



APPLYING NEUROBIOLOGY TO ONLINE MEDIATION: A NEW PERSPECTIVE ?

- ❑ ADR Hub Webinar, January 16th 2014
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Agenda

- Introduction
 - Reminder: what Online Mediation is
 - What neuroawareness™ is
- Using “neuroprinciples” to change our perspective on Online Mediation: 2 examples
- Conclusion
- Q&A

Introduction

Reminder: what is Online Mediation

From dispute to ODR

Disputes

- To be resolved
 - Informally
 - Court
 - ADR

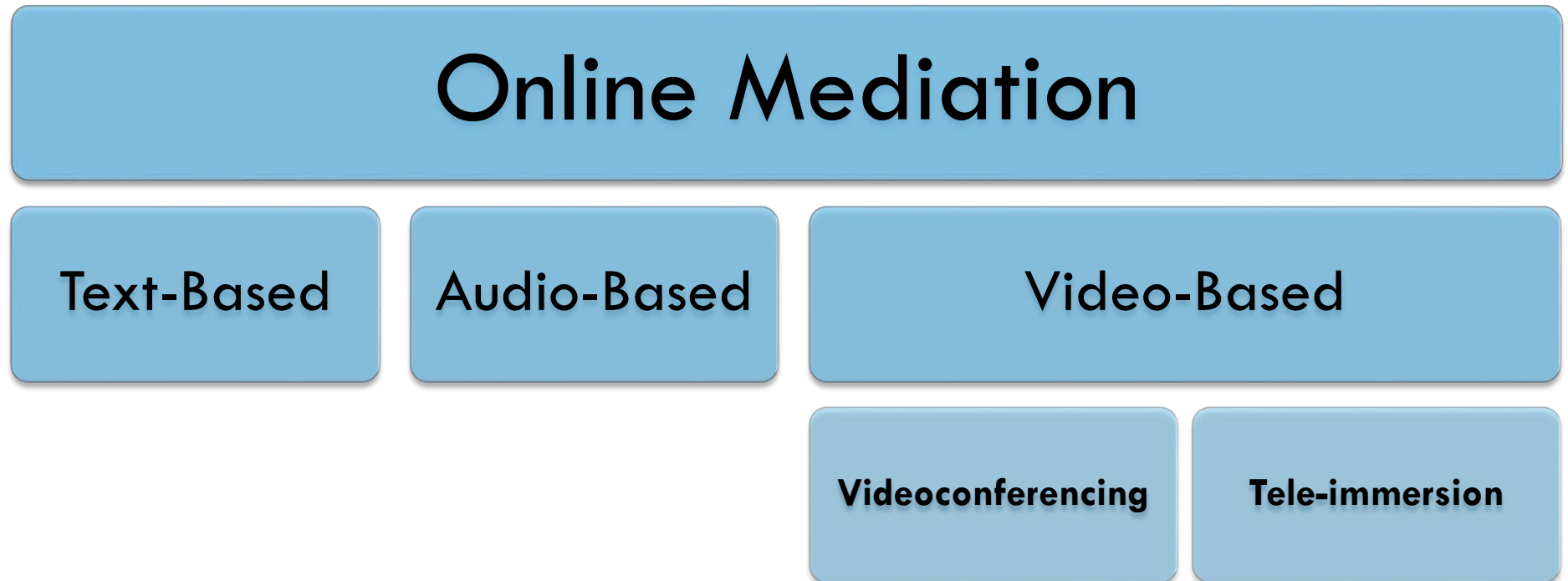
Alternative Dispute Resolution (ADR)

- Range of processes for resolving disputes
 - Face to Face
 - Online (ODR)

Online Dispute Resolution (ODR)

- 1. Automated Negotiation
- 2. Facilitated Negotiation
- **3. Online Mediation**
- 4. Case Appraisal
- 5. Online Arbitration
- 6. Non-Binding Arbitration

Online mediation options



Online Mediation – Text based

Table of Contents

JURIPAX

Juripax Technology

File a Case and Convene Parties

Intake and Preparation - Free Jump-Start Version

Intake and Preparation - Advanced Versions

Case Management

Discussion-Room and Conference Facility

Additional Tools for Professionals

Templates and sample language

Generic reminders

Managing Information-Exchange

Collaborative Agreement Creation

Multi-Lingual and Cross-Cultural Capacity

Branding

Interfaces (API) to External Databases

Release 3.1

JURIPAX™
ONLINE-MEDIATION

Juripax

- Home
- Cases
 - Case management
 - File a case
- Mediator
 - Templates
- My account
 - My preferences
 - Credit balance
- FAQ
 - FAQ
- General
 - Sign out
 - Offices
 - Contact us
- Languages
 - Language selector

Language selector:

10 320 - Lorem ipsum dolor

Save Case **Print case**

[How can I save a case?](#) [How can I print a case?](#)

Send new message.

Click here to send new messages, upload files, create templates, jointly draft agreements or, otherwise manage your message control panel.

Case - basic information

Lorem ipsum dolor

Du-is autem vel eum inire dolor in hendrerit in vulputate velit esse molestie consequat, vel illum dolore eu feugiat nulla facilisis at vero et accumsan et justo odio dignissim qui blandit praesent luptatum zzril delenit augue dui dolore te feugait nulla facilisi. Lorem ipsum dolor sit amet,

Case no.	Case filed on	Procedure
10 320	Fri. Mar 28, 2008 02:13 pm	Mediation

Participants

Employer	Mediator	employee
Mrs. Brooke Frary 4534 Regent Street W1B 4JN London Great Britain	Mr. Bryan Covington 1061 Kenmare St New York NY 10027 United States	Mrs. Robin Mercier 11540-North Michigan Av. Chicago IL 33142 United States

Intake information [Show intake information](#)

Discussion board

[Sorting: Newest message at top](#) [Sorting: Newest message at bottom](#)

