

How Neuro-Science Can Help Us Transform Conflict into Collaboration
By: Mari J. Frank, Esq. CIPP

“While people in conflict commonly make reference to the facts, behaviors, feelings, personalities or events surrounding of their conflicts, for the most part they ignore the deeper reality that these experiences are all processed and regulated by their nervous systems, and are therefore initiated, resolved, transformed and transcended by their brains.”

Kenneth Cloke, Esq. author
*The Dance of Conflict:
Explorations Mediation, Dialogue and Conflict Resolution Systems Design,*

Our brain is the CEO of our entire body, and directs how we interact with others, for better or worse. As attorneys, we can use our knowledge of brain function to transform conflict into problem solving and peacemaking to focus our clients on settlement instead of war.

It’s critical to understand how our brain functions to enable us to discern what is conscious, which gives us the ability to make choices such as how to respond; and what is unconscious, which is automatic and takes control, often when we feel threatened. If we understand the workings of our brain, we can self-manage, and help our clients to use their emotional intelligence to settle their disputes.

HOW OUR PRIMITIVE BRAIN TAKES CONTROL TO PROTECT US

We have a very complex, and incredibly intricate brain that has developed over thousands of years. Our primitive brain, from the dawn of humans, was our Reptilian System, which still works in conjunction with our more modern brain. It regulates our unconscious body functions such as breathing, heart rate, digestion, circulation, etc. It works automatically to protect us with behaviors related to self-preservation, eating, pro-creation, and enacting the fight/flight/freeze response. It serves us well when there is an actual physical threat of our survival to rapidly create chemicals to enable us to react quickly to survive a dangerous situation.

Whenever we feel threatened, our primitive brain takes over. It's beneficial in times of danger, but it can be an impediment to peaceful dispute resolution. When we feel *emotionally* threatened (offended, angry, dis-respected, frustrated etc.), our primitive brain kicks in to create controlling reactions with formidable chemicals such as adrenalin, cortisol, testosterone and other hormones and neurotransmitters. They foster powerful reactions which inhibit our ability to see anyone else's perspective, or even have calm meaningful discussions. The primitive brain meant to protect us from real danger, ironically, often creates the perils that lead to broken relationships, court battles, violence, war, and threats to our very existence.

The essential part of our primitive brain known as the limbic system, contains two almond shaped organs which are called the amygdalas, one on each side of our brain behind the eyes. Together, they act as our "smoke detectors" and when they get triggered, they sound a fire alarm and rapidly release the stress hormones described above, to prepare for fight, flight or freeze; it's automatic, and we may not even be aware of what's happening in our bodies. In an instant, these robust chemicals generate physiological and emotional reactions beyond our conscious actions.

In our modern society, when we perceive any form of physical or emotional danger, the brain reacts as it did in ancient times. For example, if you are in swimming in the ocean and a Great White Shark bumps you, that adrenalin rush can save your life. Your heart speeds up, your breathing gets shallower, your muscles tighten, you gain tremendous strength, your face may flush, and you take immediate action to fight or zoom to shore. You will experience many physiological defensive responses to fight off or escape from "Jaws". The reactions are not analytical, not planned, and may not be comfortable, but they are instantaneous, so that you hopefully can survive.

HOW OUR PRIMITIVE BRAIN CAUSES CONFLICT TO ESCALATE

That quick body preservation reaction is lifesaving if you are in an auto accident or being chased by a human predator. But if you are experiencing disagreement with your spouse, an argument with your boss, a dispute with a client, a breach of contract with a vendor, or any other type of non- life-threatening conflict, this powerful auto reaction may induce you to destroy relationships and perhaps initiate a costly courtroom battle, or even violence.

When the instinctual danger reaction takes over our brain, our logical brain goes dormant. Dan Coleman, who writes extensively about Emotional Intelligence, calls it “Amygdala Hijacking.” Our logical, analytical, and calm mind is overpowered, and our higher self is no longer in control. We experience emotional and physiological reactions that are evident in changes in body language and facial expressions. They can even be measured by physical changes and brain activity in fMRI machines. The main emotion of fear that alarms danger is often expressed by many other emotions such as anger, repulsion, frustration, hatred, anxiety, panic, devastation, extreme emotional pain, and aggression.

Can you remember times when you became emotionally charged and felt an adrenalin rush of immense physical energy and strength? You may have felt out of control. At the same time, you may not have been able to think clearly or remember exactly what you wanted to say. Afterwards, perhaps you couldn’t believe your over-reaction, or perhaps even remember what happened (like after a traumatic event). During that reaction, your decision-making skills would have lapsed. When this logic take-over occurs, you may end up saying “the best speech you would later regret.”

