Conflict Personalities in Mediation

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Conflict personalities is a generic term used to describe, very simply, people who are found to be abnormally and excessively difficult to get along with in everyday life. In mediation we usually find them to be the parties who are "stuck" and unable to move forward to a workable resolution of the issues.

The problem that underlies many, if not most, of the symptoms we see in people with conflict personalities is the fact that they have what we, as mental health professionals, refer to as personality disorders. DSM-IV¹ defines personality disorder as "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture [or workplace], is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to [significant] distress or impairment [in one or more major life areas, e.g., family or work]." (Bracketed terms inserted by the author.)

In mediation we often experience these individuals as obstinate, inflexible, demanding, manipulative and distrustful. They seem to have hidden agendas, to play the helpless victim, over-generalize, "think" with their emotions, and maximize the negative while minimizing the positive. Their thought processes appear illogical, their positions unreasonable and their ideas for resolution completely irrational. In spite of all efforts to "reason" with them, they use the mediators' empathy to embellish their claims, refuse to accept responsibility for current or potential consequences, and dig their heels in even deeper. At times it seems like they are actually *trying* to sabotage everyone else's best efforts to reach a settlement!

There are ten specific types of personality disorders identified in DSM-IV but there are four in particular which are readily identified by mental health professionals, attorneys and mediators as "conflict personalities". They are the Anti-social, Borderline, Histrionic and Narcissistic Personality Disorders.

What is important for us to know as mediators, however, is not the "diagnosis" of the individual but what **signs and symptoms** to recognize as indicators that you *may* be dealing with a conflict personality. Once you are able to recognize those you can try using some specific techniques with these individuals that may help move the parties closer to a workable resolution.

Below are individual breakdowns of the major signs and symptoms of each disorder, examples of how they might manifest themselves in a mediation, and suggestions for how (and how not) to try working with these individuals. NOTE: it is not uncommon to find someone with a Histrionic Personality Disorder also displaying signs of a Borderline Personality Disorder, or someone who appears to be narcissistic to suddenly start playing the histrionic victim; or to think "he sounds like a narcissist" and then realize he's more like an anti-social. The differences between them can be subtle and misleading, so just remember: *one size does not fit all*.

DO NOT try to memorize which symptoms go with which diagnosis. What's important is to be able to recognize the **presence** of three or more of these symptoms in one of the parties and use that as a cue that you might want to try any of the suggested approaches to lubricate an otherwise stuck mediation.

Anti-social Personality Disorder - "It's all about me"

I. Characteristics

- a pervasive pattern of disregard for and violation of the rights of others
- difficulty conforming to societal, cultural or workplace norms
- deceitful, manipulative behavior; exploitative
- a pattern of impulsive, reckless or dangerous behavior
- proclivity for verbal, emotional, psychological or physical aggression toward others
- irresponsibility and lack of accountability
- lack of remorse

II. Presentation in mediation would probably include 3 or more of the following:

- flashy, almost ostentatious dresser
- very charming, suave and polished; a smooth talker; very convincing
- (or) all black clothes with chains, rings, swastikas, weapons, offensive pictures or words, etc.
- adornment with colorful tattoos, unusual piercings, flashy jewelry, flamboyant hairstyle or color; makes an "in your face" presentation
- excessive use of inappropriate language; profanity
- skilled at deflecting issues/behaviors that pertain to him by adroitly changing the subject or focus to something (or someone) else; extremely adept at "turning things around" to make himself appear to be the innocent victim
- has a demonstrated pattern of apologizing profusely for gross infractions of social or workplace norms but then repeats the same (or worse) behaviors
- laughs about things he's done wrong or people he's offended
- behaves with indifference; attitude and behavior indicates "it's not his problem"
- has a pattern or history of showing his contempt and disregard for authority verbally or behaviorally (this may be a significant part of the reason why he is at the table)
- you may find yourself confused after he talks; you can't put your finger on it but it *feels* like he's trying to sell you on something; you feel like you're being manipulated
- he is trying to intimidate you or the other party

