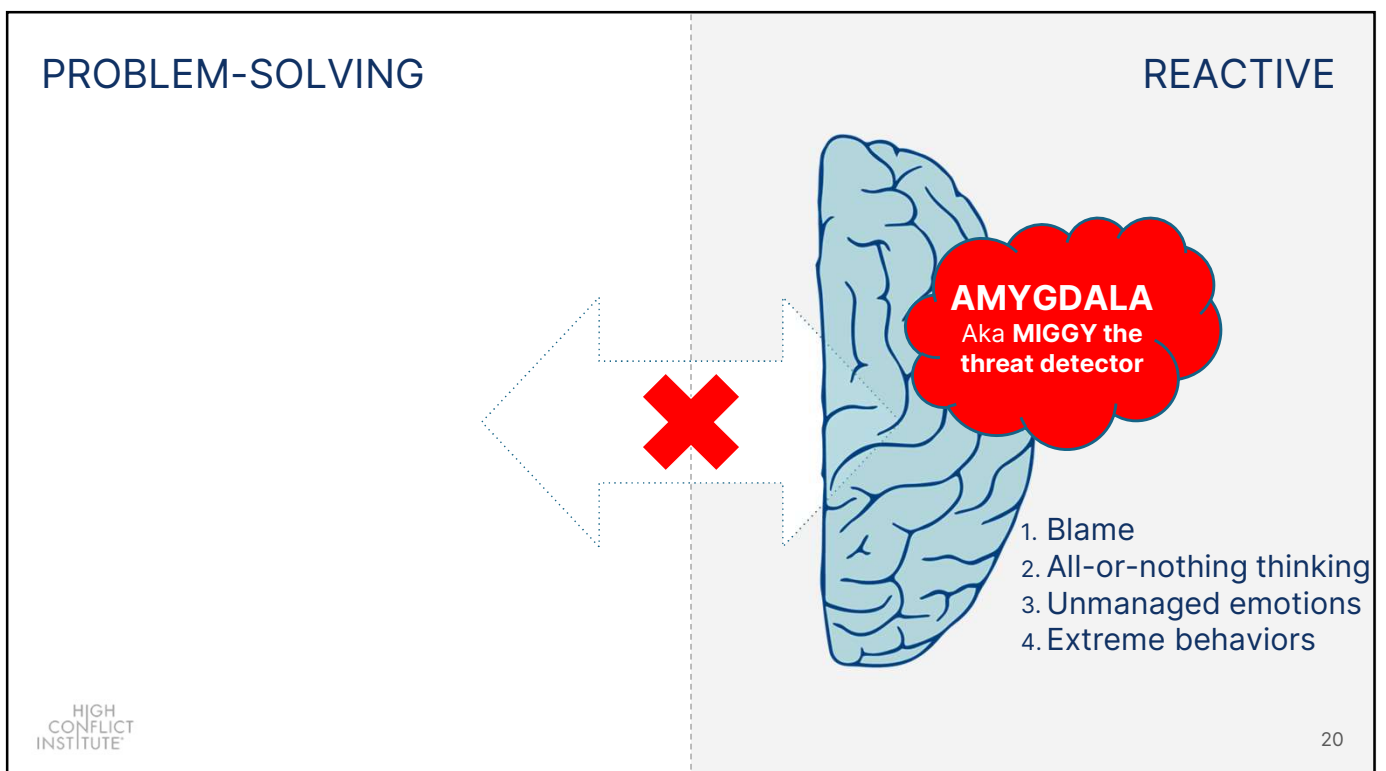
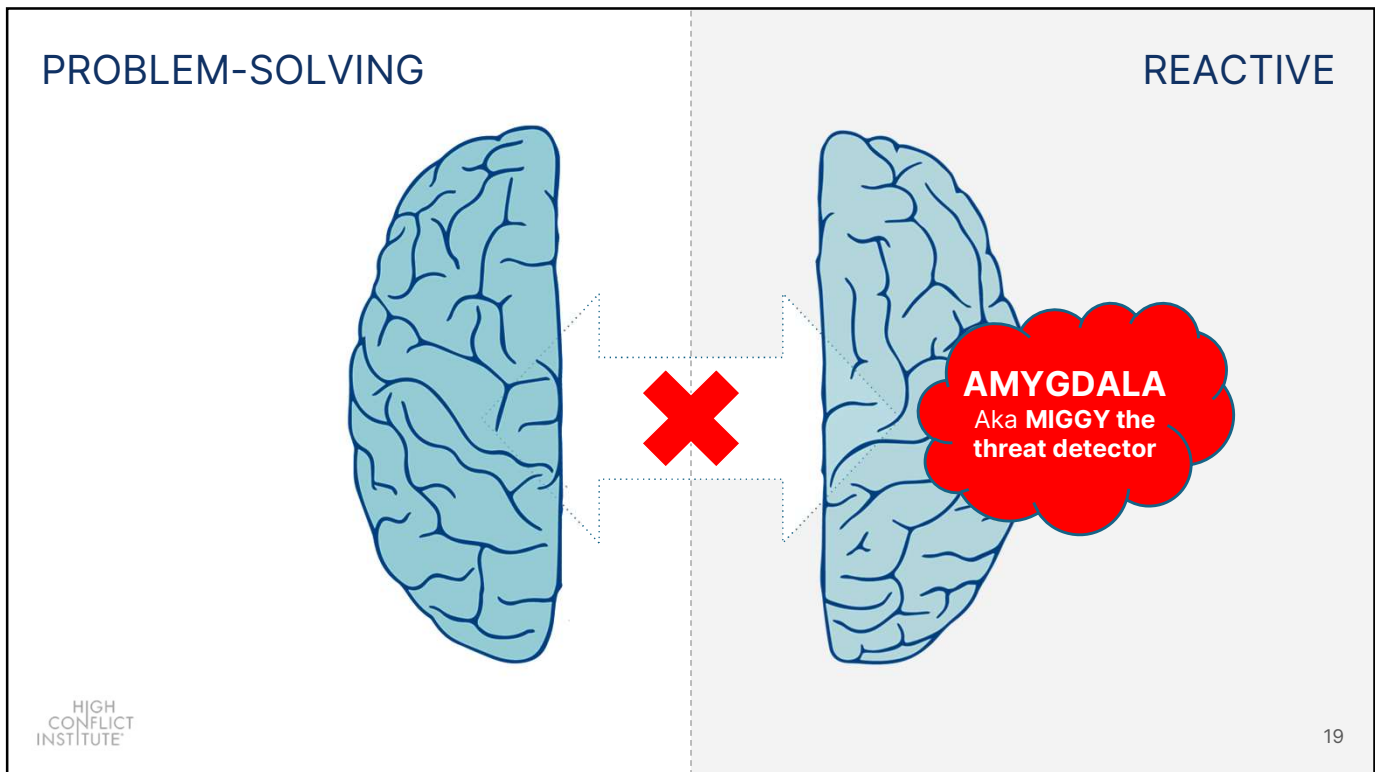


