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# Things I wish I'd known in 1998

David Bryson

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## Looking back

# Things I wish I'd known in 1998

**David Bryson**

The ADR Bulletin is about to move from hard copy to soft copy after 13 years so as to more effectively continue its distinguished contribution to ADR in Australia. It has been a privilege for me to be involved in its first manifestation as part of the editorial group and I am grateful for the invitation to write a short piece at this juncture.

Historical milestones often prompt us to reflect on time past and how we learn and evolve in our lives through experience. I thought I might therefore reflect on what I now know to be useful and would like to have known circa 1998, at the time the first edition of the Bulletin rolled off the ink printers.

The following personal reflections derive from my principal ADR practice area, workplace dispute resolution, but hopefully apply to other practice areas too.

## That we really contribute once we shed expertise

The more I am conscious of not exercising my expertise, the more I realise that's exactly the place from which I operate. It is increasingly significant for me to work in such a way that an individual or a group finds their *own* way through whatever preoccupies them, rather than for them to give up something to the outside expert.

The discomfort of this framing of a relationship and the reversion to a default 'consultant as expert' is understandable. However, I now believe the product of such an interaction is less than it could be. I am learning to let go of the internal image and identity of myself as 'expert'.

This is also true of what makes me uncomfortable in the moment. Invariably, the severest lesson of imposing my own expertise, giving way to the impulse for control or meeting

others' expectations for expertise, is that I then witness a disassociated interaction with others, a disempowerment of us all.

So, can I bear to work in such a way that I facilitate others finding their own wisdom?

## That the primary challenge is not to find a way out of conflict, but through it

This reflection flows from the first and takes us into our own fears. Today, I look for different things in others and the situation than I did in 1998, before I decide on the nature and level of intervention. Is this person willing and capable of making a shift (in behaviour, attitude) and will the context support them if they do? The person may strike me as unwilling to shift, but if the environment is unforgiving if they do, then there is good enough reason to remain where they are.

There is no easy way to shift in our perceptions of others, of how we view our situation. We can be practitioners who assist people to find ways out, to escape and disconnect with what is uncomfortable. However, my experience is that this does not resolve conflict fundamentally. Very little is learned by it from an organisational point of view because more often than not the pattern repeats itself.

So my thinking is now more like this: what is something that this person can find here for themselves? What is it in their thinking and feeling that we both must stay with for the moment to effect real shifts of behaviour and decision-making? And so too for the organisational setting of that individual: what needs to be worked through in how the inter-relationship of people is managed so that engagement between people moves from conflictual to constructive?



## That we must first discern our task, not assume it

Where there is the need to diagnose the nature of conflict before intervening, what appears to be the dispute is often not really the dispute. This is especially true in the workplace, but I suspect also in any context. Just because we get signatures on a standard mediation agreement, or any other of the useful tools at our disposal, does not mean we have the right job ahead of us.

As a starting point, I spend lots of time on agreeing with my client an acceptable consulting contract. The aim is to achieve a clearly-defined scope and objective of the third party role; what's in and what's specifically out of the intervention; what is expected of parties (including the client); what are the assumptions underlying the consultancy; and how my intervention is to be explained to everyone involved.

This scoping is critical at the commencement of an organisational mediation but invariably has to be revisited throughout a contract, fought for even, defined and negotiated anew if necessary to preserve the place in which the outsider works and into which we invite others to meet and talk with each other.

I have become much more Bolshevik in demanding clarity of contract over the last decade or so.

## That we must be skilled at helping others make decisions

In his mediation texts, Laurence Boulle has rightly defined mediation as assisted negotiation, assisted decision making, and has legitimised both distributive and interest-based approaches to negotiation. I wish I had learnt the grammar of negotiation much earlier, so that those involved in my mediations could have made decisions with more understanding and awareness, a more measured sense of the success of the outcome.

To me, the interest-based grammar of the Harvard school applies whatever the approach of negotiation that follows. Parties must be aware at the very least of their Alternatives (the

fabled BATNA), what Standards apply to their situation, what the best of multiple Options may be, and primarily what Interests they must satisfy for themselves and for the other. And then know how this grammar can be articulated in the moment to meet their goals and wishes.

Without a deep understanding of the grammar of negotiation, I was

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sometimes an effective trickster, with good heart but less useful to others than I believe I now am.

## That the potential of conflict resolution is limited by our own fears

I have always wanted to work in a way which makes a difference to people's lives and how they work together, rather than merely transact an outcome. When I consider the privilege of being invited into conflict at the point of joint failure, I think now more than ever that there is an important task beyond the transactional; something closer to what may be called the transformational.

To reach this point has taken time because of scepticism about who was benefiting from such a view: the practitioner or the customer? This still persists to some degree: is it my aspiration that is being served by a redemptive view of mediation, when often parties are not seeking anything more than alleviation of discomfort? Why would I make them endure more for the sake of my ideal?

Now I wonder more if it was my own fear of sitting with the dynamic of conflict that was really at play

here. I have slowly developed a greater preparedness to 'sit in the fire', to use Mandel's phrase, rather than tidy things away. I have seen in response a deeper commitment to addressing underlying conflict from the participants themselves, and therefore the possibility of personal or collective change. I am becoming conscious of how significant this sense or quality can be, even for larger

groups with all the confusions and chaos that comes with added complexity.

In the workplace, this deeper work also occurs with one's client (usually senior management or HR executives), not just with the parties in conflict. This is tough: to take on the person who pays the piper. It was a fear 13 years ago to have this kind of difficult conversation. One benefit of experience is that it becomes a necessity to do so now and a way into where the really effective work can be done for the benefit of the client.

There is no ultimate consolation in these points of learning. In re-reading my words above, there is an uncomfortable sense that maybe I too have moved from 'hard copy' to 'soft copy'! I don't think so but what is certain is that this extraordinary experience of dispute resolution, from the vantage point of the outsider invited to the conflictual table, will always be a source of wonder and enrichment to me, I hope for many years to come.

*David Bryson is an ADR consultant, conciliation officer, author and trainer. He can be contacted at <[dbrysonaus@gmail.com](mailto:dbrysonaus@gmail.com)>.*