III. Suggestions for mediators as they work with this personality type

- maintain a healthy skepticism and don't allow yourself to be taken in by his charm (in this case, charm is used to manipulate)
- be equally careful not to let him get away with veiled or overt threats or aggressive behavior; set limits as appropriate
- avoid direct confrontation with him
- do not tell him you *agree* with the rules, norms or regulations; instead, reinforce what you understand to be the expectations as placed upon him by the workplace
- avoid telling him he *must* or he *can't*; instead say, "It seems like you'll probably have your best chance at getting what you want if you do XYZ. What do you think?"
- if he is unable to soften or change what are clearly his unreasonable demands of the other party don't keep belaboring the issue in caucus; tell him it does not appear that what he wants from the other party is achievable and steer him to examine subsequent options which, you should clearly note, are ones that will not create further difficulties or hassles for him (and you'll have to subtly steer him away from deciding on something that will obviously be harmful to someone else)

IV. Additional note

The bottom line for someone with Anti-social Personality Disorder is that he must win; he must dominate and get his way. He lacks empathy for others and respect for accepted norms, he is highly skilled at deceit and manipulation and he will do whatever it takes to get what he wants, torpedoes be damned. Of all the conflict personalities, mediation probably has the least chance of working with it's probably this one so keep your expectations realistic and don't try to work miracles.

Borderline Personality Disorder – "Leave me alone/don't go away/you're making me so mad!"

I. Characteristics

- a pervasive pattern of instability in interpersonal relationships, self-image and affect
- vacillates between extremes of idealization and devaluation, caring and condemning, loving and hating, wanting to be with yet rejecting; moods are unpredictable and change quickly
- may shift rapidly between short-lived emotional extremes
- inappropriate, intense anger or difficulty controlling anger (e.g., displays of temper, constant anger, physical fights)
- goes to extremes to avoid real or imagined abandonment (but will complain and see self as victimized when she is able to remain close to the person)
- forms high-dependency attachment bonds which may result in the other person pulling away; that in turn may trigger acts of harm to or severe criticism of self or the other person, etc.
- no matter what situation exists she either views it as a no-win or she does something to sabotage and destabilize it so it "turns against her" (she becomes the victim which will then frequently trigger intense, inappropriate anger or outbursts)
- impulsive behavior in areas that are potentially self-damaging (unprotected sex, unnecessary risk taking, spending, gambling, eating, etc.)
- individuals with this disorder are extremely unstable emotionally and experience high conflict with others (often triangulating others to create or draw them into a conflict)

II. Presentation in mediation would probably include 3 or more of the following:

- emotionally intense; mediators may feel their energy being "sucked away"
- distorted sense of reality; difficulty reading situations for what they really are
- hyper-sensitive to real or perceived criticism; reacts with inappropriate anger
- may appear suspicious or paranoid; anxious
- explains her situation in emotional terms; listen: she'll be talking about how she *feels* because of the issues; she'll make observations based on feelings instead of facts (so the issue for her is not the issue itself but rather her *feelings*)
- gross lack of boundaries; e.g., unable to recognize when she is coming on too strong to another (yet may be hyper-alert to "check in" and make sure she is not doing something to offend or put off)
- may ask questions of others or share personal information that is clearly inappropriate
- may appear subject-focused one minute and then somewhere else the next
- listening to her is confusing, demanding and very draining

III. Suggestions for mediators as they work with this personality type

- acknowledge her successes and appropriate decisions and (even if she doesn't profess
 this) her ability to change; however, be careful not to over-emphasize validations or
 she may "attach" to you (dependency bond); instead make clear mention of her
 success and then proceed as if she is just going to continue doing it
- avoid *direct* confrontation even of her inappropriate behavior; listen attentively and respectfully and take care to balance between being empathic and not getting pulled into her emotional morass; *work from the cognitive level* and stick to the facts; validate feelings but avoid "responding" to emotional extremes, let them pass without undue attention; take breaks as needed; work in small segmented time-periods
 - o <u>important exception</u>: if she appears to be so angry that she cannot conduct herself appropriately you need to respectfully tell her that you cannot continue the mediation when either of the parties are this upset and give her a choice of either taking a break to recompose or end the mediation; **do not continue** if she is unable to get her composure or at very least until she is able to do so
- be extremely careful to avoid saying or doing anything that could make it appear you agree or disagree with the other party
- caucus with just your co-mediator; check-in with your perceptions and observations; verify that it isn't "you" and carefully strategize your next steps

IV. Additional note

The bottom line for someone with Borderline Personality Disorder is that all things in life -especially relationships- *are intense and extreme*. Their world is a kaleidoscope of deeply colored, ever-changing emotions (especially anger). They are afraid, insecure and desperate for someone or some thing they can attach to for stability. Mediation is at best an opportunity for them to be reassured and re-directed in hopes of stabilizing their tenuous situations. Lasting resolution is highly unlikely due to her emotional instability.

