Can You Hear Me Now?: Listening for Persuasion

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DR. GILL
Well good afternoon everybody. Welcome to the fifth, last, teach-in of the fall series. On behalf of the The Marilyn Shuler Human Rights Initiative and our fabulous partners at Albertsons' Library. Thanks for coming. These teach-ins are designed to give you practical, academic information that you can use. Information that is relevant to today. You can walk out these doors and put them into activation and help navigate that world. And to better function within it. And we've done two series so far. We've done one on the U.S. and Russia. 'Cause that's been in the news. And then we've done, different issues of race. But I think this one today might well be the most helpful to us. And perhaps the most important one of the fall series. Because we have a hard time talking across these divisions that are in our country. I certainly know that I'm here today to learn. Dr. Brian Papas is a lawyer but also a professional mediation trainer. So he knows how to help us in those intersections where we have conflict. And I'm delighted that he's here to help us learn these really important skills. If we're going to talk about the U.S. and Russia or race or everything else that's important to us, that we want to bridge across divides. We need the information that he has and the skills that he can teach us. Thank you for coming.

DR. PAPPAS
So good afternoon. What we'll probably want to do is think about how you can sit near one other person. 'Cause a lot of the exercises we're going to do, we're going to do a couple, will involve another person. So I might want you to think about that. When I say that we're going to talk about listening, some part of you has to roll your eyes and think how do I pretend I walked into the wrong room and get out of this room without people knowing that I just got up and left. Because we've been taught to listen our whole lives. But we're not taught the power that it has. And so I'm always critical when I am told "Well you just have to listen." Well I'm not good at that. So before we get started let me make that confession. My name is Brian Pappas. I am an assistant professor in the School of Public Service. I do train a lot of mediators. And I am a terrible listener. I mean I am a terrible listener. So if you're talking to me there's a 73 percent chance that I am thinking about food. About what I'm going to eat next. Because I've been taught to listen our whole lives. But we're not taught the power that is has. And so I'm always critical when I am told "Well you just have to listen." But I'm not good at that. So before we get started let me make that confession. My name is Brian Pappas. I am an assistant professor in the School of Public Service. I do train a lot of mediators. And I am a terrible listener. I mean I am a terrible listener. So if you're talking to me there's a 73 percent chance that I am thinking about food. About what I'm going to eat next. There's a 24 percent chance that I'm thinking about Detroit sports. Maybe even higher than that. And there's really only a 3 percent chance I'm listening to you. So this is not a self-assessment. I actually have an expert on my listening. That would be my wife. So this is a direct quote. Right?
I'm not joking about this. So if you're wondering, "Well how did he get to start talking about listening?" Well I started thinking about it when I took a mediation training in Chicago. It was my second mediation training, they tend to be 40 hours in length. And I wanted to volunteer as a mediator for the center there. Chicago doesn't have a lot of opportunities to mediate and I had to demonstrate my skills in order to be picked. And unfortunately, even though it was my second training and I'd been practicing I wasn't picked to volunteer. So, boy, does that have to feel good. Alright, so we're listening from someone who says he's a terrible listener. And he couldn't even get a volunteer mediation gig. So you're starting to think about this the way my wife does. So it's making some more sense. But I think you need 3 things to be successful. You have to have time. You have to have interest. And you have to have expertise. And if you don't one of those three you're not going to be great at anything. And I think interest is the most important one. So if you're passionate, you're going to make the time, you're going to develop the expertise. And that's what I did. I had to figure out, how do I do this? How can I help people in conflict if I can't really listen to them and understand them? And I had to find a way to mediate in a way that worked for me. And so I developed some techniques and some skills for people that have a hard time doing this. And so I'm really proud to tell you that I've trained over 1,000 mediators. And I think that what I'm doing is typically more meaningful than your typical mediation training. Where they say, "Oh well, you want to listen, you want to do this." Yeah, but how? How does that look in the moment? How does that look in the midst of a tough conversation? And so I want you to know that I don't teach this because I've mastered it. In fact, I was saying this earlier. I will have mastered it when I'm integrating into my life and I don't have to think about it as I do it. I'm not there yet. So, a lot of the things I'm going to say today I'm really inviting you to listen to me talk to myself as reminder of what I need to do.

Okay. So, what is effective listening? Right? There are lots of definitions. And, I do believe it's learned. I think it is something that people are better at doing, or worse at doing, naturally. But everybody can learn how to do this in a more meaningful way. And that's what I want to focus on today. I also believe it can be persuasive. What does that mean, persuasive? That's what we're going to answer today. So what do I want you to learn? So basic negotiation theory. We're going to learn listening through reflecting, questioning, impartiality, and developing some interests. And I'm going to show you the secret. There's a secret to this that works for me. And I think it'll work for you, as well. And typically difficult conversations go bad because of 3 reasons. Either one or both sides don't understand negotiation theory. Either one or both sides don't know what they want. If you don't know what you want you really can't ask for it. You're not going to get it. That's a separate conversation that we might have on how to plan for a negotiation. How to plan for conversations. Or one or both sides don't know how to communicate. That's what this is. How to you execute on a tough conversation? So what I want you to do, there are white cards around, I want you to find a partner. And I want one of you to take the white card. Okay? Let's
do that now. And I want you to decide who's going to be 'A' and who's going to be 'B'. One of you will be 'A', one of you will be 'B'. If you are 'A', I want you to hold the card. Okay? 'A's hold your card. If 'A' and 'B' can agree on how to divide a dollar you'll get to keep it. On the card I want 'A' to write on the card. There's no talking during this. So I'm going to give you the instructions and then we'll do it. I want 'A' to write on the card how much of the dollar will you give to 'B'. Right? You can do it in cents, you can do it in percentage, however you want to do it. How much of the dollar do you want to give to 'B'. And a lot of times, we don't have tables here, but you can slide it across the table. If you really wanna negotiate this one. And then I want 'B' to write one of two things. Either accept or reject. I don't want anything else. I don't want counter-offers. I just want accept or reject. If 'B' accepts you're going to divide the dollar according to how 'A' proposed. If 'B' rejects no one receives anything. Okay? So let's do that right now. So what are some of our, I want to hear some of our offers. And I want to hear whether they were accepted or not. What were some of the numbers?