Employer - Mrs. Brooke Frary **Mrs. Robin Mercier - employee**

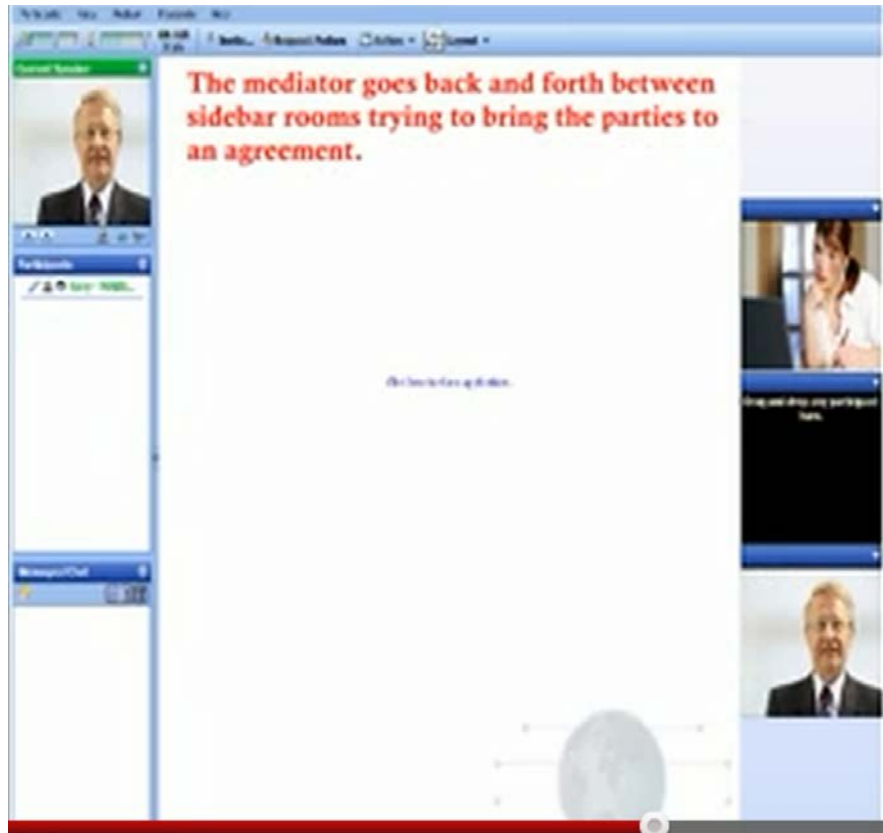
Message from: Brooke Frary **Date:** Fri. Mar 28, 2008 11:05 **Ullamcorper suscipit lobortis nisl** [Hide details](#)

10:20 / 22:09

Online mediation – Audio / video based



Online Mediation – Fully integrated



- Emulate, as closely as possible, the traditional Mediation conference.
- Provides a real-time video and audio environment
- Videoconferencing technology combined with proprietary Case Management System.

Online mediation is not a “complete” social experience

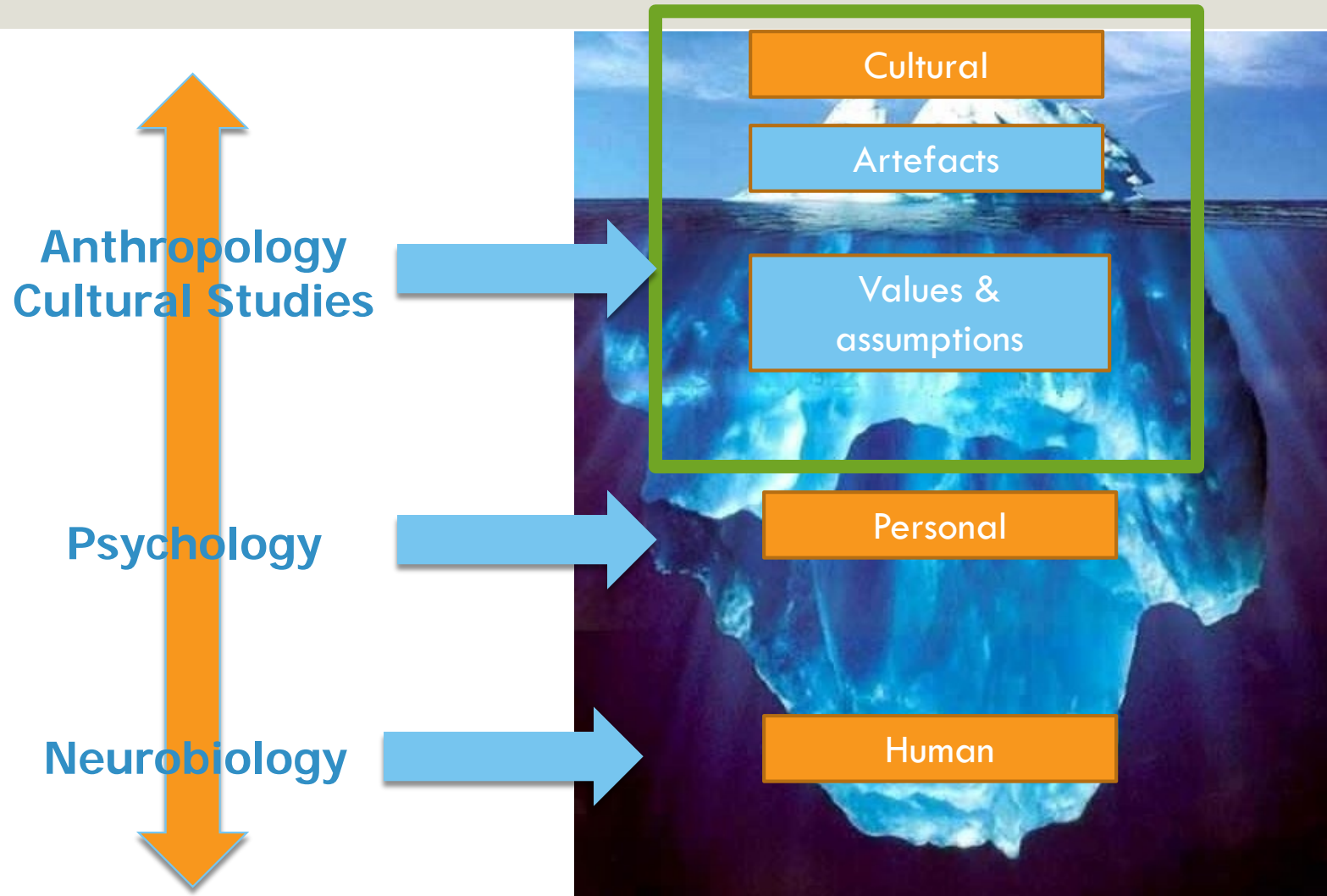
Dimensions	Online Mediation			Face to Face
	Text based	Audio Based	Video Based	
Touch				
Smell				
Non verbal	50%		50%	
Verbal			80%	