Histrionic Personality Disorder – "May I have all your attention, please?!"

I. Characteristics

- a pervasive pattern of excessive emotionality and attention seeking behavior
- excessively uncomfortable when not the center of attention
- interaction with others is often characterized by inappropriate, sexually seductive or provocative behavior
- uses physical appearance to draw attention to self (mostly in a way they perceive others would find appealing or attractive or, at very least, as attention-getting)
- behavior is over-dramatized and theatrical
- although exaggerated in their expression, emotions are superficial and lack conviction
- style of speech is impressionistic and shallow; stories are not substantiated with fact or detail (but they may be exaggerated, possibly even fabricated)
- easily influenced by others or circumstances
- perceives relationships to be more meaningful than they actually are; very needy

- II. Presentation in mediation would probably include 3 or more of the following:
 - effusive, rapid speech
 - "extreme" people-person; goes out of her way to make others notice and like her
 - subject of speech is poorly defined or described; lacks detail or specifics; supporting evidence such as dates, times, frequency, or witnesses is lacking
 - style of speech adds emphasis on already descriptive words (wonderful, fabulous, absolutely terrible, outrageously funny, incredibly stupid, etc.)
 - may catastrophize and blow issues out of proportion
 - may be overwhelmed by situations that in reality should not be that significant
 - may lack "social reasoning" as demonstrated by out-of-place behavior in a given situation (rolling eyes when told to do something by her boss, being too casual in a formal meeting, telling a colorful joke at an inopportune time)
 - lack of maturity or ability to relate to peer age group (would probably do better with children or older adults)
 - may have a lot to say (long winded) in the opening statement but when they're done, mediators won't have a clear picture of the story; may feel unclear about the facts or that the story was so embellished with hyperbole it challenges what one can reasonably believe
 - mediators may feel uncertain about their extraordinary claims
 - seems to settle down and respond to mediation process better after they have been stroked or recognized (otherwise their focus is to work harder to get mediators' attention)

III.

Suggestions for mediators as they work with this personality type

- remember the phrase, "the truth lies somewhere in the middle" (or in this case there may not be much of it in her presentation at all)
- use very good active listening skills when she talks
- try to get her to focus on tasks and away from emotions; provide structure and focus
- be prepared to limit her story-telling time
- don't get snagged by extreme emotions and hyperbole; validate that she must be angry/hurt/afraid, etc. but not that "what he did to you must have been really awful"
- caucus will present a double-bind for mediators: you will give her the attention she craves but she may also use the opportunity to embellish her story; keep it under control and use caucuses judiciously with this personality type
- look for opportunities to direct her to give credit and validation *to herself* instead of looking for it from others

IV. Additional note

The bottom line for someone with Histrionic Personality Disorder is their need to be at the center of attention. They tend to put others off by either wearing them down or "blowing them away" and then look for others whose attention they can capture. They can be very involved in a mediation as long as they feel they are given acute attention (and they will work hard to get the mediators' attention if they don't think they have it!) On the other hand, if they are directly told they have to change a behavior that formerly garnered attention -such as provocative dress- they will resist and mediation is not apt to succeed.

Narcissistic Personality Disorder - "Am I great or what?"

I. Characteristics

- a pervasive pattern of grandiosity in fantasy or behavior
- need for admiration
- absence of empathy; unable to identify with the feelings or needs of others
- seeks and requires excessive admiration or "esteemed" recognition
- inflated sense of accomplishments and abilities
- a strong sense of entitlement; assumes others will automatically agree and comply with his ideas and expectations
- exploits others to further his own enhancement
- may be envious of others or believe that others are envious of him
- pre-occupied with ideas of unlimited wealth, power, beauty, influence, power, love
- truly believes he is special and unique; rightfully belongs to a "higher class" of people or institutions; deserves the best doctors, lawyers, clinicians, managers, mediators, etc
- haughty, arrogant