AUDIENCE MEMBER
50 cents and they accepted.

DR. PAPPAS
50 cents, accept. How many people did 50 cents, accept? Okay. How many people didn't do 50 cents, accept? What was the offer?

AUDIENCE MEMBER
One dollar.

DR. PAPPAS
One dollar. Accept?

AUDIENCE MEMBER
I accepted.

AUDIENCE MEMBER
Accepted. Anything else?

DR. PAPPAS
I told him I didn't value the dollar so I told him he could have it.

OKAY, so you're just a cheater then?

[laughter]

We'll talk about listening to instructions. No, no. That's totally fine. You said "Look, this doesn't mean. "So basically offered the whole dollar. Accept?
AUDIENCE MEMBER
I did.

DR. PAPPAS
Alright.

AUDIENCE MEMBER
Did anyone do zero? I was just curious.

DR. PAPPAS
Okay. So here's what normally happens. 50 cents accepted is the most common. Why?

It's fair.

AUDIENCE MEMBER
It's fair. Why is it fair?

DR. PAPPAS
It's equal.

AUDIENCE MEMBER
It's equal. Alright. Number one thing you need to know. Fairness means nothing.

[laughter]

DR. PAPPAS
It means nothing. To be a good negotiator, to be good in difficult conversations you have to understand that these values are defined individually. In context. So, excellent, it's almost like I asked you to come here and say "I don't need the dollar." Because for you that context mattered. I don't need this dollar. But let's say your dividing $10,000. For the folks that provided a dollar, would you have provided $10,000?

AUDIENCE MEMBER
Yes.

DR. PAPPAS
What about $100,000?

AUDIENCE MEMBER
Yeah, 'cause she's my wife. I have to give to her anyway.

[laughter]

DR. PAPPAS
I am a divorce mediator. But this is not a divorce mediation. So, basically, it's 50 percent yours anyway is what you're saying.
**AUDIENCE MEMBER**

Well, no. The reason I gave the dollar is because the the emotional value of giving is worth much more, in actuality, than the dollar.

**DR. PAPPAS**

And that is an excellent point that it is individualized in it's context. So fairness means nothing. It's what does fairness mean? And, yes, one way of defining fairness is equality. But very often, somebody will offer a penny or ten cents. And it will either be rejected or accepted. And I'll say, "Well did you feel your ten cent offer was fair?" "Yes I did I'm the one who gets to make the offer." So it's all in the eye of the beholder. What they think that means. And what's going on there. There's also no such thing as a dollar-only dispute. This is very, very important. So what is fairness? It's an interest. A position is "Alright, either you get the dollar or I get the dollar. Or we divide it in some way." That is by definition a positional argument. Alright? But when you think about the interests involved. You can expand the pie. This is basic negotiation theory. Getting to Yes. Fisher and Ury. If we go from "You get a dollar, I get a dollar" to "Why do you want the dollar?" "Well, I want what's fair." Well, we have to define that. But we can get the position -- The 'either/or' to the 'why'? And find other opportunities. If there was such a thing as a dollar-only dispute. If it were ever just about the money, no one would ever decline anything in this exercise. Because even 1 cent is more than you have right now. Does that make sense? Why would you turn down a penny? Because it doesn't seem fair. Because you don't want to give somebody something you think they've earned. There's always context. And so there are always interests. So we have to get out the frame of "Either I'm right or the other person's right, either I win or the other person wins" to "Why?" What are the interests behind the positions? So instead of I'm anti-gun control, I'm pro-gun-control. Well, why? What are the interests behind that? We can't find commonality when one's for, one's against. But when we figure out the why? How do we negotiate safety? What does safety mean? Right? So this is basic negotiation theory. Interests are everywhere. Culture and context do matter. Often times its different cultures. Although I love anything different. So having a married couple do this is fascinating. I trained a couple of married couples in divorce mediation trainings. It's always dangerous. Because it raises expectations for communication patterns. And I'm not in the make-up business. I'm a divorce mediator. That is the break-up business.

**AUDIENCE MEMBER**

Some cultures like to bargain.

