

LISTENING WITH A PURPOSE

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So you think you've heard? Tips
and Techniques for Mediators



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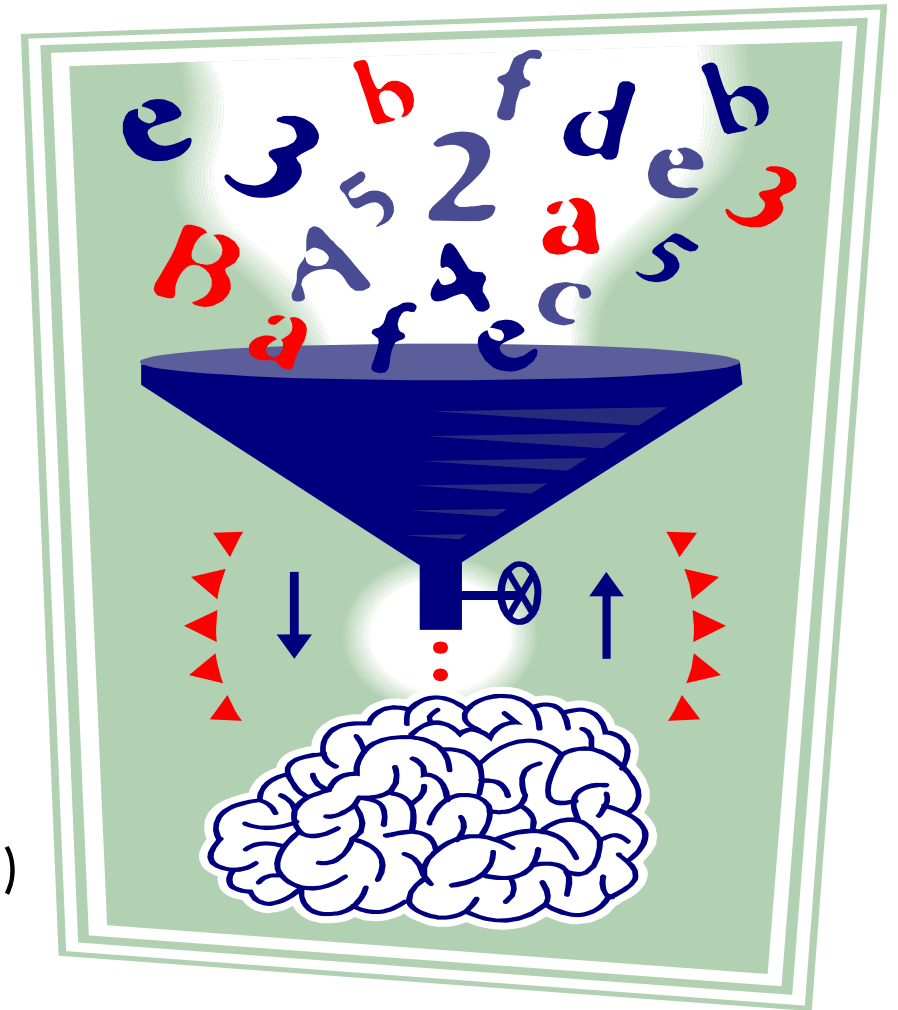
AGENDA

- I. Ice-Breaker
- II. Processing Information
- III. Purposes of Listening (Surf and Turf)
- IV. Critical Listening (Mrs. Graham)
- V. Creating a Narrative (Jennifer and Mark)
- VI. Nonverbal Indicators of Listening (Interviewing Exercise)
- VII. Tips for Increasing Listening Skills

HOW THE BRAIN PROCESSES STIMULI

Basic Steps

- ❖ Selective attention (picking the details)
- ❖ Organization (fitting the scenario into a mold)
- ❖ Interpretation (what do the words count as?)
- ❖ Memory (which details make it through the end?)
- ❖ Response (how do your words influence the process?)



(Case in which there is early agreement of debt owed, what are you listening for?)

PURPOSES OF LISTENING

Enact Case 1 (Case of Waves at the Surf and Turf) (15 minutes)

- ❖ Discriminative (not primary, but language barrier is example)
- ❖ Comprehensive*** (all phases) *enhanced by content re-phrasing*
- ❖ Critical*** (negotiation) *synthesizing facts and interests*
- ❖ Therapeutic*** (storytelling phase) *validation, paraphrasing feelings*
- ❖ Appreciative (not primary, but attractive accent or creative fluency are examples)

(Discuss which types of listening and when the mediator/disputants engage in them-
was the most appropriate type used at the right time?)

CRITICAL LISTENING

- ❖ Involves narrative creation and organizing information
- ❖ Automatic process of perception and listening
- ❖ Will influence what questions drive the mediation (participants listen to summaries of mediators, too and what details are included in those summaries)

Mrs. Graham and the Train (McCorckle & Reese, p. 153)

Family Frame: *Grandma is too old to drive*

Attorney Frame: *Grandma wants more money*

CREATE THREE NARRATIVES WITH THE FACTS

- ❖ Jennifer and Mark –(who are married to one another) live next door. They are friendly, but not close to neighbors.
- ❖ Mark works during the day.
- ❖ A man drives a convertible into their open garage each weekday day on the lunch hour (for the last 5 weeks) and goes inside for about an hour.
- ❖ The man is approximately 55 years old.
- ❖ The man carries nothing into or out of the house.
- ❖ The man is not present on the weekends and has not been seen talking to Mark.

(Come up with three storylines to organize these observations and make sense of them)

ADDITIONAL CASE INFORMATION

- ❖ It is very hot and humid and the convertible has black leather seats. It is summertime in Ohio.
- ❖ The couples' families live out of town.
- ❖ Jennifer and Mark know and speak to all of the neighbors.
- ❖ Jennifer has quit her job to stay home with an infant son.

What was really happening?

NONVERBAL INDICATORS OF LISTENING

(Interviewing exercise- Schwebel)

What behaviors indicate interest and attentiveness?
From where are these behaviors derived?

What behaviors 'go together' and serve as a
robust signal of listening?

What roadblocks to displaying listening do
mediators face?

- Not meeting clients' expectations (summarizing, neutralizing, taking notes, avoiding eye contact, etc.)
- Unequal application of same behaviors to similar participants
- Lack of awareness about one's own body language



TIPS FOR INCREASING LISTENING SKILL

- ❖ Be aware of your default purpose and examine its worth during different points in mediation (or somewhere else).
- ❖ No matter how many similar cases you have heard, check your perceptions to make sure they are valid for this particular case. Don't listen with an agenda or fit the information erroneously into a framework.
- ❖ Continuing to trust the mediation process and advocating for it will alleviate some perceptual errors.