Disclaimer



- This seminar does **not** train you to diagnose personalities.
- It may be harmful to tell someone that you believe that they have personality problems or a high conflict personality.
- Just recognize potential patterns and adapt your approach accordingly.
- **Just develop your Private Working Theory.**





Cycle of High Conflict Thinking/Interaction



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What is your normal response to conflict?

PASSIVE	AGGRESSIVE	ASSERTIVE 
CONFLICT AVOIDER <ul style="list-style-type: none"> • fly, freeze • people pleaser • easily rolled over • ignore negative behaviors 	FIGHTER/EXPLAINER <ul style="list-style-type: none"> • fight • right fighter • easily hooked • defensive 	REASONABLE <ul style="list-style-type: none"> • problem-solving • objective • information-seeker • calm • emotionally unhooked
RESULT: Emboldens aggression	RESULT: Escalates conflict	RESULT: Diverts and contains the conflict and makes the person feel safety. When people feel safe, they develop trust.

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Disrupted Cycle of Conflict Thinking/ Interactions



1. Blame
2. All-or-nothing thinking
3. Unmanaged emotions
4. Extreme behaviors

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What to avoid

1 Trying to give them insight

Instead,
adapt your approach

2 Focusing on the past

Instead,
focus on the future

3 Emotional confrontations or asking about emotions

Instead,
stay matter-of-fact

4 Telling them they have a high conflict conflict personality

Instead,
focus on what to do

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Typical Cognitive Distortions

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All-or-nothing thinking:

The other party is all bad with no redeeming features.

