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Book Review

Shared Solutions: The 7 Steps for resolving issues and solving problems successfully

Mark McPherson

Danny Crossman,
Shared Solutions: The 7 Steps for resolving issues and solving problems successfully,
Thomas C Lothian Pty Ltd,
South Melbourne,
2005, 161 pp
<www.lothian.com.au>

Overview

Danny Crossman is an experienced ADR practitioner in mediation, facilitation, negotiation and investigation. He has a background in education and human resource management and his experience embraces public and private sectors, including finance sector organisations, government departments and agencies, local government, universities and corporations.

The Shared Solutions model is the result of Crossman's extensive experience, reflection and openness to the ideas and experiences of authors and practitioners in the field.

Crossman identifies problems and conflict in many settings in people's lives – at work, in commerce, with interpersonal relationships, among family members and in our neighbourhoods. The Shared Solutions model is proposed as a 'generic process for problem solving'. The model aims to provide participants with the tools and skills to take an interest-based approach to problem solving in many circumstances of life. The Shared Solutions model is a DIY kit for problem solving, which can be used to resolve many problems or issues without third party intervention.

The Shared Solutions model sits between the recognized role of an independent third party, for example a mediator or facilitator, and the parties conducting the negotiations directly. On that well-known dispute resolution continuum, *negotiation-facilitation-mediation-conciliation-arbitration-adjudication*, the Shared Solutions process is placed between negotiation and facilitation/mediation.

The book is a useful resource to a range of people. ADR practitioners, facilitators, human resources practitioners, managers and employees, or a mentor looking for resources for their client are a few examples. Shared Solutions is also worthy of consideration as a dispute resolution process in circumstances where the participants are peers, for any person perplexed about how to resolve a problem or issue in their life, or for anyone needing to engage or transact to maintain an ongoing relationship.

Content

The content of the book comprises the principles and seven steps of the Shared Solutions model, the strategies available and the skills required. Case studies are used extensively to demonstrate the process and the application of skills, one example is a performance management discussion and negotiation between a manager and employee. The book concludes with a fictional application of the Shared Solutions model to public policy development and the resolution of public disputes and international conflict.

The writing style speaks to the reader directly and the author's enthusiasm for his model is evident. The use of the language of ADR is kept to a minimum, which is consistent with the author's aim of outlining the steps of a generic dispute resolution model.

The book aims to demonstrate how the Shared Solutions model meets the

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needs of all parties when the 7 Step process is used. The model aims 'to solve problems constructively and positively by using a process that will prevent matters from developing into disputes'. The model is based on the communication skills of dialogue and synthesis in order to 'establish constructive dialogue between people, then synthesise their views to design an outcome that meets their needs'. Crossman claims that the model provides the one process for the resolution of problems, negotiating agreements and achieving change.

Shared understanding

The 7 Steps:

1. Participation
2. Preparation
3. Establish constructive dialogue
4. Develop a shared understanding
5. Explore options
6. Design an outcome
7. Finalise,

aim to have the parties designing the outcome and having joint ownership of any agreement.

While each step in the model is important, Crossman finds the 'develop a shared understanding' step – the fourth step – particularly significant for participants. It is based on people recognising that each other's underlying needs are related to the relationship they build (Steps 1–3). In the Shared Solutions model, 'developing the relationship between the parties is all part of resolving the issue'. At the conclusion of this step there is either progress to the 'explore options' step or the withdrawal of parties.

The task for the participants in the 'develop a shared understanding' step (Step 4) is to question the cause of the problem, to gather and analyse data, to recognize each other's underlying interests and then to agree on the problem. The emphasis is on the participants reaching agreement on the problems and their causes by taking into account 'the factors that lead to the situation arising', which then 'lays the groundwork for their changed situation in the future'. Reaching a common understanding of what the problem is, is a precursor to moving to the solution stages – exploring options, designing an outcome and signing off the outcomes.

To unearth the causes of problems Crossman advises participants to be aware that the factors 'causing the issue to arise in the first place are not always obvious' and 'when trying to understand a problem, trace the causes back as far as is useful, in that you have the power to change that factor'. In one case study in the book, the causes of problems are identified as the structure of an organisation and historical issues.