Communication is risky in intercultural ODR contexts

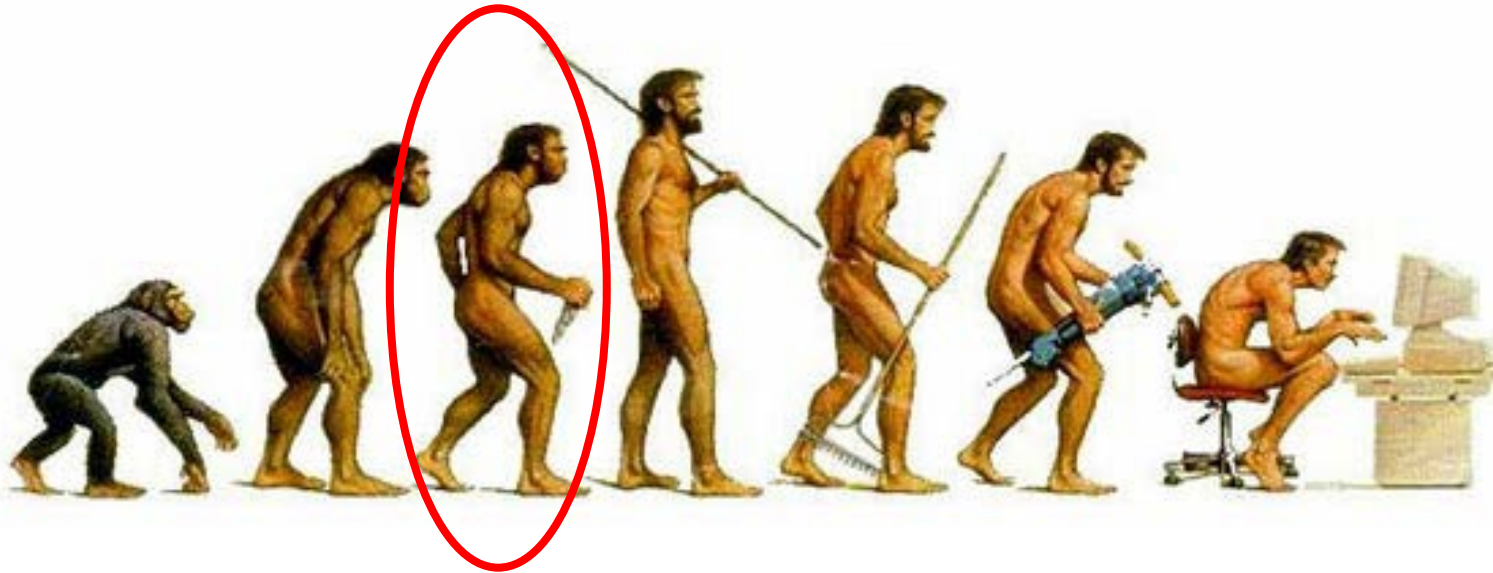
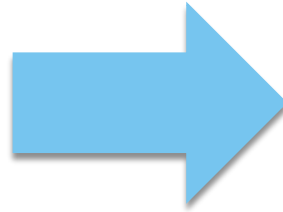
Non-verbal elements in intercultural communication are the **MOST IMPORTANT** ones.

- facial expression
- eye contact and look
- gestures
- touch
- voice and intonation
- body posture
- dress code
- use of space
- smell

What neuroawareness™ is



The brain has evolved...but not that much



Questions or comments ?



Using neuroprinciples to change our perspective on ODR

The 10 Neuro-Principles: 3 interrelated systems

emotional + social + cognitive

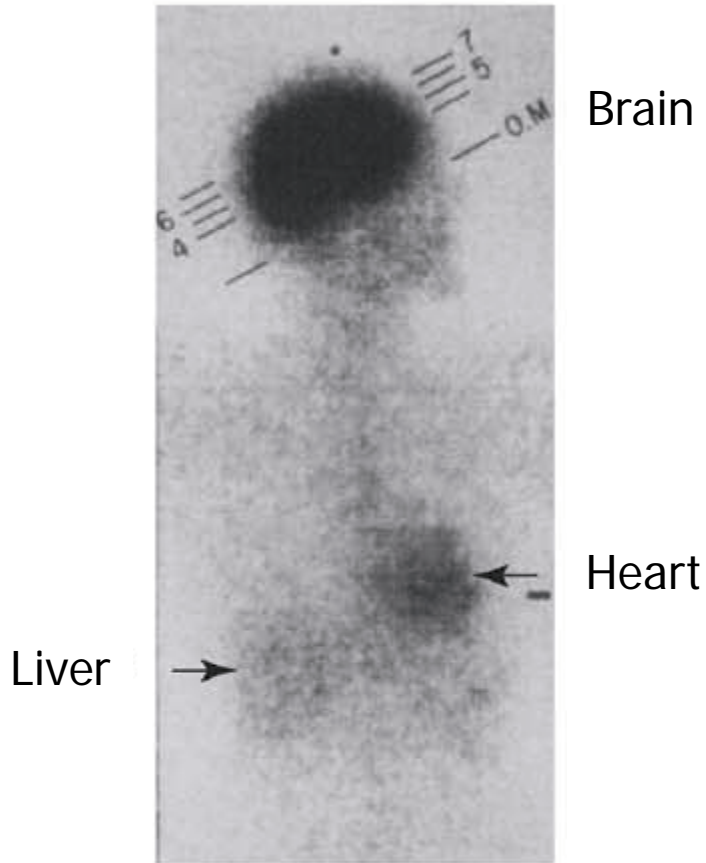
1. Our brain has limited resources and creates patterns to be efficient
2. We predict according to our patterns, which is why we have memory
3. We are more sensitive to danger/fear than to reward/pleasure
4. Social stimuli are as powerful as physical ones
5. We seek safe or comfortable status positions at all times
6. We react positively to autonomy/feeling autonomous (in most cultures)
7. We relate and empathize better “in-group” than “out of group”
8. We are driven by our emotions (unconsciously) before we can self-regulate (consciously or by habits)
9. We operate cognitively in 2 gears (X & C modes)
10. Neuroawareness is a new social, emotional and cognitive competency (i.e. combining knowledge, attitude and skills) which helps you improve your performance and well-being in all situations