Either the judge is on my side or against me.

Mind-reading/Jumping to conclusions:

I know the judge doesn't like me no matter what I do.

Fortune-telling/Wishful thinking:

I know the judge will rule in my favor, finally vindicate me and validate my viewpoint.

Predictable Fears of Certain Personalities

They often project these onto Courts

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- **Feeling “abandoned”**
 - *Borderline*
- **Feeling “disrespected”**
 - *Narcissistic*
- **Feeling “ignored”**
 - *Histrionic*

Dynamics

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- Some cases have one high conflict party and some have two. Use the same structure.
- Many high conflict litigants grew up with insecure attachments and high anxiety.
- They are desperate for Empathy, Attention and Respect—so give it to them.

Structuring the Hearing

Before we get started, I need to explain how this hearing is going to go:

- *I will call on you when it is your turn to speak, so only speak when called on.*
- *I will give you a turn to tell me what orders/relief you are seeking and the reasoning for your proposed orders/relief.*
- *I expect that you will treat the court and other involved with respect. So please do not interrupt me or each other. I want to fully concentrate and understand what each of you are saying.*
- *Our focus here is on what to do now, rather than complaints about the past. I just need brief information about the past so we can focus on what to do now.*

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Do you have any questions about the process of this hearing?

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4 Key Skills for Managing HCPs

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C.A.R.S. Method®

1. **CONNECTING WITH E.A.R.**
2. ANALYZING choices and proposals
3. RESPONDING to Misinformation
4. SETTING LIMITS on Misbehavior

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Skill 1: Connect

Connecting with
statements that
show:

Empathy
Attention
Respect

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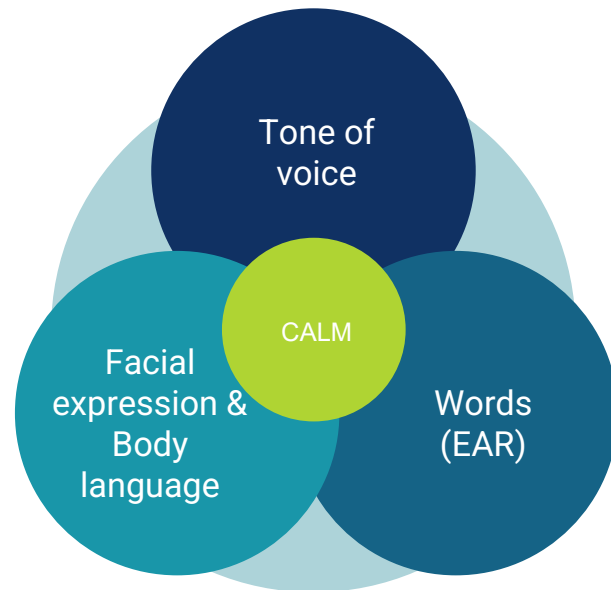
EXAMPLE of an EAR Statement™:

"I can *understand your frustration* – this is a very impactful thing in your life. Don't worry, I will pay full *attention* to your concerns about this issue. I have a lot of *respect* for your commitment to solving this problem, and I look forward to solving it too."

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Skill 1: Connect

Vitally important to use combination of:



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Skill 1: Connect

Use EAR to calm FEAR



WORDS	TONE OF VOICE	BODY & FACE
WHEN YOU HEAR: "I'm being treated unfairly", respond with EAR: <ul style="list-style-type: none"> I respect what you're saying I'm paying attention I hear you That certainly sounds difficult Tell me more Let's see if we can figure this out 	<ul style="list-style-type: none"> calm matter-of-fact confident kind 	<ul style="list-style-type: none"> eye contact (when culturally appropriate) non-threatening posture attention cock head to one side/lean in smile
Avoid: <ul style="list-style-type: none"> interrupting making it too long dishonesty 	Avoid: <ul style="list-style-type: none"> escalating volume sarcastic /dismissive tone condescending tone 	Avoid: <ul style="list-style-type: none"> rolling your eyes smacking your forehead turning away
TIP: Sometimes it's best to just SSN (Smile/Shut-up/Nod)		

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4 Key Skills for Managing HCPs

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C.A.R.S. Method®

1. CONNECTING with E.A.R.
2. **ANALYZING choices and proposals**
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Skill 2: Analyzing

Analyzing choices & proposals

Focus them a choice

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In high-conflict situations, don't focus on feelings. You won't resolve their emotional issues. Just acknowledge their frustrations. Talk to the right brain.