In this step (Step 4) the strategies suggested for participants include:

- identifying what types of information to gather to help participants sort out the problem and gathering that information by using open and transparent processes;
- recognising their own and the other's interests and identifying common interests;
- asking other participants what outcomes are most beneficial to them;
- confirming the common understanding of the problem, verbally or in writing, by reviewing the causes, the shared list of issues to be addressed, noting the data and information obtained and restating the interests and needs of each person.

Some of the skills the participants need to apply in the 'developing a shared understanding' step are the capacity to listen to others, the ability to explain one's own needs calmly and rationally and to analyse the causes of problems.

Shared Solution's last three steps are consistent with orthodox consensual dispute resolution processes: explore options, design an outcome and finalise.

Parties centre stage

The Crossman model intends that the parties manage the process of issues/problem solving themselves, the task often given to an independent third person. This means that the parties have the dual tasks of managing the process and the content of the issue or problem. This begs the question of the capacity of many parties or groups to undertake such a demanding role when managing their own disputes. The parties need to be unusually skilled in communication, conflict analysis, managing the interaction, developing

and maintaining trust levels, while realistically testing their own (and the other parties') assumptions and interests.

In my experience, it is the independent third party who is often the only one who can manage the task of building the bridge of rapport and trust between the parties in order to construct a process of dispute resolution. Crossman's Shared Solutions model also expects congruence between words and action on the participants, a demanding task for the parties who are part of the problem.

Notwithstanding the above comments, the Shared Solutions model challenges many assumptions made by those of us engaged as third party dispute resolvers. Its commitment is to the parties' ability to manage the process and relationship between them. By providing possible strategies to be used at each step and making explicit the skills needed by the participants, the book places the disputing parties back in centre stage, a position often usurped by the professionals.

The Shared Solutions process envisages an independent third party in the background as coach and cheerleader, who can be called upon when needed. For example, an independent third party may step in when the parties reach impasse or need assistance with identifying/clarifying the issues that need resolution, or for the progressive recording of outcomes using the single text method, or to assist the parties to clarify interests. The book is unclear about what trigger points initiate the entry of the third party, or who can make the suggestion that a third party is needed. When the suggestion is made, how do the parties collectively decide a third party is needed, let alone how the intervenor might be chosen?

All dispute resolution processes have their limitations and the book would benefit with the inclusion of a discussion about the limits of the Shared Solutions model. Encouraging a party or parties to inquire about other possible dispute resolution and whether the Shared Solutions model is the best process for the problem would assist the reader to evaluate the possibilities and limitations of each dispute resolution process.

The model seems best suited for those problems where the parties are skilled in consensual dispute resolution, have an on-going relationship and therefore, more to gain in resolving the issues with relationships intact. Business mergers, enterprise bargaining negotiations and any circumstance in which the participants need to interact in the future are the situations most likely to benefit. Participants must also possess strong analytical and communication skills. ✣

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- The 8th **National Mediation Conference** entitled **No mediator is an island: *Celebrating Difference – learning from each other*** will be held in Hobart, Tasmania from 3–5 May. For further information see <www.mediationconference.com.au>.
- The **Association of Family and Conciliation Courts** is holding its **43rd Annual Conference** entitled **'Juggling Conflicts, Crises and Clients in Family Court'** in Tampa Bay, Florida from 31 May–3 June. For more information, visit <www.afccnet.org>.
- The **3rd Asia Pacific Mediation Forum Conference** will be held from 26–30 June, convened by the University of the South Pacific and held at the University of the South Pacific Suva, Fiji. The theme for the conference is **'Mediating Cultures in the Pacific and Asia'**. For full conference information, see <www.usp.ac.fj/apmf>.
- **ACDC** is holding a one-day course aimed at those who handle complaints in an organisation, entitled **'Complaint Handling – A Complaint is a Gift'**. The

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workshop aims to give participants an understanding of the importance of active listening, suspending judgement and the use of appropriate body language and eye contact. The course is being held in Sydney on 19 April. For more information on ACDC courses see <www.acdcltd.com.au>.