The 10 Neuro-Principles: 3 interrelated systems

emotional + social + cognitive

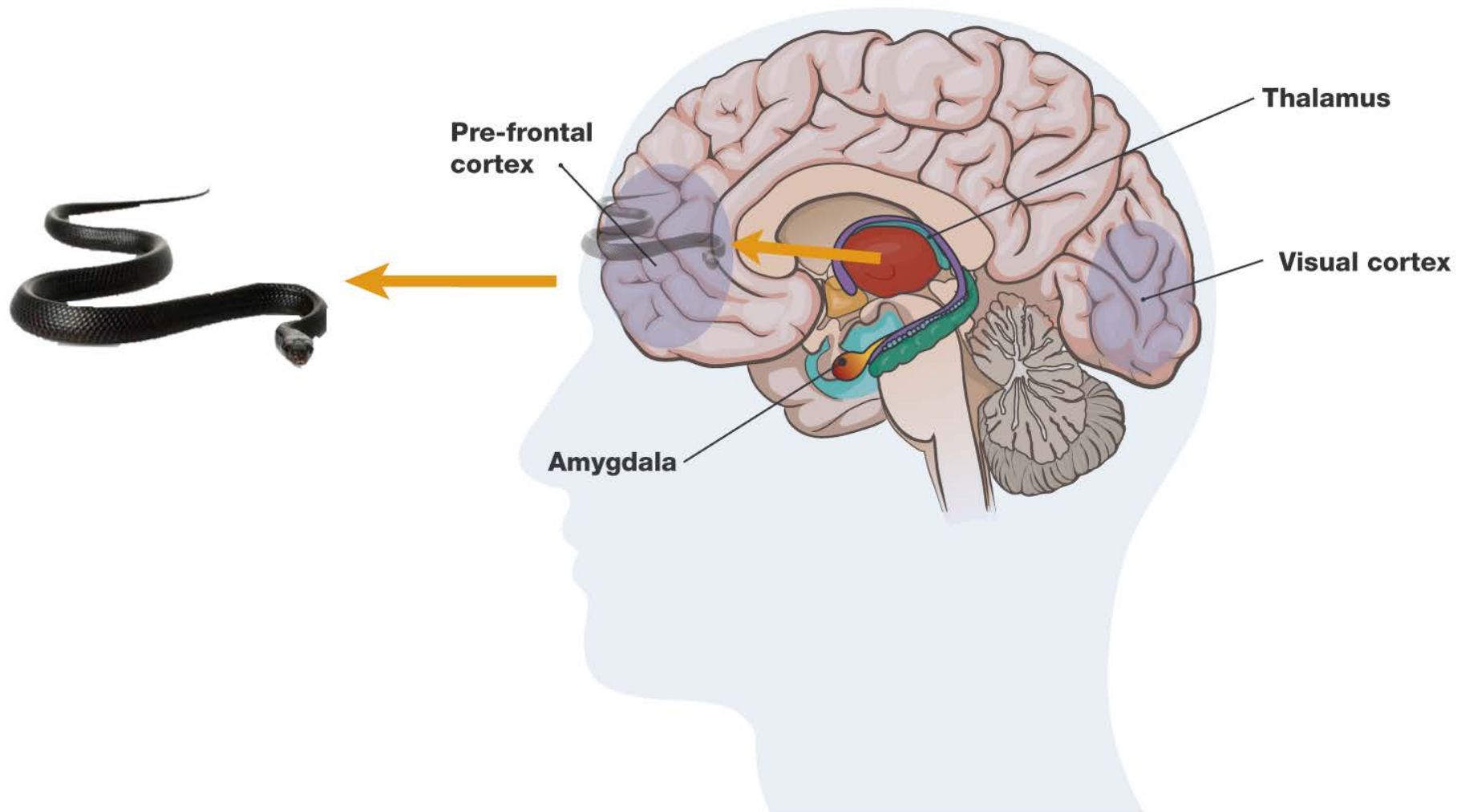
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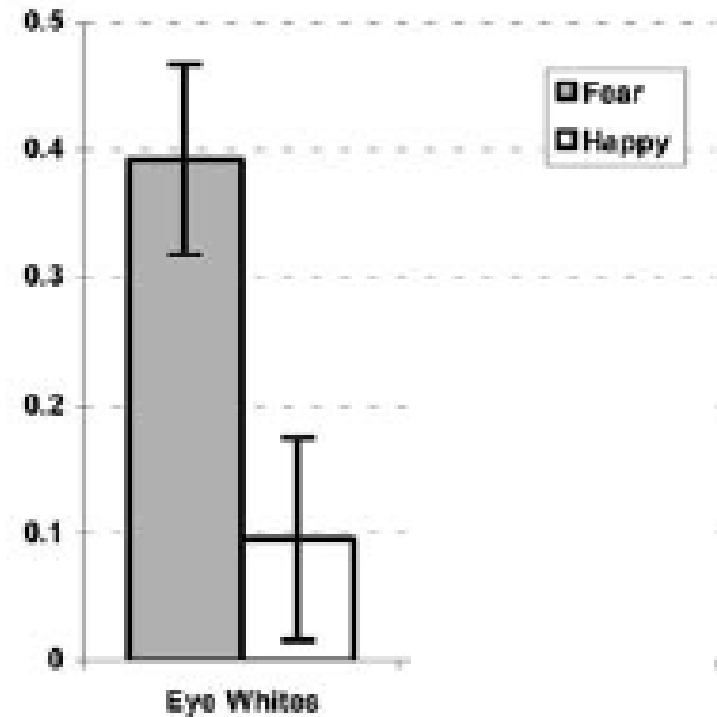