**DR. PAPPAS**

That's true. But the key point here is that there are competitive and collaborative aspects to every single negotiation. Every single difficult conversation. I'm not a believer that interest-based negotiation is a higher form of it. I don't believe that. And I'm a little different in that regard. Every situation has positional and collaborative interest based aspects. So you're gonna need to
claim value and try to expand value in every situation. Expanding being "What are the interests behind it? Can we satisfy our underlying interests instead of just trying to wrestle with the position?" There are two key concepts I want to talk to you about. One is Impact-Intent-Characterization. This is the root of all conflict. This is from a book called "Difficult Conversations." I love the book. I require it for my mediation training. I think it is the theory of what happens in the joint session of a mediation. How do I explain this? Well, you're driving here to work. And somebody cuts you off on the road. The impact of that, you don't tend to think "Oh, I wonder what that person meant by that?" "I wonder what kind of day they're having today?" No. You characterize. Usually it's not with a nice word. Right? But then you're driving to work and you cut someone off. "Oh, I'm sorry. I didn't mean that." So we treat ourselves quite a bit more charitably. But all of conflict comes from somebody did something I didn't like. I'm presuming intent with it. And then I'm characterizing. And I'm going to respond negatively as a result of that. So, lateness. I'm late because my alarm clock didn't go off. Because of traffic. But you're late because you're lazy and inconsiderate. Road rage. Negotiation offers. I don't like what you've offered me. I know you're withholding something you could offer. You did it on purpose. I know you said this because this, this, and this. Instead of "Tell me more about why." To get from what we see as a positional to a better mutual understanding. There's also street level bureaucracy. This is "Cops, Teachers, and Counselors." This is a book I really enjoy. It's qualitative. It talks about how frontline, street level bureaucrats have incredible power. So you go the DMV. The DMV is a really interesting place to go here in Idaho. I've learned that. And, it's 455. It's a Friday and I get in the wrong line. I pick the wrong ticket. Right? That person can help me or hurt me. Based on whether they see me as listening, deserving, considerate. So the research shows that you don't have to go to the top of an organization. That policy makers actually exist right on the front lines. And so they have power. They will, this research shows, they will actually risk their jobs to hurt you. If they think that you deserve it. And they'll risk their jobs to help you. And so, a lot of it is about how do policy makers work in an organization to effectuate policy. But for our purposes, everybody's a street level bureaucrat. Everybody is. If you like me. If you think I'm listening. If you think I'm deserving. You'll give me bargaining room. Somebody comes to you and says "Hey, who do you know? I want A, B, and C." If they're rude about it you go "Sorry I don't know anybody". But if they're considerate, polite, if you like them. You'll do something for them. And so how we interact with people earns influence with them. Even subtly. So this is a reinforcing loop. We have a stronger community. That will lead to better communication. If we have better communication it will lead to greater trust. What does greater trust lead to? A stronger community. I think good communication is the key there. What leads to trust? It's better communication. So, I believe there are 7 levels of listening for persuasion. Now what I mean by persuasion is -- How does somebody really know they were heard? How do we build that connection? 'Cause at the end of the day it's all about relationships.
You can be incredibly insulting and have difficult things to say to one another. But if you a relationship and I know you. I can look past what you're saying to who you are. So how do we establish those relationships with our communication? As I train mediators, I want it to be based on the communication. I'll explain that in a little while. So if these are 7 levels and I believe that they go from less to more. Let's test them out. So here's what we're going to do. With your partner we're going to listen like a cow. I remember the first time I did this I was being reviewed as a faculty. A very serious faculty member comes into my class. Sits in the back. I'm thinking "Why are we listening like cows today?" This is the last thing that I wanted to be doing. Shouldn't we be talking about some statute here? So how do cows listen? Anybody here from Wisconsin? No? Okay. Well I'll tell you. I don't want any nodding. I don't want any verbal response. I just want eye contact. You're going to take about 30 to 45 each. So decide with your partner who want to be the cow first. And who wants to talk to the cow first. And then we'll switch. Alright? Let's do it. What's it like talking to a cow? How was that? What's it like? These are very important questions today. What is it like talking to a cow?

**AUDIENCE MEMBER**

On the listening side, I had to concentrate so hard on not nodding, or smiling. And I couldn't pay attention to what she was saying.

**DR. PAPPAS**

So these reflexes, stopping them, made it harder for you to listen. What was it like talking to the cow?

**AUDIENCE MEMBER**

It was tough. And as the cow I kept seeing my head go, just barely, up and down. Imperceivably maybe but just barely.

**AUDIENCE MEMBER**

She was giving me cues.

**AUDIENCE MEMBER**

Yeah, and I was trying not to smile and not to, you know.

**DR. PAPPAS**

So, what does that say about our slight verbal and non-verbal skills? if we have to focus to stop them? Anybody like talking to the cow?

**AUDIENCE MEMBER**

Well they don't talk back much.

**DR. PAPPAS**

That's right.
AUDIENCE MEMBER
You don't have to worry about somebody arguing with you.

DR. PAPPAS
That's right. In fact, that's actually a common. So most of our listening devices are reflexive. And I'm going to talk about the value of those. It's difficult to listen as we try to stop them. For some people it's awkward. Right? How many people say it's awkward? The persons just staring at me. This is weird. Right? Every once in a while somebody will say "Well, this is what I always do anyway."