Instead, focus upset person on a choice.

- The goal is to get the upset person focused on problem-solving, away from his or her emotions.
- This puts responsibility on the person to help solve the problem; puts responsibility on the person for making the choice.
- It gives them some power, when they feel powerless.

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Analyzing Choices and Proposals

Example: “You have a **choice** here. You can give me the information I need or I can make the decision without it. You’ll need to decide quickly so we can proceed.”

Or: “I cannot make this decision without your information. So you have a **choice**: We can take a break for a few minutes while you obtain the information, or we will have to reschedule this hearing for several weeks.”

“I understand that you do not like this court order and that I cannot control your behavior. But I can control the **consequences** for your behavior at a future court hearing, so I hope that you will **choose** to follow this order.”

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“You have a choice here. It’s up to you.”

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4 Key Skills for Managing HCPs

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3. **RESPONDING to Conflicted Information**
4. SETTING LIMITS on Misbehavior

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Responding to Conflicted Information

Rather than criticize or dispute inaccurate information, simply state the accurate information and focus on that.

Example:

*"**Actually**, the laws and court procedures are designed to treat everyone fairly and we make every effort to do so."*

Acknowledge respect for each party's point of view.

Example:

***You might be right:** What you are saying may be truthful and accurate, and the other party may be inaccurate or misleading. I will never know for sure. At this point the other party's information appears to me to be more credible and I am required to make these orders."*

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4 Key Skills for Managing HCPs

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3. RESPONDING to Misinformation
4. **SETTING LIMITS on Misbehavior**

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Setting Limits on Misbehavior

Handle interruptions with brief but firm statements:

Examples:

“All right, Mr/Ms So-and-so, you’ll get your chance to address the court, but I need to hear a full presentation by Mr/Ms Xxxx first.

“I understand your frustration, Sir/Ma’am, and your point of view is important here. However, I cannot proceed until you are quiet. I need to concentrate fully on what each of you have to say and right now it’s _____’s turn.”

“I don’t want to have to postpone this hearing to another day. Can you stop yourself while we listen to what _____ has to say?”

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Skill 4: Setting limits

Setting limits on High Conflict Behavior

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- HCPs need limits because they can’t stop themselves
- With HCPs, focus on external reasons for new behavior (rather than focusing on negative feedback about past behavior):
 - “Our **policies** require us to ...”
 - “The **law** requires me to ...”
 - “It might appear better to _____ if you...”
 - “I understand, but someone else might misunderstand your intentions with that action...”
 - “Let’s take the high road...”
 - “Choose your battles...”

At the End of the Hearing

- Thank them for providing their information and proposals for court orders.
- Tell the person who “lost” that moments like this may be frustrating, but that you respect their commitment to the issue.
- Give them some hope.

THANK YOU

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the missing peace

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Clusters of Personality Disorders

Cluster A	<ul style="list-style-type: none"> Paranoid Schizoid Schizotypal 	Tend to avoid people
Cluster B	<ul style="list-style-type: none"> Borderline Narcissistic Antisocial Histrionic 	Tend to be high-conflict
Cluster C	<ul style="list-style-type: none"> Avoidant Dependent Obsessive-Compulsive 	Tend to avoid conflict