- **ACDC** is also holding a one-day workshop for Executive Officers; Compliance and Risk Managers; Human Resources Managers; Internal Auditors; Systems Designers; Policy Developers and Complaints Managers entitled **'Conflict and Dispute Management Systems'**. The workshop aims to give participants an understanding of various ADR processes and their application within organisations. The course will be held in Sydney on 26 April.
- **ACDC** is also holding **Stage 1–3 Certificate Courses**. **Stage 1 Accreditation Courses** are being held in Sydney on 3 May. **Stage 3 Accreditation Courses** are being held in Sydney in June.
- **The Australian Centre for Peace and Conflict Studies** is offering an approved Queensland Law Society training course on **Mediation** as an intensive 4-day workshop. An **Advanced Mediation Course** designed for participants who have completed basic mediation training and have some dispute resolution experience will also be offered. The course is taught as an intensive 2-day workshop. A one day intensive **Cross-cultural mediation seminar** will also be offered. This course is designed for participants who have completed basic mediation training. For more information, please contact 07 3346 9964 or 07 3346 8742 or email: mediate@uq.edu.au.
- The **Bond University Dispute Resolution Centre** in conjunction with the **Leo Cussen Institute** is holding a 4-day workshop style **Basic Mediation Course** on 12–15 October. The course will take place in Melbourne. For more information, phone 03 9602 3111 or email lpd@leocussen.vic.edu.au.
- The **Bond University Dispute Resolution Centre** will also be conducting independent **Basic Mediation Courses** and **Advanced Mediation Courses.** Both courses also have a Foundation Family Mediation stream, run in conjunction with **AIFLAM** (Australian Institute of Family Law Arbitrators and Mediators.) Four-day workshop style **Basic Mediation Courses** will be held on the Gold Coast on 27–30 July and 30 November–3 December. A 4-day **Advanced Mediation Course** will be held in Noosa on 21–24 September. For more information email drc@bond.edu.au or visit <www.bond.edu.au/law/centres>.
- **CEDR** is holding three **Mediation Skills Training Courses**. Fast Track courses (five consecutive days with a weekend break in-between) will be held on 17–19 and 22–23 May in London, UK. A residential course held outside of London will take place from 20–26 April. For further information contact the training team, +44 020 7536 6000, email training@cedr.co.uk.
- The **Professional Certificate in Arbitration** is being offered by the **Institute of Arbitrators and Mediators Australia** and the **University of Adelaide.** This course aims to qualify skilled practitioners in the field of arbitration. Tuesday evening classes are offered in several Australian capital cities. The course is also available as an Online Learning Program. The course is appropriate for those practising law or in other professions. The **General Course** is being held on 19–20 May 2006 and the **Advanced Course** will be held on 15–16 September 2006. To book a place or find out more about the course, contact 08 8303 4777 or visit <www.adelaide.edu.au/arbitration/course/>.
- **MATA** is holding a 6-day **Advanced Mediator Course** in the UK in September. This residential course is designed to develop skills of mediators who already have experience in mediating commercial disputes. It is open to all mediators, whether lawyers or not, with experience more important than qualification.
- The **Strauss Institute for Dispute Resolution** in Irvine, California is holding a course entitled **'Mediating the Litigated Case'**. The 6-day program for experienced litigators, in-house counsel, and other practitioners focuses on the various stages of the mediation process, identifying and working with different negotiation styles, and facilitating problem solving regardless of whether the case involves contractual, tort, personal injury, employment, partnership, or securities issues. The program is being held on 20–21 April. For more information or to register online, visit <http://law.pepperdine.edu/straus/>.
- **The Trillium Group** is conducting a 4-day **negotiation and mediation workshops** in Brisbane from 23–26 May, in Sydney from 30 May–2 June, in Melbourne from 18–21 July and Canberra from 25–28 July. To register, or for more information, visit <www.thetrilliumgroup.com.au> or call 1 800 636 869 toll free or 02 9036 0333.

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