- The more energy-efficient you are, the stronger the chance of survival
- We rely by default on “non-effortful” mental processes, which require and consume relatively low amounts of glucose compared to “effortful” ones

The good side of “pattern-based” thinking and behavior



Strong emotions can be perceived even with very little information...



Fear expression activates
the amygdala more than
happiness

Source: Whalen et al., 2004

2: We predict according to our patterns, which is why we have memory



I couldn't believe that I could actually understand what I was reading. Using the incredible power of the human mind, according to research, it doesn't matter in what order the letters in a word are, the only important thing is that the first and last letter be in the right place.

2: We predict according to our patterns, which is why we have memory

- Predicting accurately \Leftrightarrow maximizing the chances of survival
- **Uncertainty** about potential negative future outcomes can cause stress and anxiety disorders
- Information is key: risk (informed decision) is less threatening than ignorance or ambiguity (missing information)

Sources: Sarinopoulos, I. et al., 2010 / Hsu et al., 2005

Activity

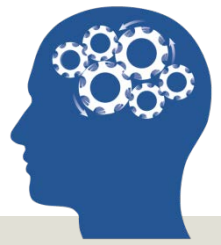


□ Please describe this face



Source: Todorov, A. et al., 2008.

See: http://www.princeton.edu/main/news/multimedia/player.xml?videopath=/main/news/archive/S21/79/48Q45/index.xml&auto_play=true§ion=mm-featured



□ Please describe this face



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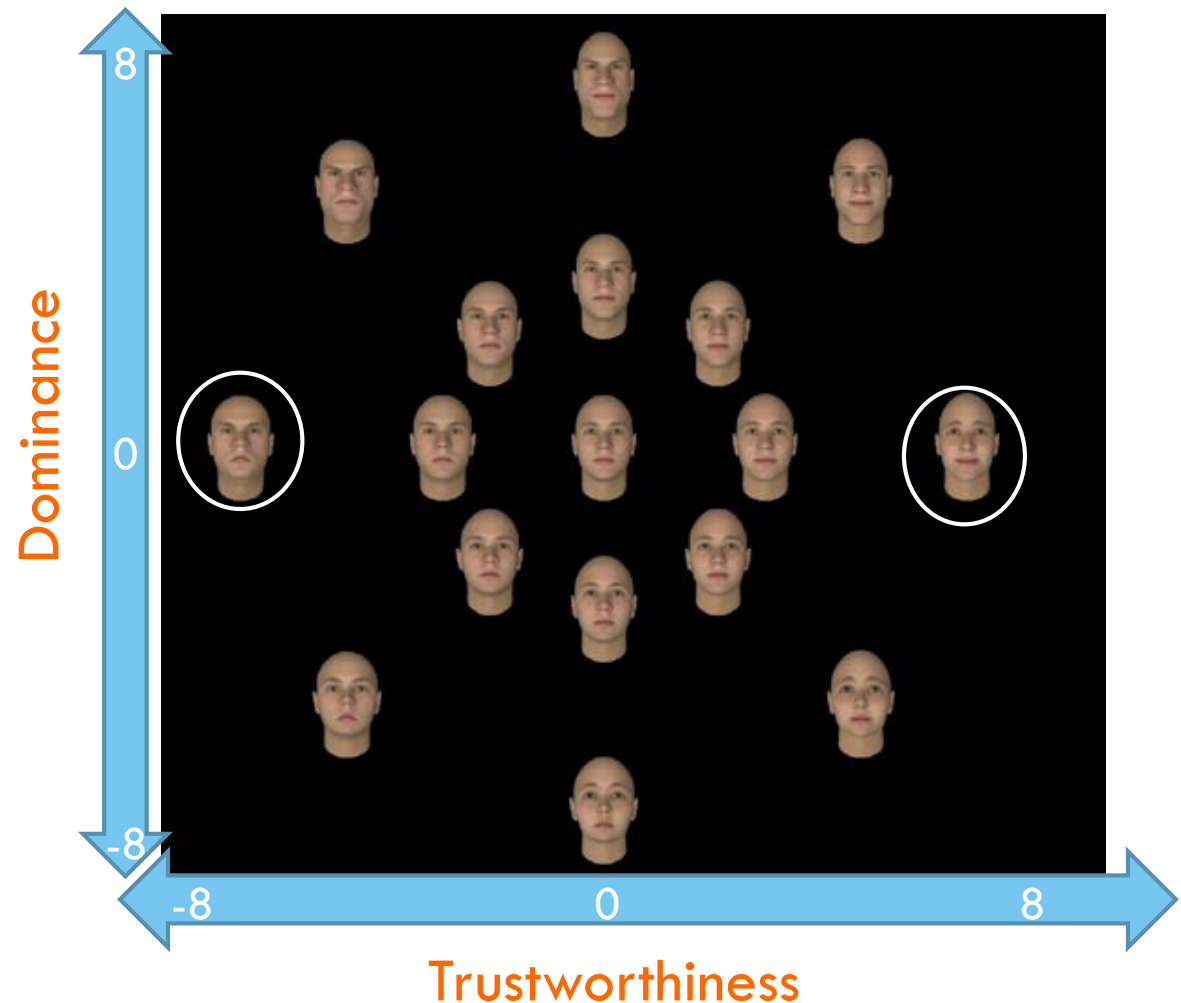
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Activity



First impressions are formed quickly and simply

- Amygdala response to new faces depends on trustworthiness and dominance



Source: Todorov, A. et al., 2008.