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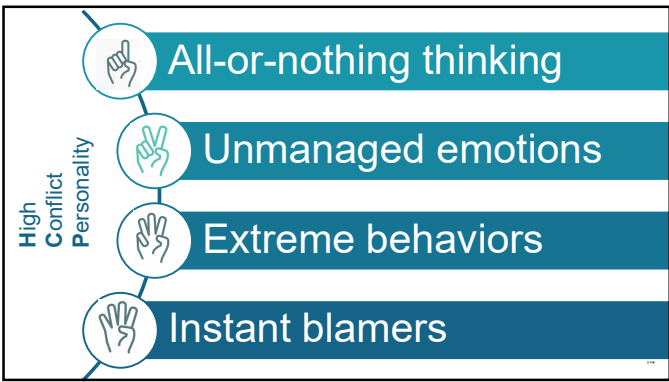
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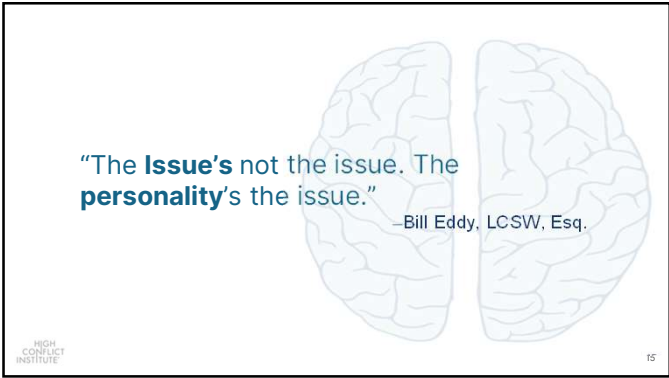
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5 High Conflict Personality Types				
THEIR DEFAULT				
SUPERIOR Always dissing NARCISSISTIC	ATTACHED Always attaching BORDERLINE	ATTENTION Always seeking attention HISTRIONIC	DOMINATING Always dominating ANTISOCIAL	HYPERVIGILANT Always suspicious PARANOID
THEIR FEAR				
INFERIOR	ABANDONED	IGNORED	DOMINATED	BETRAYED
THEY REACT WITH/BY BEING:				
<ul style="list-style-type: none"> Demeaning/Demanding Insulting Defensive Self-absorbed No empathy 	<ul style="list-style-type: none"> Mood swings Intense anger Revenge Manipulation Vindictive 	<ul style="list-style-type: none"> Attention-seeking Superficial & helpless Endless story-telling/talking Exaggerating 	<ul style="list-style-type: none"> Breaks rules & laws Enjoys hurting people Wreckless behavior Lying (even when know they can get caught) 	<ul style="list-style-type: none"> Expect conspiracies Counter-attack first Always worried about being in danger Hyper-vigilant





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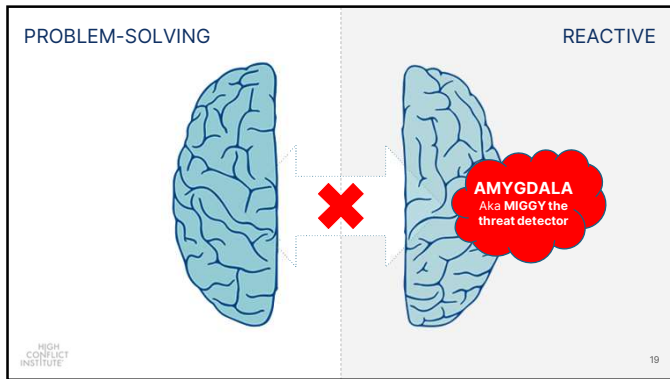
PROBLEM-SOLVING/logic	REACTIVE/defensive
<p>SLOW Takes time to analyze problems</p>	<p>FAST Shuts down problem-solving</p>
<p>FLEXIBLE Finds many solutions to problems</p>	<p>ALL-OR-NOTHING Eliminates/escapes the enemy</p>
<p>MANAGED EMOTIONS Keep us calm</p>	<p>INTENSE EMOTIONS Drive fight of flight behaviors</p>
<p>MODERATE BEHAVIORS Maintain relationships</p>	<p>EXTREME BEHAVIORS Defend from real or perceived life or death dangers</p>