As our active primitive brain shoots chemicals into our bloodstream, it shuts down the neural pathways to our modern brain. If we are not self-aware, we become out of touch with our prefrontal cortex which is our logical, and executive functioning area of the brain. Under those circumstances, we are unable to listen or even use logic. Our understanding of who we are as functioning adults is clouded and additionally our memory is compromised. When “hijacked” by our limbic system, it’s impossible to problem solve effectively at that point. We cannot make wise decisions or even choose how to respond until we can use our emotional intelligence to get calm again and dissipate the strong neuro-chemicals that took over our rational mind.

HOW OUR MODERN BRAIN EVOLVED TO PROBLEM SOLVE

Fortunately, we can learn to calm our brain with emotional intelligence and become mindful of what is happening. We can use our modern brain to reverse the hijacking. Our so-called Mammalian brain evolved much later in the history of humans. It is made up of various structures and cognitive functions, but for this article we will focus on the one we depend on most for conflict resolution. Our pre-frontal cortex

is our executive functioning part of our brain which exhibits highly evolved operations needed to create solutions to complex conflictual situations.

The prefrontal cortex allows us to engage in abstract thinking, analysis, regulation of behavior, making choices between right and wrong, self-control, self-awareness, positive social interaction, the understanding of emotions, long and short-term memory, and compassion. This part of our brain which sets us apart from most other animals allows us to be self-aware, self-reflective and self-managing. With practice and mindfulness, we can better understand our auto-emotions and can choose to manage our feelings relating to those automatic emotions.

WE DO NOT HAVE TO BE AT THE MERCY OF OUR EMOTIONS

We can consciously choose not to be usurped by our emotions. All of us have numerous pre-conscious negative emotions under stress, but with self-awareness we can make conscious choices to adjust our thoughts, feelings, and our behavioral responses to focus on alternate ways of viewing a situation. This enables us to get centered and engage our logical mind to create positive options and mutual gain solutions.

Using emotional intelligence, we may analyze our emotions to discern if the “danger” is real or imagined. Then, deliberately, we can engage our prefrontal cortex with techniques to influence the limbic system to stop the fear response. Consciously, we can partake in thoughts and activities to boost brain bonding chemicals which influence human connectivity and collaboration. With mindful effort, we can train ourselves to enhance calming brain chemicals to increase and our ability to collaborate and transform conflict.

BRAIN TIPS FOR CALMING NEURO-CHEMICALS TO RESOLVE CONFLICT

The following brain chemicals and tips foster bonding, positivity and problem solving in the Mammalian brain:

- 1. Oxytocin** instills trust and promotes bonding and collaboration. It also is reciprocal with empathy and compassion.
 - Play soothing background music during dispute resolution process
 - Display fragrant bakery goods or flowers
 - Organize a pleasant, comfortable environment to be as non-threatening as possible

- Pay attention to arrange for pleasing sight, sound, smell, touch, and taste
- Acknowledge prior negative emotions positively and demonstrate reframing to avoid escalation. This will also help the participants use conscious thought to modulate and soothe negative emotions.
- Explain how our primitive brain can interfere with our problem solving
- Make sure all information is provided clearly and effectively using many modalities, orally, in writing, asking and answering questions, asking for clarification and understanding of all participants. Otherwise there will be frustration and the stress chemicals of cortisol will engage.
- Have people shake hands and say a positive hello with a smile if possible. A positive touch increases oxytocin.

2. **Endorphins** create a pleasurable response and reinforces cooperation.

- Engage in active listening to show empathy and respect
- Speak optimistically and with compassion, to activate left frontal lobe
- Stretch, take walks during breaks meetings
- Take time outs-especially when getting stuck in difficult issues
- Engage in a form of movement, a walk or exercise to divert negative energy
- Change the subject from a difficult issue to allow the brain space to process
- Smile and laugh with each other (not at each other)- to bring levity
- Give positive compliments and gratitude to foster feel good chemicals.

3. **Dopamine** triggers a positive feeling in a group

- Have a pleasant warm up introduction of each party
- Ask each party to share their commitment to a mutual gain settlement
- Share common backgrounds and goals
- Find out about each other's family, interest, hobbies

- Eat food together (protein / nuts and a little bit of sweets) as a bonding experience. “hangry” people are irritable.
- Recognize and share common interests and outcomes
- Speak slowly and in a gentle low tone of voice to role model
- Set a seating arrangement where opposing parties are sitting on the same side of the table

4. **Serotonin** regulates moods and high levels relaxes and calms.

- Set forth a calm energy. When serotonin is low, it is difficult to inhibit aggressive responses to perceived verbal attacks.
- Know that energy is contagious- so as the problem solver, set your calm energy first
- Place an Asian bell on the table and let disputants know that when voices are raised or if anyone makes a verbal attack, everyone must stop and listen until the bells sound stops. This calms the brain’s fight or flight response
- Serve food and water to help people affiliate. Turkey sandwiches are ideal because they contain tryptophan, which is a metabolic precursor to serotonin.
- Offer protein snacks with a little bit of fat accompanied by a small amount of carbohydrates. Do not overdo carbs and sugar energize for a bit and then cause people to crash.