Consequences of the 2 neuroprinciples in Online Mediation

- Online Mediation contexts are not habitual and may create
 - High degree of uncertainty
 - Quicker brain fatigue
 - Increased emotional sensitivity
 - Quicker and dirtier processing/evaluation
 - Cognitive dissonance
- What can we do about it ?

PREPARE, FAMILIARIZE...AND MONITOR

How to reduce uncertainty/fatigue for the parties and yourself in online mediation

- Adaptation when communicating with parties
 - Behaviors
 - Skills
 - Techniques
 - Strategies
- Your IT capacity ?
- Effective online engagement with parties
 - How to convey mediators presence?
 - How to convey trust?
- Is the online mediation process equal to the offline one ?

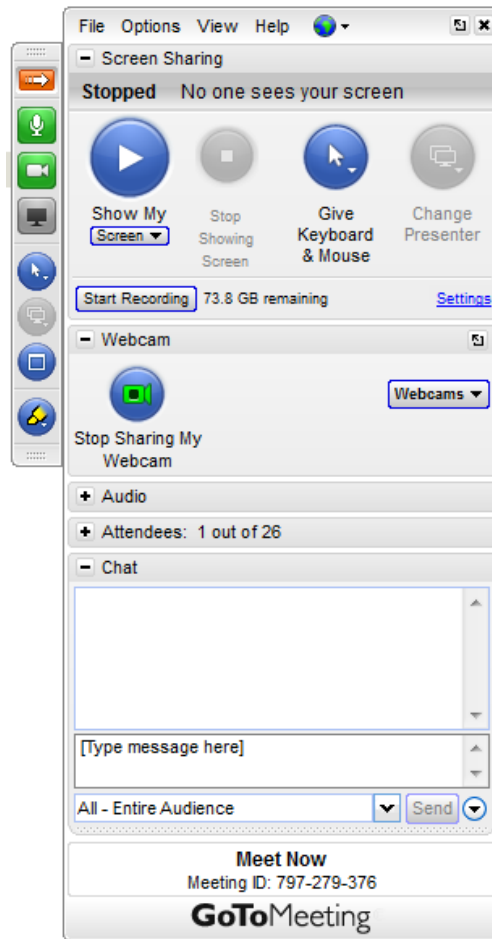
2 ideas ...

- Use the preparation of your actual mediations to
 - Start familiarizing yourself and parties to online tools
 - Reduce uncertainty by talking about your role, the level of conflict, etc.
- Develop your intercultural competencies

The typical Mediation Process

1. Preparation Phase
2. Opening Phase
3. Exploration Phase
4. Option Generation Phase
5. Closing Phase
6. Drafting and reviewing an Agreement
7. Compliance Phase

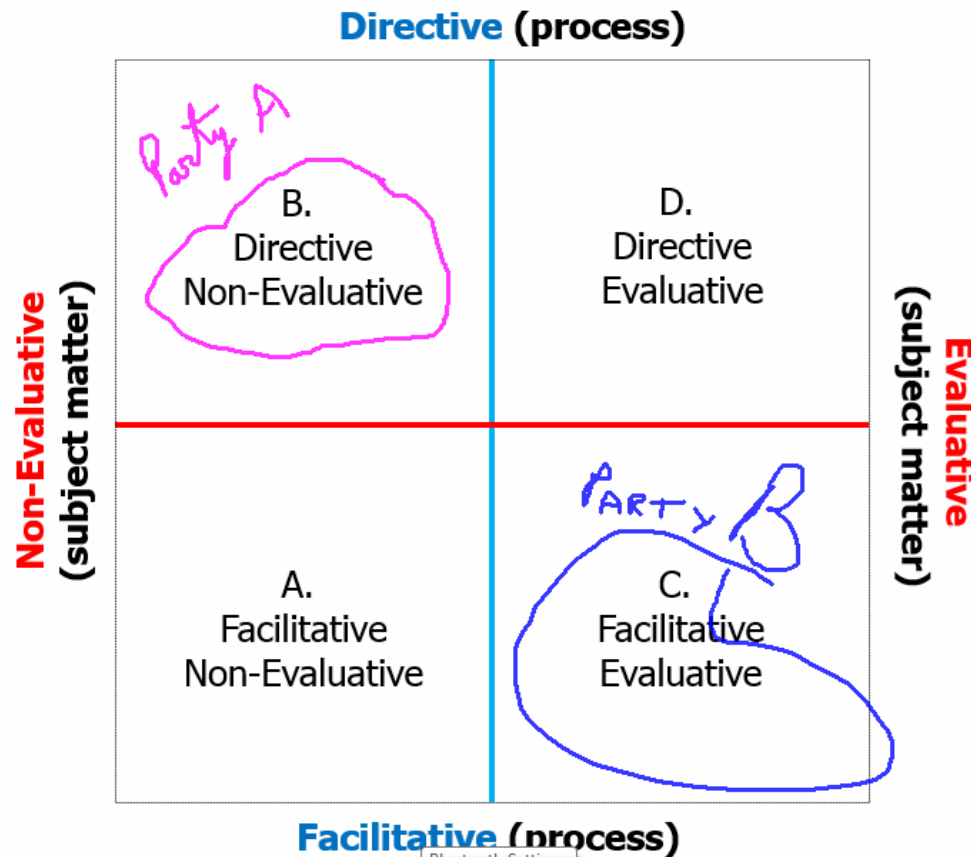
Use an online platform to prepare your mediations