[laughter]
For others it's a relief to know no one will interrupt them. But I train a lot of lawyers. I don't hear that very often. So my point with this is that we have to do more. Roughly 60 percent or more of our communication is non-verbal. So it's important. I' not saying it's not important. But if you ask the expert in my life, my wife, whether she know that I'm listening to her based on verbal and non-verbal cues. We have this conversation every week Oh, really I didn't know we were doing that. Oh yeah, you were looking at me and you were nodding as we talked about it. And she's learned that means nothing.

[laughter]
So, we have non-verbal and verbal. I'm not saying they're not valuable. What I'm saying is that to be persuasive you have to do more. Now, I also want to show you something. Because this can go the opposite way. I know people that while you're talking to them, if they disagree with you, they'd go Right when they're doing it. Nothing really impacts a conversation more negatively than someone actually just, while you’re talking. I want to say "You know, I can see you."

[laughter]
So, what about questions? So let's talk about that. What is a close-ended question?

AUDIENCE MEMBER
Yes or no.

DR. PAPPAS
Something that you can answer with a yes or no. Now there are variations of how closed you can ask a question. Now we'll talk about that. A question that calls for a yes or no answer. So, "Did you go to the store today?" Right? The answer is not "Fred Meyer is a great place." Right? That's just not responsive to that question. So between the two of you, decide who person "B" is. Who's "A" and who's "B"? Pick one. Decide who that is. Ok. I haven't done this before. We'll see if this works. Person A, I want you to shift your chair so that you can't see this screen. So,
person B is going to take on the identity of somebody. I'm going to tell you who that person is shortly. So person A, you're going to ask questions to person B to find out who they are. You can only ask yes/no questions. So if you're asked a question that doesn't require a yes or no, I don't want you to answer. Alright? And I'm going to show you who that is. Person B, if it requires more than a yes/no, don't answer. Are you living in Idaho? Right? That is a yes/no question. Are you ready? Here's who the person is.

[audience reactions]
So go ahead and see how many questions it takes you to figure out who the person is. Okay, so let's see where everybody's at. How many people have figured it out? Okay, let's get back together. You can turn your chairs around. How many questions did it take you to figure it out? Four. Two. Four. Zero.

AUDIENCE MEMBER
I was trying to listen to you and I accidentally saw so I couldn't play.

DR. PAPPAS
That's okay. See he listened. Very honest, very honest. Also, I think everyone going "Ugh", may have given something away.

[laughter]
I'm not going to share secrets with this room is what I've learned. So, it was Donald Trump. And the key point here is that to build persuasion, in discussion, the key factor is expanding information. When I'm mediating I want information. I never sit down with people in conflict and believe that they know everything about the conflict. They think they do. They want to send me memos. They want me to read them. Don't tell, I don't read them. And I don't charge them for it either. But if I read them and then I say, "Tell me your situation." They say "Well, you know, you read it." And then I have to keep track of what I read versus what they say. And I miss that opportunity to build the relationship within the communication. Now you might say "Wait a second, they might be in a fight that has nothing to do with the relationship." You have to establish a relationship to resolve every situation. Regardless of whether they'll see one another ever again. There's some communication relationship you have to establish. And so I need open ended questions. Why? Well, we can't know what we don't know. So in order to be able to ask about something you have to know what you're looking for. Well in conflict, it's never quite that simple. And so if you keep your questions open you're going to get more information. There's actually a loop here that you'll see, in terms of some of these skills. Also, people are going to answer what they're asked. Some people very directly. Especially in conflict, they'll do this. And they look very carefully for what are you asking, why are you asking. Are you trying to trap me? We'll get back to that in terms of impartiality in a second. And you're not
going to build any trust with close-ended questions. Also it requires you to come up with all the questions. I haven't thought of a question in years. I don't think of questions. I'm going to talk to you about how you develop this skill of being able to ask better questions. Two guaranteed ways to keep questions open. This is one of the secrets. "Tell me more about", and "What are your thoughts about." You can't ask a close-ended question if you start with those two things. Now can I close it to subject matter? Yes. Tell me more about what it's like listening like listening like a cow. Tell me more about what it's like to try to figure out who Donald Trump is. Alright, that's a bigger question. Use questions to get to the interests behind the positions. That's how we do it. Asking a yes/no question is a very positional way. Right? You're just getting to the surface. How do you get beyond that? You've go to open up your questions. You can always follow-up on something that someone says. I practice this. I practice this when I have to be in social situations. 'Cause is you take me class you'll learn I don't particularly like people. I also don't particularly like being in public. I also don't particularly like being on camera. So we're hitting all the checkmarks here today. But when I am and I feel uncomfortable. I'm guessing, many of you, if I ask, how many of you feel uncomfortable not knowing what to say sometimes when you meet new people? Right? What am I supposed to say? How do I do that? It's just natural. So I focus on these skills. You can always follow-up on something that someone says. The challenge is we can't do that if we don't hear them. So, if we look at this, we don't want close-ended questions. We want open ended questions. That doesn't mean you can never ask a close-ended question. But when I train mediators you are going to have a very tough time really expanding information and having an in-depth conversation if you're just asking close-ended questions. So, I'll get to why these lines are like this in a second. Let's do the last word exercise. I like this one a lot. Does everybody know who Oprah Winfrey is? I have to ask my students. You know how Oprah says she's go the secret? Right? You get a new car! I've got to work on my impersonation. Before Oprah disappears from everybody's consciousness. Alright, I want one person to start by saying a sentence. Okay? The next person has to start their next statement with the last word used. Okay? So, "Morning is my favorite time because I love breakfast" "Breakfast is not my favorite because I'm always pressed for time." You can change the start but not the topic. Right? "Timeliness is one of my greatest challenges." See I've changed the word 'time' there. It's tricky. And, "I never have time for breakfast" Time is still the focus. It's okay to put a word in front of it. Or a few words. So I want you to practice this. Decide who's going to go first. The speaker is going to say a statement. The responder's going to start their next statement with that last word. Okay? Let's try it. We'll go back and forth 3, 4, 5 times. How does the conversation, or what you just did, change because of that last word instruction?