II. Presentation in mediation would probably include 3 or more of the following:

- may want to know the backgrounds of the mediators and if they are truly qualified or the best available for this mediation
- easily bored everything is so mundane; may have held many jobs
- may be very aloof, inpatient and indignant (as if this is just something he *has* to do) or very charismatic and eloquent, pleased to have new folks whose admiration he can now enjoy
- very clearly will not see the problem as his
- overtly or subtly condescending
- the rules don't (or shouldn't) apply to him
- may have a history of sexual harassment claims against him
- may have history of grievances over performance appraisals
- will not understand why the other party cannot agree to his position
- great difficulty compromising
- disappointment that he is not getting all he deserves
- highly resistant to being told what to do

III. Suggestions for mediators as they work with this personality type

- distasteful and unintuitive as this may be, the most successful techniques for working with narcissists are couched in giving them exactly what they want: positive feedback and admiration
- use attentive, respectful and interested listening; maintain good eye-contact
- acknowledge their claims to greatness and success (without saying you believe them)
- provide matter-of-fact feedback about rules and consequences; avoid saying "you" will be terminated; refer instead to "people who..."
- involve in shared decision-making; present ideas and then ask "What do you think?"
- explain the advantages to him of reaching a settlement
- avoid giving direct criticism or challenging their self-perceptions with facts
- explore options and potential consequences with them but avoid telling them what they can or cannot do; let them arrive at that understanding themselves

IV. Additional note

The bottom line for someone with Narcissistic Personality Disorder is their need for others to see them as they see themselves: important, accomplished and entitled. They believe they have special gifts and attributes and should be treated accordingly. The very thing that turns people away from them is the key to getting them to cooperate: acknowledging their self-perceptions of greatness and ability. Mediators will lose any hope of working with this personality if they challenge or confront him head-on. Try to get him to accept the other party's position as "different" than his (not "right").

Mediating with Conflict Personalities in General

What is common to all these personality types are their propensities to

- blame others
- avoid taking or sharing responsibility
- think and act in "all or nothing," absolute terms and extremes
- "think" with their emotions (especially histrionics and borderlines)
- resist change (if it's something *they* have to do)
- be unable to accept criticism or feedback (constructive or otherwise)
- staunchly, unreasonably justify their behaviors and beliefs (and may fabricate or lie)
- become the focus of attention (either deliberately or as a result of some aberrant behavior, or both; e.g., suicidal gestures, gross misconduct, apparent indifference to the consequences of some behavior to others, or inappropriate, provocative behavior, etc.)
- always be in conflict with *someone* (usually someone they are closest to: family, neighbors, friends, business partner, employers, co-workers, ministers, therapists, doctors, etc. and frequently because of some trivial event or issue)

Another thread of commonality is the fact that conflict personalities tend to *personalize* the issues. You can generally expect there to be some sort of interpersonal conflict underlying or intertwined with the issues even when the presenting problem is about "work". There's very apt to be some event about which the conflict personality is angry, hurt, jealous, resentful, etc. If there is and you don't surface that you won't get to the issue.

If the conflict personality initiated the mediation it's a pretty clear sign that they have *personalized* the issue. Validate the presenting reason they're there and then start digging beneath the surface. They may be there because they're looking for their day in court and view this as a chance to "get even" with the other party, but at least they'll be one step ahead of the alternative situation where the *other* party initiated the mediation. Be aware that **when the conflict personality initiates the mediation, the reason they'll be there will most often be because they ultimately want something for themselves out of it (money, recognition, to humiliate the other party, make them "suffer;" compensation, etc.) It won't make them any less difficult to work with but you can probably get to the heart of the issue quicker.**

On the other hand, if they've agreed to be there because the other party initiated the mediation, people with conflict personalities won't be seeking help to resolve the conflict through mutual sharing of responsibility or the desire to negotiate. They'll be looking for other people -the mediators- to convince that their side of the story is right, they have done nothing wrong and the other party is responsible for making the changes. They'll be the least insightful, most obdurate, and least apt to reconcile.

In both cases conflict personalities will find it difficult to accept whatever is offered by the other party because doing so will weaken their position and these folks are highly vested in defending those positions. Not to do this makes them vulnerable to examining their own issues and if they did that their entire world would be at risk of shattering; hence their rigidity and resistance.