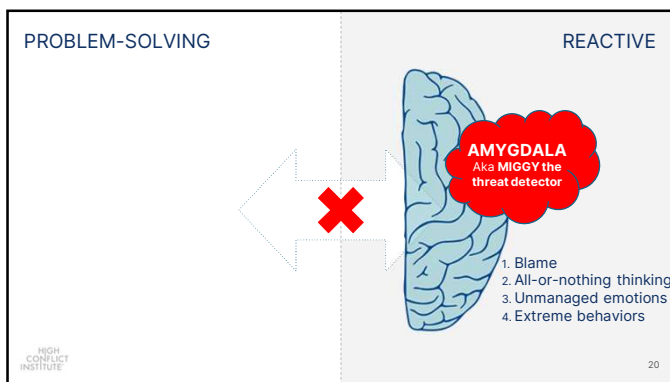
PROBLEM-SOLVING

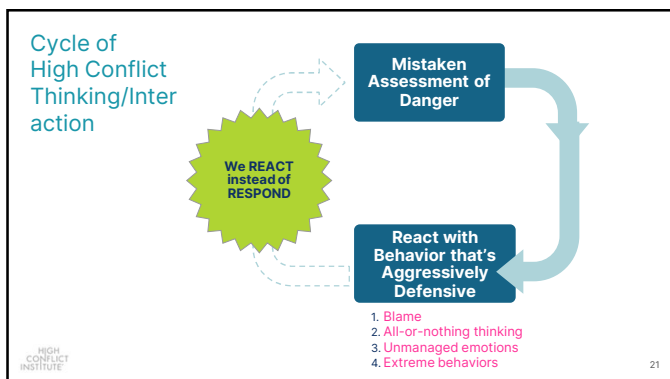
REACTIVE

CORPUS CALLOSUM
"The Bridge"


More flow back and forth is best for good decision-making







What is your normal response to conflict?

PASSIVE	AGGRESSIVE	ASSERTIVE 
CONFLICT AVOIDER <ul style="list-style-type: none"> fly, freeze people pleaser easily rolled over ignore negative behaviors 	FIGHTER/EXPLAINER <ul style="list-style-type: none"> fight right fighter easily hooked defensive 	REASONABLE <ul style="list-style-type: none"> problem-solving objective information-seeker calm emotionally unhooked
RESULT: Emboldens aggression	RESULT: Escalates conflict	RESULT: Diverts and contains the conflict and makes the person feel safety. When people feel safe, they develop trust.

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Disrupted Cycle of Conflict Thinking/Interactions



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What to avoid

1 Trying to give them insight	Instead, adapt your approach
2 Focusing on the past	Instead, focus on the future
3 Emotional confrontations or asking about emotions	Instead, stay matter-of-fact
4 Telling them they have a high conflict conflict personality	Instead, focus on what to do

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Typical Cognitive Distortions

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All-or-nothing thinking:

The other party is all bad with no redeeming features.

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Fortune-telling/Wishful thinking:

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Predictable Fears of Certain Personalities

They often project these onto Courts

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- **Feeling “abandoned”**
 - *Borderline*
- **Feeling “disrespected”**
 - *Narcissistic*
- **Feeling “ignored”**
 - *Histrionic*

Dynamics

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- Some cases have one high conflict party and some have two. Use the same structure.
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Do you have any questions about the process of this hearing?

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Skill 1: Connect

Connecting with statements that show:

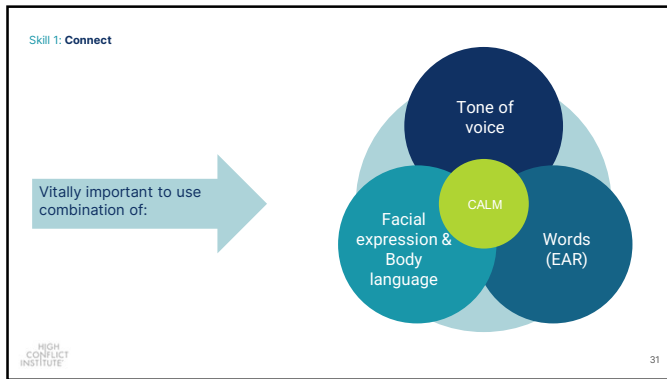
Empathy
Attention
Respect

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EXAMPLE of an EAR Statement:-

"I can **understand your frustration** – this is a very impactful thing in your life. Don't worry, I will pay full **attention** to your concerns about this issue. I have a lot of **respect** for your commitment to solving this problem, and I look forward to solving it too."