AUDIENCE MEMBER

You're paying attention more.
DR. PAPPAS

Yes. Anybody interrupt anybody?

AUDIENCE MEMBER

Yes.

DR. PAPPAS

Interesting. That's tough to do. Why? Because you can't say anything until you know what the last word is. Right? This is the secret. This is the only reason I'm a mediator. I need something for my brain to do while you're yacking.

[laughter]

And this is my life's challenge. Reflection is the only way someone knows that you heard them. All the other things above that line, and we'll go back to that in a second, you can do all those things and the person doesn't know you heard them. You can fake your way through it. But you can't fake your way through reflecting something. Right? So it's not the reflection that matters. It's me being ready to reflect. It's my brain going "Okay, whatever I hear next I'm responsible for some part of it. So, I don't reflect every time. But I consciously choose not to when I'm using these skills. That's the difference. I actually feel rude. It impacts my qualitative research. Because if I ask an interview question, and then someone says something, my instinct is to. But then when I read my transcript afterwards they loved the way I said it. I can't quote myself in my research. So, it causes some problems for me 'cause it feels rude to me not to do that, when I'm thinking about it. Trust me, it doesn't feel rude to me when I'm in everyday life. This skill, when I master it, I will be doing it all the time. It gives you time to digest the information. It gives you time to find the interests. It gets you time to find that open-ended question. It starts with the reflection. Now, do we need the reflection? No we don't. Reflection is a holding place for true listening. Eventually you get to the place where you're not even thinking about the reflection. You're actually engaged, you're actually listening. So I am fooling you into listening. Using this as a way to get you out of your heads. Because when you're in a difficult conversation, when we're mediating conflict, you're thinking about what to say next, you're thinking about how to convince, you're thinking about all these other things. You're not present. How do you give up control in a conversation? That's honestly the secret. My way of mediating, is mindfulness. I am meditating through conflict. I am not thinking about anything. I'm thinking about what did you say. You have to give up enormous control when you do it this way. So, it makes you responsible for responding. It will instantly make you a better listener. Right? The secret. Ask don't tell. It sounds very different. "It sounds like", "What I'm hearing", "For you". You have to alter those. It gets very nauseating. You say that ten times in a row it's a little much. Practice to know how much and when to do it. So when you go out and you do this later today someone’s going to go "What are you doing?". You know what that is? That's feedback that you're not doing it very
well. It just means you need more practice. So, I know I'm doing this very well when I can use this skill with my wife and she doesn't know I'm doing it. Because when she sees I'm doing it she says, "Are you mediating right now? Or are you listening?" And I say, "Well what's the difference?" Apparently there's a difference. I'm not litigating, I'm not lawyering. I guess that's positive. So this is not good. "Hey, how are you?" "Oh, so you want to know how I am?"

[laughter]