We must also remember that mediation is not therapy. It's unrealistic and inappropriate to expect mediators to delve into the gory details of the parties' previous relationship and why it went bad with hopes of trying to repair it; that's simply beyond the scope of mediation (and something professional therapists and counselors must hold in check when in the role of mediators). But if there are interpersonal relationship issues compounding the problem and we need to surface those to get to the heart of it all what's a mediator to do?

First, look at what brought them to the table: their interpersonal relationship, a "work" issue, or both.

• If it's the interpersonal relationship then jump in and start peeling away at the layers, going back to when the relationship was good. What was it like? How was it good? What did they do together? What happened to change that? (Be ready to explore intent and impact with them.) Validate, validate, validate. Then ask, what if anything could happen now, not necessarily to make anyone forget what happened (because for the conflict personality that would mean changing his beliefs and feelings and we don't want to take that task on in mediation) but to allow them to move on to the point they can at least work together again?

If they've never gotten along, explore why they think that is. Short of literally not working together, do they have any ideas for what could make working together more tolerable? Get ready to be more directive here.

• If the presenting issue is about "work" (e.g., I don't like his style of management, he never does anything right, he picks on me, etc.), validate the issue but carefully ask about *feelings*. How does he pick on you? What does it feel like when that happens? What about his management style don't you like? How does it make you feel when that happens?

Then ask, how would you *like* to feel at work? Was there a time when you felt that way in this relationship (there may never have been)? What happened to change that? (Be ready to explore intent and impact with them.) What, if anything, could happen now, not necessarily to make anyone forget what happened but to allow them to move on to the point they can at least work together again?

You may also want to help the conflict personality examine -in caucus- the fact that the *other* party may never change (which will support the conflict personality's tenant that it's all about the other party, not him; this will allow him to listen and be more open to your guidance on the best ways for him to "tolerate" working with the other party).

Then, when you caucus with the other party, you can coach him on the idea that the conflict personality appears pretty stuck and may never be able to see what the other party is doing to try to make things better. As always, acknowledge their efforts and then explore what they can do to adapt to the reality of the situation?

The mediation may not end with a signed settlement but each of the parties may walk away with better ideas for coping with the situation and that is still a huge success.

• If the presenting issue is both work and interpersonal (I can't stand him *or* the way he manages the shop), work you way into the feelings and then back up to the work issue.

Ultimately, try to get to the emotional arena, validate those feelings (but <u>don't try to change them</u> or make either party feel responsible, i.e., guilty), and then work back to the functional level of how, given their feelings, can they just work together? What would that look like? What will be the consequences if they can't do that? Etc., etc. Try indirectly to get the conflict personality to see that he may just be hurting himself by dwelling on the old feelings and then help him explore alternatives for moving forward with a more "cooperative" work relationship. Make it clear that your interest is in helping *him*.

NOTE: while it's not likely to be this cut and dry, if the presenting issue appears to be free-standing and the previous relationship-gone-bad really is a separate issue, you may be better off just acknowledging that they were at one time able to work together and no-one is asking them to return to being friends now. Reinforce the fact that there appears to be a workplace expectation that they find a way to work together again as professionals and keep your focus on the present issue and how they can tolerate each other; don't go into that other quagmire.

Other tips for mediating with conflict personalities include:

- <u>Keep it simple</u>. Once you've discovered you're dealing with a conflict personality make it clear that what they've all brought to the table is a lot and that you "may not be able to address all of this" in one session (you won't be!) Then, decide if you want to focus on one big issue or a lot of little ones. Get them to address one thing at a time and if they reach agreement on that, commend their success and move on to another; build from the ground up. If it's really working you can invite them to schedule another session to continue (but it's unlikely they'll accept).
- Be ready to enforce boundaries and interrupt the behaviors. Conflict personalities will push the limits with hostility and aggression, drama, victimization, righteousness, emotional or flamboyant displays, hyperbole and extremes. Without accusing or embarrassing them, point out how the behavior may keep them from getting what *they* want (or result in something they don't want) and be prepared to suggest to them a better alternative (because they won't know what it is). Use breaks as needed but caucuses (especially with the conflict personality) judiciously.
- If the facilitative approach isn't working, get directive. Conflict personalities will run amok if left unchecked. Be prepared to take the reins and steer the mediation where you think it needs to go (e.g., not allowing the borderline to read the list of complaints she brought in with her or the histrionic to keep making an emotional display of her feelings (like crying) without taking a break, or having the conflict personality insist upon the issue *he* thinks is most appropriate for them to work on first). Follow your instincts on this and get directive if you need to.
- Know when to call it quits. If it looks like it's not going to work, caucus with your comediator and discuss it. If you both agree, come back together and objectively share
 your observations.