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Skill 1: Connect

Use EAR to calm FEAR

WORDS	TONE OF VOICE	BODY & FACE
WHEN YOU HEAR: "I'm being treated unfairly", respond with EAR: <ul style="list-style-type: none"> I respect what you're saying I'm paying attention I hear you That certainly sounds difficult Tell me more Let's see if we can figure this out 	<ul style="list-style-type: none"> calm matter-of-fact confident kind 	<ul style="list-style-type: none"> eye contact (when culturally appropriate) non-threatening posture attention cock head to one side/lean in smile
Avoid: <ul style="list-style-type: none"> interrupting making it too long dishonesty 	Avoid: <ul style="list-style-type: none"> escalating volume sarcastic /dismissive tone condescending tone 	Avoid: <ul style="list-style-type: none"> rolling your eyes smacking your forehead turning away

TIP: Sometimes it's best to just SSN (Smile/Shut-up/Nod)

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4 Key Skills for Managing HCPs

High Conflict Institute

C.A.R.S. Method®

1. CONNECTING with E.A.R.
2. ANALYZING choices and proposals
3. RESPONDING to misinformation
4. SETTING LIMITS on behavior

Skill 2: Analyzing

Analyzing choices & proposals

Focus them a choice

In high-conflict situations, don't focus on feelings. You won't resolve their emotional issues. Just acknowledge their frustrations. Talk to the right brain.

Instead, focus upset person on a choice.

- The goal is to get the upset person focused on problem-solving, away from his or her emotions.
- This puts responsibility on the person to help solve the problem; puts responsibility on the person for making the choice.
- It gives them some power, when they feel powerless.

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Analyzing Choices and Proposals

Example: "You have a **choice** here. You can give me the information I need or I can make the decision without it. You'll need to decide quickly so we can proceed."

Or: "I cannot make this decision without your information. So you have a **choice**: We can take a break for a few minutes while you obtain the information, or we will have to reschedule this hearing for several weeks."

"I understand that you do not like this court order and that I cannot control your behavior. But I can control the **consequences** for your behavior at a future court hearing, so I hope that you will **choose** to follow this order."

"You have a choice here. It's up to you."

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4 Key Skills
for Managing HCPs

C.A.R.S. Method®

- CONNECTING WITH E.A.R.
- ANALYZING choices and proposals
- RESPONDING to Conflicted Information**
- SETTING LIMITS on Misbehavior

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Responding to Conflicted Information

Rather than criticize or dispute inaccurate information, simply state the accurate information and focus on that.

Example:

"Actually, the laws and court procedures are designed to treat everyone fairly and we make every effort to do so."

Acknowledge respect for each party's point of view.

Example:

***You might be right:** What you are saying may be truthful and accurate, and the other party may be inaccurate or misleading. I will never know for sure. At this point the other party's information appears to me to be more credible and I am required to make these orders."*

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4 Key Skills for Managing HCPs

C.A.R.S. Method®

1. CONNECTING WITH E.A.R.
2. ANALYZING Options
3. RESPONDING to Misinformation
4. **SETTING LIMITS on Misbehavior**

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Setting Limits on Misbehavior

Handle interruptions with brief but firm statements:

Examples:

"All right, Mr/Ms So-and-so, you'll get your chance to address the court, but I need to hear a full presentation by Mr/Ms Xxxx first."

"I understand your frustration, Sir/Ma'am, and your point of view is important here. However, I cannot proceed until you are quiet. I need to concentrate fully on what each of you have to say and right now it's _____'s turn."

"I don't want to have to postpone this hearing to another day. Can you stop yourself while we listen to what _____ has to say?"

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Skill 4: **Setting limits**

Setting limits on High Conflict Behavior

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- HCPs need limits because they can't stop themselves
- With HCPs, focus on external reasons for new behavior (rather than focusing on negative feedback about past behavior):
 - "Our **policies** require us to ..."
 - "The **law** requires me to ..."
 - "It might appear better to _____ if you..."
 - "I understand, but someone else might misunderstand your intentions with that action..."
 - "Let's take the high road..."
 - "Choose your battles..."

At the End of the Hearing

- Thank them for providing their information and proposals for court orders.
- Tell the person who "lost" that moments like this may be frustrating, but that you respect their commitment to the issue.
- Give them some hope.

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THANK YOU

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