You've got to change the depth. You can paraphrase. You've got to change the depth. You've got to change what's focused on. You've got to pick an interest. But the more important statement, the more you need direct reflection. The less trust the more you need direct reflection. So when I first get started I'm building a communications relationship with each person in conflict. About what they need, how directly they want to be heard. Whether they focus on interests. You know, it's a feeling based process. I can reflect and go, "It sounds like..." and I just feel the interests. This is not a science it's an art. And then I'm getting feedback. Someone goes "No, no." Okay. That iterative process of looping helped me understand what it is that you meant. That's as valuable as the reflection itself. And where you want to get to is, "Exactly!" "Exactly!" So the less trust more important it is to reflect directly. So, reflection is the only place where people feel heard. You can't tell me that someone knows that you heard them from a question, from nodding, but they know from that. But just because they know you heard them doesn't mean they know you understand them. Those are very different concepts. So, the interests and the empathic listening, not only do I know you heard me, but I know you understand the underlying meaning I inscribe to these things, and how I feel about them. That's very powerful. Now we're not going to get to the empathy part today. Don't worry. I don't want anyone to go "Oh my gosh, feelings. What?" We're not going to get to that part today. But here are some of my pet peeves. Don't say these things. I don't like it. "I just want what's fair." What does that mean? It just tells me that you don't understand that it's all relative. Or "I hear what you're saying." That drives me nuts. You're about to say "But..." Don't tell me you heard what I'm saying, demonstrate it. Demonstrate it. "Would you agree that?" No probably not. "That's a very good point." But... Right? "I don't disagree." Alright, I disagree somewhat. "I know what you mean." You've got to be careful, reflection has to be impartial because people are listening for your bias. You don't want to change their reflection to suit your needs. "Oh, so you think that actually, you said this." You're not building any connection. They're going to go, "No, that's not what I said." You actually want to lean in to them. So for you, be very direct. You want to be impartial. It's very hard to do. But you want to be impartial with your reflection. I think this is self-explanatory I hope. Maybe on video it doesn't come across as well. Here's the point. I don't have to be. We don't have to be like someone to be able to listen to them. To be able to build dialogue with them. If that's true, the courthouse, when they schedule a mediation would say, "Okay, you're a Packer's fan. Alright,
we're going to need a Packer's fan, who's from the Upper Peninsula of Michigan, who has family in Tennessee. Because, wow, will that create connection." So what we tend to do is we tend to look for commonality. "Oh, me too, I'm just like that." That's weak. I'm not saying you shouldn't do that in your everyday lives, but as a mediator I don't want that. Because it's not impartial. Let your listening, be what builds the dialogue. You don't have to be like somebody. We're all alike enough. Now that doesn't mean also that I understand. Right? I can be an African-American female and not understand all African-American females. Right? Our diversity is more complex. We don't have to have common experiences and backgrounds in order to do this. We have to just listen in a different way. So this is my life's lesson. Because boy do I talk too much. It's something I constantly work on. If you're someone like me you think about what you say after you it. Right? You're constantly going, "What did I say? Oh my gosh." Other people think very carefully before they say anything. That doesn't mean one's right or wrong it's just different challenges. You've got to push yourself a little bit more to communicate more quickly. If that's you. No one cares how much you know. They really don't. I wish it weren't true. But it is. No one asks for your opinion because they want it. Now once in a while, once in a blue moon, they might say I really want your opinion. But what they want is validation of their views and opinions. They want help thinking through their options. If you want real power it's help someone think through what they want. So, if I have a student come to me and I really like the student I won't give them any advice. It takes longer. I help them think through what they want. Through reflection, interests, open-ended questioning. And if I'm not having a good day or the student's pressing me, or it could be anybody, it doesn't have to be a student, I'm more likely to give advice. My advice is great by the way. I just feel like I need to say that. I just think it's terrific advice. Right? They don't come back when I give advice. Even when it's great. They come back when I help them figure out what they want to do. So one of the arts of this is never having to answer a question. So someone says, "Well what do you think?" Well, it depends on what your interests are. You have mentioned and then you said. So what are your thoughts about? I don't have to give my opinion. And it's way more powerful when I don't. Seldom do people in difficult topics say, "You are so passionate and convincing, I have just completely changed my views." "You know, I've been thinking about this here. You're right." If they said that to me I'd go, "You're pretty sarcastic." We're not going to resolve the gun control debate together. I've always found that interesting. Like, really we're going to have a heated conversation about this. Like you and I are going to fix this. Like it matters what you and I think and whether we're able to resolve this or not? And maybe you're somebody who says, "Well, I can't be friends with somebody who thinks differently." But that's not how I think. So, be more interested in why people believe what they do instead of trying to change what they believe. So, if they feel heard for what they believe, one; there's a huge middle ground to be explored. I can ask much tougher questions if you're not questioning my motives. So, once you know that I've heard you. In fact,
I'm leaning into what you're saying. I can ask a tougher question, retain my impartiality, and I'm actually going to get you to answer. It's powerful. But it requires that I stop thinking about how to convince somebody to do something. And start thinking about how do I help someone feel heard to start exploring some of the differences. It's about building that relationship in the moment. If you feel heard you'll want to hear me. This is my life's lesson. It's not easy to do this. I'm not saying this because I know how to do it. I'm saying this is the struggle. If I don't feel that you're hearing me, the answer isn't for me to say, "Well you're not listening." The answer is for me to start doing active listening and make sure that they know I heard them. Then maybe they'll be ready to hear what I have to say. Sometimes people don't get there. But, do I really want to keep hitting my head against the wall anyway. This is also called open-minded listening. So, and what I mean by open-minded listening is that I'm open to what you might have to say. I'm not looking for every way to knock it down in the moment. That doesn't mean I don't have strong opinions, I actually do. One example of this, where I thought this worked very nicely, is that my wife likes to get to know the neighbors. And I think that's great. I want to get to know the neighbors like two neighborhoods over. Because, we're kind of stuck with the neighbors we have. You don't get to pick and choose. And I kind of say look it doesn't go well, well they're two neighborhoods over. I mean it's okay, there's less risk. But next door it's like. It feels like family. You know, it's family. So they had a neighborhood, this was is Michigan, they had a neighborhood party. And, of course, I'm there and she disappears and I'm left. I'm going to do some practicing. So I'm doing a little reflection, a little interest development, a little open-ended questioning. We're talking about gun control actually. About hunting squirrels with automatic weapons. And that's very foreign to me. But, I'm like alright no judgment, impartiality, tell me more about. It was really interesting. Got to explore questions about whether they should be allowed to do this, how they regulate them. Really starting to get into the. You're never going to get someone like that to say absolutely there should be some regulations. Very quickly people separate to their sides. But we had a really interesting conversation. And somebody else comes in and the guy goes, "Hey, Bob, Brian here he's coming squirrel hunting with us next weekend." And I was like, "No, I'm not." I didn't say that. But to build that kind of connection where you can disagree but you can start to explore the intricacies of the middle ground. I think that's valuable. So, let me say a little but more about interests. Positions are what we say we want. Interests are why we want them. It's a higher level of listening. And you can diffuse that impact-intent-characterization problem. I'm going to go through this whole thing and then we'll come back. So interests are typically talked about as you want "a", I want "b". But we have interests that go beyond "a" and "b", and so we can satisfy those interests. "A" and "b" are irrelevant. That's the typical way it's used. But it also can frame outcomes and provide support for arguments. And there are a couple ways to do that. You can force the other side to meet your interests. You can make it interest based instead of positional. People don't lie about their