- o If both parties want to keep trying, hold caucuses and ask them what they each think needs to happen for it to work, but the focus is on them and what *they* need to do (especially the conflict personality).
- o If only one party wants to keep trying, validate their efforts and intent. Explain that not everyone progresses at the same rate and right now it appears the other party is not there yet. What, then, can this party do to make the situation tenable for them?
- o If neither party wants to continue or you as mediators simply decide it's time to stop, suggest alternative options, e,g., EAP, professional counselors, attorneys, or a different model of mediation. Reinforce their individual efforts to at least try and be careful not to make it sound like it's anyone's fault. Remind them that things can change and if they want to give this another shot later the program will be there for them.
- <u>Don't try to change them!</u> Reasoning, confrontation or attempts to help conflict personalities gain real insight will not be productive in this setting. Stay task-focused and adhere to the overall structure of the ADR model of mediation we've been trained in, using the guidelines in this paper for assistance.

Tending to the Other Party

With all this said about how to deal with the conflict personality it's obvious that mediating with them in is a real challenge. Conflict personalities are *intense!* They demand, require, and end up getting a lot of attention, they drain the energy out of everyone around them and in the process they divert focus away from others.

It's extremely important that as mediators we don't get so involved dealing with the conflict personality that we neglect the *other* party who by now is probably feeling misrepresented, discredited, blamed, reproached, vilified, discouraged, exhausted, confused, hopeless, completely ready to give up and, perhaps more importantly, to *give in*. These parties need some TLC and mediators can still apply it through the gauze of neutrality.

Don't wait for things to reach an end-point before catching this. Check in with him from time to time during the mediation and before breaks or lunch. Watch his body language and listen to his words and tone of voice for indications that he is getting frustrated. As soon as you pick up that you're losing him call for a caucus. Ask him how he's doing, how he's *feeling* about how things are going; get him to talk. You will probably hear his frustration, anger and discouragement. Validate those feelings. Acknowledge to him that "people who appear to be so set in their ways really *are* hard to deal with; it really can be frustrating and discouraging; it's easy to see why he feels the way he does, why he'd want to give up, etc."

You can also ask him what he expected to see in the mediation and what he thinks might be a reasonable goal now. Listen closely to see if he's being realistic or not and respond accordingly. Validate his efforts and willingness to try but remind him that he may need to temper his expectations with acceptance of the things he cannot change. Help him explore other options for dealing with this situation but in ways that are not damaging or costly to him.

It can also be appropriate for mediators to ask him what he's doing (or is going to do) to take care of himself. It's easy to lose sight of your need to do that when dealing regularly with a conflict personality (usually because you're so physically and emotionally exhausted) so remind him of his need to keep balance in his life and not let this situation be the focal point of it.

Unlike the conflict personality, the other party may be very open to suggestions that he seek professional "assistance" from his EAP or a counselor to help him keep that delicate balance in the time ahead. Consider making this recommendation as well.

Finally, as co-mediators we need to watch out for each other and take a break or call a caucus if it looks like the other mediator is losing his or her objectivity and frustration, anger, dismay or any of the natural reactions to dealing with conflict personalities start to take effect. If you are not tolerating the conflict personality well ask the other mediator to work more closely with him, etc. This is one of the great advantages of co-mediating. Use it to your advantage and don't forget... we're human, too!

Conclusion

When all is said and done, recognize that with a conflict personality participating you will have a tough mediation on your hands and you can only do the best you can do. Be realistic in your post assessment of the mediation, credit yourself and your co-mediator for the things you did right, validate the difficulties, explore what might -might- have worked better, and then go home and do something *extra* good for yourself because you just earned it!

GOOD LUCK!!

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¹ Diagnostic & Statistical Manual of the American Psychiatric Association, Fourth Edition, Washington, DC: American Psychiatric Association, 1994.