As conflict resolvers, we can utilize the above activities to increase bonding, collaboration and connections to transform conflict. We need to focus on maximizing relaxation, engage in slow optimistic interactions, and demonstrate positivity. In order create solutions and bring peace, we ourselves must be the peace we wish to see in our clients and negotiating partners. Here are some ideas to help us get ourselves ready to be the calm “eye of the storm” empower clients to transform conflict into collaboration.

TIPS TO READY YOUR BRAIN TO ENGAGE IN “SOLUTIONEERING”

1. Practice emotional intelligence. Whenever you feel a negative emotion and the accompanying physical responses, look within and ask yourself how you are feeling? Where is this coming from? What do I need to do to calm myself? In those moments, slow down your breathing, analyze your thoughts and

change them to be affirmative. Become self-aware, self-managing, self-monitoring, and reframe your thoughts so you can tune in to become socially aware of the people with whom you are interacting. You are the role model for the disputants you are helping.

2. Utilize a mindfulness practice every day to be the peacemaker you wish to be. This can be meditation, yoga, running, guided imagery, playing a musical instrument, praying- or anything that rests and destresses the mind. We can better manage our own limbic system when we are self-aware self-managing, and self-accepting.
3. Set your intention for collaboration before every negotiation/mediation. Visualize the participants shaking hands and signing an agreement. Your intention and visualization help to create the reality that you wish to see. Engage in affirmative statements/prayers to calm your mind and clear away any fears that would invoke your amygdala.
4. Be aware of your own emotions and analyze them. Manage your thoughts to create a positive energy. Energy is contagious. When you walk into a room of anger, you can feel the negative energy. Arrive at the negotiation/mediation facility early and breathe a calm and peaceful energy into the room before anyone else arrives. Visualize a golden shield around you that keeps you from being affected by anyone else's negative energy. Envision a quartz pink ray of nurturing energy filling the rooms where the disputants will negotiate.
5. Relax and reflect on your deepest positive values before engaging in dispute resolution (God, love, peace, compassion, collaboration)
6. Set up the negotiation/mediation environment with soft music (spa music works well). You can go to YouTube and set it for 3-4 hours of this music on your smart phone to play without stopping or commercials. Decide where everyone will sit so that adversaries do not face each other. Arrange for natural light to come into the room, comfortable seating, and healthy snacks and beverages to give the disputants energy.

7. Dress comfortably, but professionally- blues and greens are pleasing, red and orange will inflame. Purple, black and white are neutral. Smile sincerely and confidently maintaining warm eye contact with a gentle countenance
8. Yawn and stretch several times before the session. Breathe deeply and slowly into your solar plexus several times before the session and when negative energy amplifies. This will reset your brain to be calm.
9. Stay present, be mindful of your own emotions and feelings and transform any negative thoughts you have. Know that you are there to facilitate solutions by helping everyone to engage in “solutioneering” by consciously using their modern brain, not their primitive brain. Remember that you have the power to choose your thoughts and actions, and so do your clients. Use your own emotional intelligence to be constantly self-aware, self-managing and motivated to be a calming presence.
10. As part of your opening statement to the disputants’ express appreciation to all for their desire to come to agreement and regain peace in their lives- and of course save time and money too!
11. Speak slowly, calmly, warmly, briefly and **listen deeply and reframe neutrally any negativity as soon as it arises.** Bring an Asian bell to ring three times if hostilities arise, so that you can de-escalate the primitive brain auto-reaction. Bring harmony and calm to the table and be that peaceful presence that you want to see in your clients, so that they can connect and collaborate peacefully to come to satisfying agreements.

“Peace is not absence of conflict, it is the ability to handle conflict by peaceful means.”

-Ronald Reagan

Mari Frank, Esq. is a Certified Privacy Expert, a MCLE Trainer for the State Bar of California and she has taught conflict management courses at Brandman University, the UCI, and Western State College of Law. She mediates for the OC, California Superior Court Civil Mediation Panel, the Orange County Bar Mediation Fee Dispute Panel, and privately various types of civil cases. She’s the author several books

including *Negotiation Breakthroughs, Stepping Stones to Success, and Fighting for Love: Turn Conflict into Intimacy*. She is the radio host of Fighting for Love: Turn Conflict into Collaboration on KUCI, 88.9 FM in Irvine California streaming on KUCI.org every Monday morning at 8:30 AM Pacific Time. She serves as an advisor to LPMT's Executive Committee.

Learn more at www.MariFrank.com and www.conflicthealing.com
www.FightingforLoveNow.com