interests they lie about their positions. If you say to me, "Well it's really about responsibility." One, I want to reflect that. You mentioned "a", you mentioned "b", you mentioned "c". If I come up with ideas that satisfy responsibility that's persuasive. That's why I want to reflect it. Because I want to confirm, this is what you mean by responsibility and I honestly want to try to tailor it. I also can say, "This doesn't matter it's about responsibility." That's what this means. So if you can tailor any solution that meets my need for responsibility, we can really talk. So what I'm articulating is that you actually, these are some common interests, you can use interests competitively. It's not just about collaborating. You can use them persuasively. So there are four ways. One is to expand the pie, right, that's the idea that you have a neighbor dog. The dog's barking, the dog is scaring the kids, the dog has gotten into the yard. Alright we either get rid of the dog or we keep the dog. Positional. But what's underlying that? Well, safety, family, quiet. We can think of ways, where the dog stays but we get those things. That's interest based bargaining. That's expanding the pie. We can do it to brainstorm. So maybe we can identify the interests but we don't know how to satisfy them. Make it collaborative. So it sounds like if we can satisfy safety, access, choice, reliability. Boy, we'd have a solution that would work. We can use it to compete also. Like I said, if you can meet my interests here, then we're in business. Or I've got an idea that I think meets you interests. Followed up by, "Can you say more about why it doesn't?" 'Cause, boy, this seems to really hit every target. So, think about pro-gun, anti-gun. Right? The pro-gun person might want safety. Right? Safety meaning something very different then how the pro-gun control person think of it. But safety, access, choice, reliability. You want to be specific. "For you, these, and you mentioned." Right. So what if we mandated all gun manufacturers offer the latest safety options? Right? You like choice. That provides choice, not everybody has to have them. Right? You can go through that and you can start exploring that middle ground. Very persuasive to use interests with your arguments. It also narrows those bargaining lanes as I mentioned. So when I narrow what it is that I need to satisfy my needs, I force you to meet them. "No, I think you're misunderstanding me. What I mean by safety is 'a', 'b', and 'c'. So if you can find a way to satisfy that interest in safety, I think we'd have something." It also can be done to reduce tension. So forget everything above that. If I'm simply saying safety and access and reliability are important to you. That's enough that builds connection right there. And, boy, do people love, love, having their interests reflected to them. I mean think about hobbies that you have. Things that you start talking about, you forget where you are. And you notice and you're like, "Oh my gosh, I'm going on and on about this. No one wants to hear about Michigan football like this. They're not even that good. They're not even that good." But it's a form of service. Right? People never just get to talk. You want someone to like you? Listen. And I'm not saying this because all the time. Again I turn it on and I turn it off. But wow is it powerful. It builds rapport. It helps people feel heard. It is a very high level of persuasive listening. So, we've go to Rio. This was better when the Olympics were there. We've got to go to Rio.
Reflection, interests, open-ended questions. And I have pop-up video there because that's what interests are like for me. I'm not looking for the interests. If I'm looking for the interests, I'm probably cheating on my reflection. So, I say the reflection. It's like it pops up and I go, "Oh, it sounds like", as I am reflecting, it gives me time to identify it. And then I let the question hang. And I can tell whether you're cheating, with my trainees a mediator. That's why you have to have a four-to-one coach to faculty ratio in a mediation training. 25 people to 1. Don't take that training. You want someone at the table saying, "I'm either going to tap the pen, you missed the reflection. I can see you're trying to think about the question. I'm going to ask the question, you just do the reflection, we'll reverse. You can actually plug your ears. I want you to ask the question based off my reflection." There's lots of ways to practice this. Without the right to concealed carry there's no way to stop active shooters. So you the right to carry a firearm without everyone knowing is critical for safety, and prevention. Those are interests. Well what are your thoughts about (good open ended question) how active shooters can best be stopped or prevented? Or, say more about why concealed carry is important to you. Or tell me more about what you define as a firearm. And you watch me work you go, "How does he come up with these questions?" It's because I'm seeing them as categories. "What are your thoughts about? Tell me more about..." And I'm not worried about whether I can find the question. The difference between you and me, in terms of navigating these conversations, is that I'm comfortable not knowing what I'm doing. The more you put pressure on something the harder it is to do. Think about that. What's my next question going to be? What am I going to say here? You freeze. A lot of this is learning the skills and techniques and then being relaxed enough to let your brain, which is a magnificent, magnificent thing, work. The natural creativity come out. So, you use reflection to find the question. We're going to do this. Tell me about your favorite color. Well I love blue. It's peaceful. Reminds me of my family. Because we love Michigan football. This is a theme. And vacation by the ocean. "R.I.O". Reflection leads to interest. Peace. Family. Recreation. Right? And, tell me more about your family. Tell me more about Michigan football. Tell me about your interest in peace. Tell me more about your vacations. You can always find other questions. Are these the most brilliant questions ever? No. But a lot of it is just get the ping-pong ball back over the net. And relax. Keep your questions open. Let the question hang. How are you ever going to learn to ask a good question if you don't develop the skill to do it in the moment? If you constantly are thinking about what the question's going to be, you're never going to develop that skill, in the moment, to ask a good question. So, you've got to force yourself to suck at questions for a little while. And then if you're cheating on your reflection. If you're cheating to think about the question, your reflection's not very good. The better the reflection, right, the better your question. It starts with the reflection. But that doesn't mean that I want you, every single statement, going, "It sounds like you mean." When I'm first training people, yeah. That's what they do. But it's ingraining the impulse to do that. And then consciously deciding not to reflect every time. And
changing how you do it. So, I want you to practice with your partner. We've got a few minutes here. I want you to say, "Tell me about your favorite color." And I want you to think about not only what your favorite color is, but why. Okay? Let's do that just back and forth for a minute. So what you want to do is, you want to reflect something they say. If you hear an interest reflect that back and then ask an open-ended question. Right? "So it sounds like..." So, give me an example. Emily what is your favorite color? Tell me about your favorite color. See how I can ask a close-ended question then I can fix it. It's easy. So tell me more about blue as your favorite color. Emily I like the color blue because it's calming, I like to wear it, and I like to look at it.