Clarify your role and expectations from parties

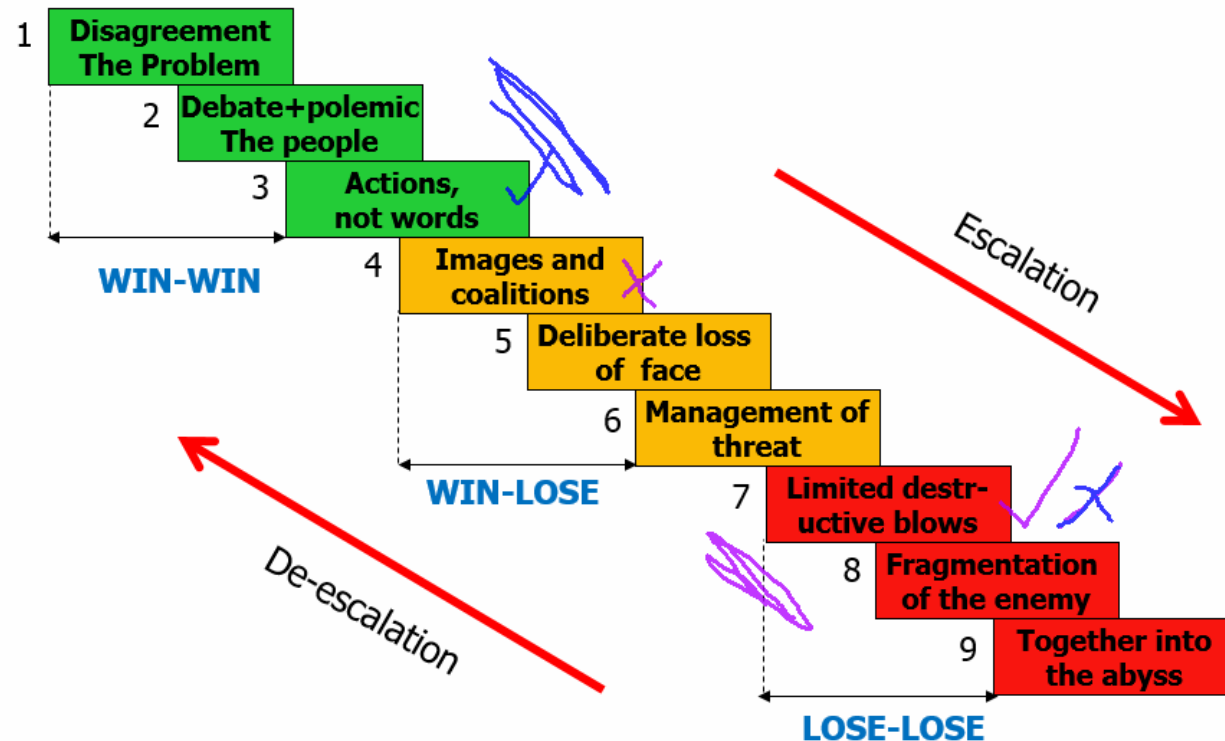
Two axes to consider: Process v. Substance

Source: Based on L. Riskin "The New Old & New New Grids"



Evaluate the level of conflict

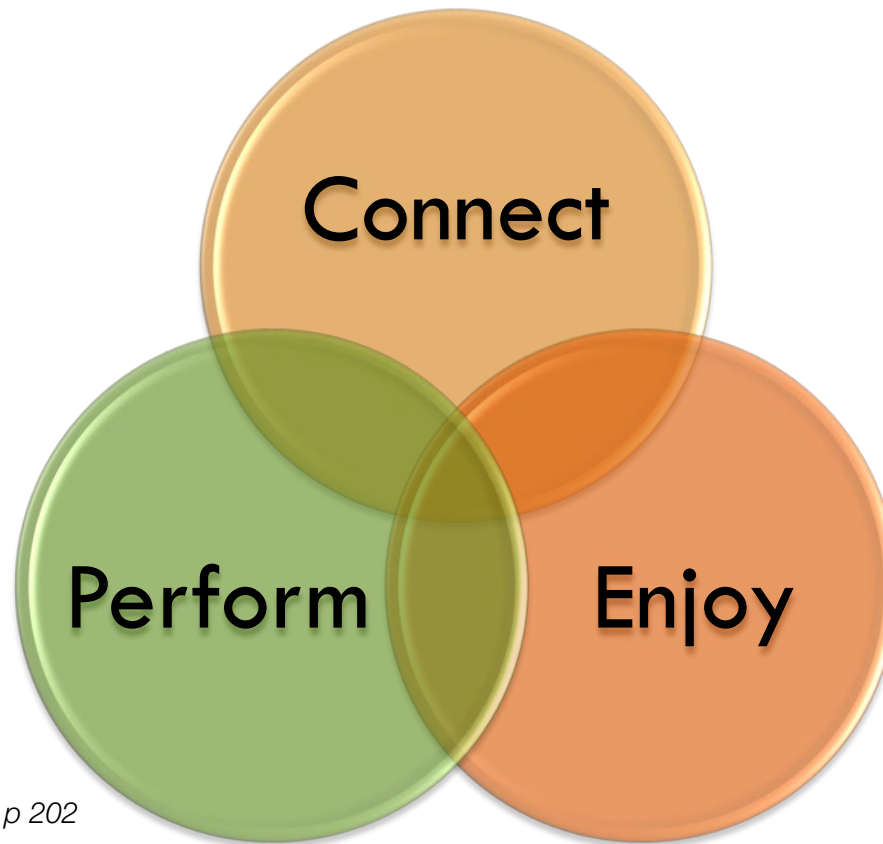
Human Nature: The Tendency to Escalate Conflicts



