

**Cutting Edge Research on Behavior in Groups:
Implications for Negotiation and Mediation**

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Ava J. Abramowitz, George Washington Law School
Neil Rackham, Sheffield University

Reporter: Emma Schmelzer, School for Conflict Analysis & Resolution, George Mason University

Project Description: For the last three years, Neil Rackham has been expanding on his research that led to his 1978 seminal work, "The Behaviour of Successful Negotiators." Gone is the pen and pencil coding system of yore and in its place is a new app that can deliver real time feedback to negotiating participants. The app and the research behind it are currently being tested at Sheffield University. Be on the cutting edge and hear the results. Learn also from Ava J. Abramowitz how those findings can be effectively used to better understand negotiation and mediation.

This session featured Ava Abramowitz and Neil Rackham discussing lessons learned from the extensive research they have conducted on group dynamics. Neil served as the self-proclaimed "warm up act" with a section focused on his own evolving understanding of the best ways to study skilled performance. His work has focused on selling and negotiating, but the lessons are easily transferrable to mediation. He first observed that expert negotiators exhibit certain behavior clusters centered around questioning behavior, and then realized that this behavior could be observed, counted, categorized and reported back. This short cycle allows to adaptation in practice, and the potential for groups to adjust their behavior in real time.

Ava is hoping to jumpstart a conversation about what precisely success looks like in mediation. She invites us all to talk about our hypotheses, such as some of the 'favorites' she identified: (1) A mediator to be effective must share the substantive expertise of the dispute. (2) Mediators who use caucus more than joint sessions resolve more disputes. (3) The mediator skills used to resolve high-end commercial disputes are different from the ones used to resolve (fill in the blank) disputes. (4) A mediator's choice of communication behaviors can cause impasse. She described being particularly partial to thinking about communication behaviors because they are the only bit of the process over which mediators have full control.

When the floor was opened for questions, the first came from someone who had been mediating for 15 years. Successful mediators, he argued, would prefer a reputation-based expertise system rather than one that is data-driven. What do you do with this conundrum? Neil responded by underscoring the importance of training and creating models of practice, and Ava said that she had stopped keeping track of her

own win/loss ratio because she feels it brings the mediator's own interests to the forefront.

The second person asked about how to define successful implementation after an agreement has been reached. In her work, Ava has found that some solutions give rise to further disputes. The speakers acknowledged the challenge of tracing and accounting for secondary effects and encouraged us all to attend to both the explicit and implicit needs of the parties.

This session raised a prescient and critical question for the dispute resolution field, namely: how do we define and measure success in mediation? Neil and Ava ultimately argue that dispute resolution practitioners will be most effective when we work on the level the atoms of performance. As William Blake put it in 1799: "He who would do good to another must do it in minute particulars."