**DR. PAPPAS**

So, it sounds like it's visually appealing to you. It's something that impacts your style choices in terms of clothing and it's something that feels calming. Tell me more about...Who has a question? What could you ask her?

**AUDIENCE MEMBER**

Tell me more about why that feels calming.

**DR. PAPPAS**

Yes, tell me more about why it's calming. Tell me more about...

**AUDIENCE MEMBER**

...how you calm yourself.

**DR. PAPPAS**

Sure. Tell me more about how it impact what you wear. Tell me more about how you surround yourself with things that you like to see. Right? I didn't come up with any questions in the moment to do that. It's getting that practice to expand. So how does this work when people are in conflict? Alright so Emily likes blue. Who likes a different color? Alright, I'll go with the front here. So I want you to say what your favorite color is and why. But before, right when she finishes, or even before, I want you to interrupt. I want to say why that wrong. I want you to say why your favorite color is right. And I'm going to show you how this works in managing a conversation like this. So tell us about what your favorite color is.

**AUDIENCE MEMBER**

My favorite bright orange because it's like orange juice Emily Eww. Orange? Why would you like orange?

**DR. PAPPAS**

So for you orange is your favorite color because it's bright and that's engaging for you, it sounds like. And for you, you don't understand why it is that orange could be your favorite color. Alright, what did she just do there? She asked a question. That's an unasked question. If I let that go it's
not gonna go well. It could. I mean, I'm gonna get a sense of this as their relationship develops, communication wise. More than likely she's like, "Why would you like orange." "It's because I do!"

[laughter]

So what I want to do. And you notice that I can get in there with that reflection very quickly. I heard from you, I heard from you. I love the double reflection if I need to. But I have a choice. I can anticipate her question and say, "So I'm hearing that orange is very engaging for you. Tell us more about why that's engaging. That's the question she's asking. Or I can reflect that she has the question and then I can ask the question. But I have to be careful how I ask it. I have to be impartial. I can't say, "Yeah, why orange?"

[laughter]

And often, she'll ask the question and I may not think it's the right time to ask the question. Or I can find out why she feels that way about that question. So, I am navigating this as a conflict translator. Right? This is the transformative theory of conflict. It's conflict as a crisis of interaction. It's not about figuring out the solution, it's about when we restore constructive interaction, you'll figure it out yourselves. It's the interaction that works. And we want to go from weakness and self-absorption to empowerment and recognition. Ideally I want them to empower and recognize one another. But I can start the process on each side. And so I'm meeting with them together to expand information to help them figure this out on their own. And then I meeting with them separately to help them figure out what they want. Because often they don't know what they want and they don't know what to do with the new information. Here's the thing, I don't even care if they resolve it. So, when I spoke to the Idaho Mediators Association, I asked how many of you think that the goal of mediation is resolution. Guess what? You're biased already. They don't know that they want to solve it yet. And why are you telling that they have to solve it? It's interesting. They also don't believe it's possible yet. People are willing to give up control, self-determination of what they want when they're in conflict. "Oh we can't figure this out. You have to tell us. As long as it's what I want you to tell us." Remember, people don't really want to know what you think. So, we have to get to empowerment and recognition. Reflection can be a tool to retain control. This is Bush and Folger, above. Using it for control the way I'm doing it. Not Bush and Folger. So, I am restoring what I believe is true facilitative mediation in my interactions. So, people are unable to hear unless they feel heard. You can use "R.I.O" to get greater information and cooperation. We want to diffuse tense situations. Get past this impact-intent-characterization problem. Listening is not agreement. But, boy, does it feel that way in terms of how supportive the conversation can be. And because we live in an era of polarization, we want to find that middle ground. It's never as simple as all or
nothing. And it's amazing how you can find middle ground. Even on really tough situations. Because we're curious and we want to know why people feel that way. So I hope this was helpful in some way for you today. Thanks for letting me be here.

[applause]

END OF TRANSCRIPT.