Source: F. Glasl's "Confronting Conflict" – 9 steps

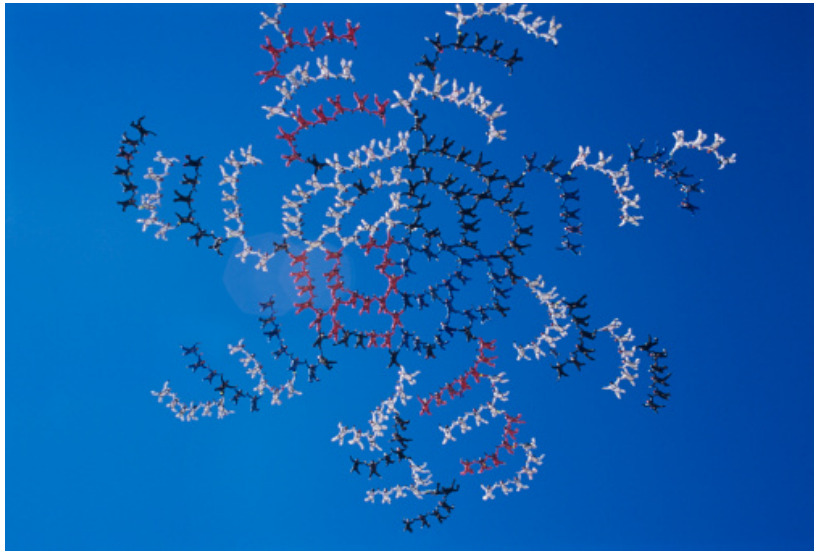
Prepare yourself to interact with new cultures / in a new environment

Three characteristics of intercultural effectiveness



*Source: Thomas & Fitzsimmons, 2008, p 202
and references therein*

Connect



Source: J. Wijnands & IBI B.V.

- Intercultural Sensitivity
 - Cultural awareness
 - Attention to signals
- Intercultural Communication
 - Active listening
 - Adjusting style

Enjoy



- Managing Uncertainty
 - The degree to which a person appreciates the challenges of culturally diverse environments as an opportunity for personal development

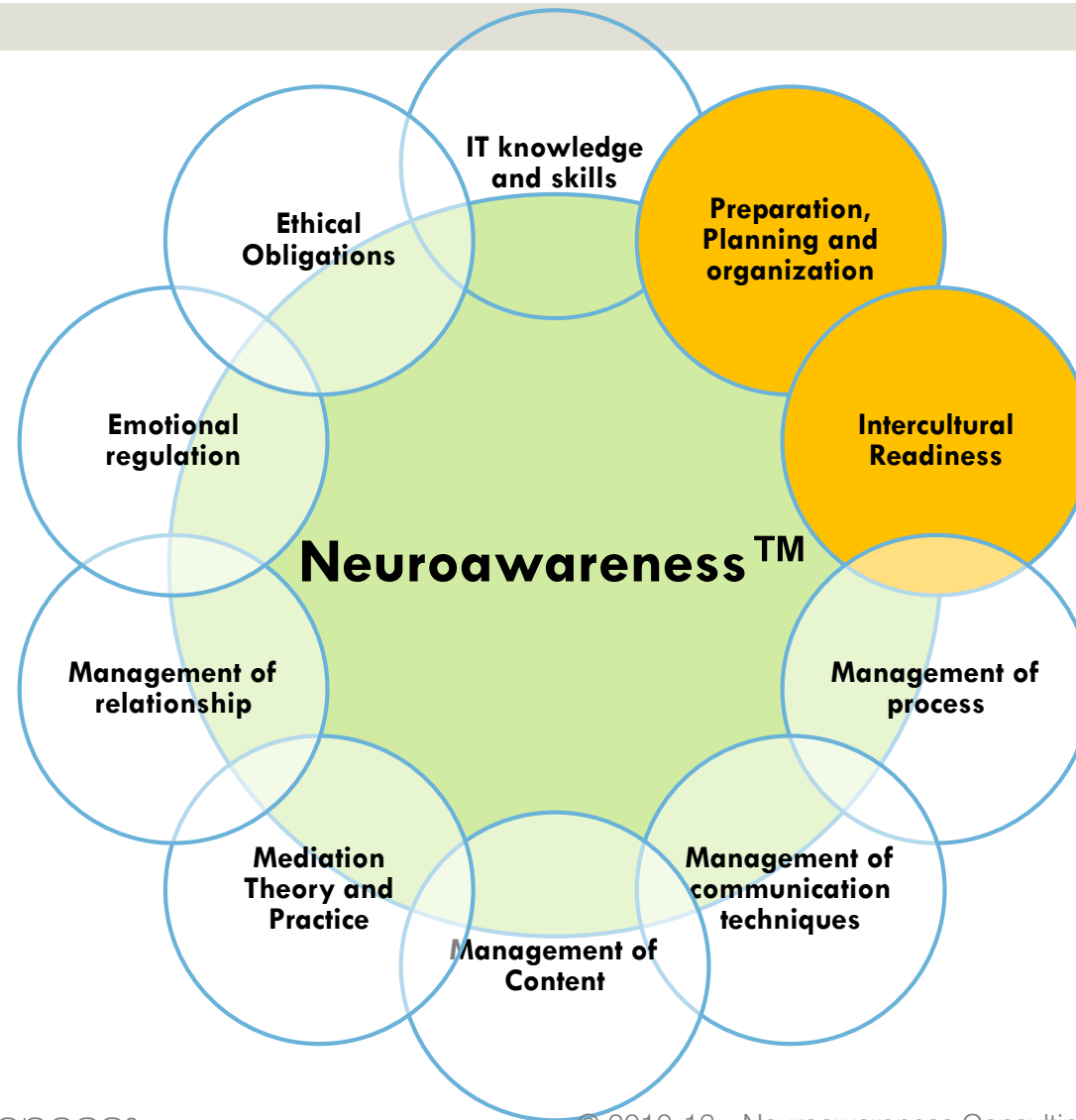
Source: J. Wijnands & IBI B.V.

Conclusion

Having competence and experience in face-to-face mediation does not automatically translate to the online context...

...without adaptation and development of existing skills.

Key skills and knowledge of the online mediator



Questions or comments ?





THANK YOU !

To learn more:

exec.neuroawareness.com/launchlegal

To get answers to your questions:

fb@neuroawareness.com