Conflict Diagnosis

“99% of the game is half mental.” —Yogi Berra

In this chapter, you will learn . . .

◆ The ten steps of conflict diagnosis.
◆ How everyone can benefit from learning how to diagnose a conflict.
◆ That beliefs about the usefulness of alternative dispute resolution (ADR) fall into two camps—an “efficiency” camp, seeing ADR as a way to reduce time and costs, and a “radical” camp, seeing ADR as a way to better resolve conflict.
◆ How conflict diagnosis can help legal professionals and others select the right ADR process and provider for each client and situation.

We closed Chapter 3 with a discussion of good conflict—the perspectives people take in assessing it and what it takes to recognize it. Whether good conflict is achieved, we concluded, depends on how it is handled; however, to handle conflict effectively, we have to plan and execute effective blueprints for conflict handling. And being a complex, human problem, conflict is not one size fits all. Each conflict must be understood and treated uniquely.

Conflict diagnosis is a structured process for understanding and responding to interpersonal conflicts, disputes, and transactions. Conflict diagnosis provides a rigorous and clear framework for understanding and appreciating the multiple facets of any conflict. It also serves as a clear guide for the development of strategies for addressing conflict, including the selection of dispute resolution processes and providers. In a sense, conflict diagnosis provides the basis for designing methods of producing maximally good conflict in any conflict situation. The steps of Conflict Diagnosis, are listed below, and discussed in detail in Part II of this book.
Conflict can be like the elephant in the old parable about the blind men and the elephant. Get a group of people in a room to examine a conflict, and they will each perceive something completely different. The disputing parties will tend to see only the righteousness of their own perspective and the wrongfulness of their opposition. The lawyer, relying on his or her standard philosophical map, will see only the legal issues presented in the conflict, as well as

### The Steps of Conflict Diagnosis

1. Map out the conflict, identifying the roles of the participants.
2. Identify the sources and causes of the conflict.
3. Identify each participant's aspirations, positions, interests, principles and values, and basic needs, and consider how they interrelate logically. Identify any linked conflicts and consider how the conflicts affect one another. Identify the divergent, conflicting interests held by the participants in the conflict. Identify the common, convergent interests held by the participants in the conflict.
4. Characterize the conflict as cooperative, competitive, or in between. If a cooperative conflict, identify attributes of the situation that could cause it to become competitive. If competitive, identify points of influence in the situation that could create greater cooperativeness.
5. Analyze the kinds and levels of trust present in the relationship between the disputants and other participants in the conflict. Develop plans to increase trust appropriately.
6. Identify any impediments to cooperative settlement.
7. Assess the negotiation styles of the participants in the conflict, consider how these styles have an impact on the conflict, and, if possible, develop plans for encouraging cooperation and collaboration among the participants.
8. Analyze each participant's power. Analyze the sources of power, the ways in which each participant could exercise each source of power, the likely impact of its exercise, and ways that this source of power could be increased.
9. Develop a list of alternatives to a negotiated agreement, including the best alternative to a negotiated agreement, or BATNA. If you are a disputant, an agent, or an advocate, develop plans for clarifying these alternatives and improving them. Also, identify the alternatives to a negotiated agreement for the "other side" in the conflict.
10. Choose a dispute resolution process, or a series of processes, appropriate to the conflict diagnosis. Select practitioners best able to meet your goals in the process. If necessary, negotiate the dispute resolution selection process with other conflict participants.
the facts pertinent to the legal issues alone, from the perspective of his or her client's interests. The psychiatrist may see only the individual psychopathologies of the disputing parties. The therapist may see primarily the psychodynamics of the interpersonal relationship. The CPA may see the tax consequences of various proposals. The friend of one disputing party may see only the potential threat to the friend. Seeing the conflict from only one narrow perspective limits the viewer's ability to develop effective strategies for dealing with the conflict. It is as if the elephant is suffering from the flu and the expert assigned to treat the elephant has contact with only the elephant's tail. The advantage of conflict diagnosis is that, instead of a restrictive, focused perspective, the process enables a diagnostician to view the conflict from many appropriate and useful perspectives. This diversity of perspective enables the development of creative, effective approaches to resolving the conflict. Moreover, the perspectives are tailored specifically to the nature of conflict itself. The need for a conscious analysis of the conflict in order to choose an appropriate intervention is noted by a number of experts in the field. (See Dezalay and Garth 1996; Guthrie 2001; Moore, 1996; Nolan-Haley 2001; Riskin 1982; Sander and Goldberg 1994; Schneider 2000; Wade 2001; Wolfe 2001.)

WHO NEEDS TO KNOW ABOUT CONFLICT DIAGNOSIS?

Everyone can benefit from understanding conflict diagnosis. Obviously, legal and dispute professionals, such as lawyers, paralegals, professional negotiators, and others involved in dispute resolution, need to know the principles of conflict diagnosis, so that they can do their job intelligently. But conflict diagnosis is useful in other situations as well, including many situations in which professional dispute resolution processes would never be used.

CONFLICT DIAGNOSIS FOR CONFLICT GAMERS AND CONFLICT PHOBICS

When conflict arises, how do you react? Before framing your answer, consider the following analogy from television:

Consider the Crocodile Hunter, the host of a popular show on the Animal Channel, a cable television station owned by Discovery Channel. His idea of a good time is to wrestle crocodiles. Large, scary looking ones. Accompanied by his intrepid female companion, he displays obvious enjoyment when grappling with the wild, thrashing crocs before displaying them to the viewing audience. Then he releases them and suavely steps back, barely avoiding their angry strikes. Similar encounters involve deadly snakes, scorpions and vicious mammalian carnivores (like Tasmanian Devils). He never flinches and is always smiling. To reach the locations of his encounters with
the fauna, the Crocodile Hunter likes to hike through uncharted jungle choked with venomous frogs and poisonous plants, and to scale vertical rock faces, particularly the slick and crumbly ones.

One of the reasons the Crocodile Hunter is so entertaining is that very few of us would willingly trade places with him. There may be striking resemblances between the Crocodile Hunter and certain conflict professionals, who will be referred to here as conflict gamers.\(^1\) Conflict gamers love interpersonal conflict and feel the most alive when up to their necks in it. They don't seem to need to prepare for a negotiation— their innate personality and temperament alone seem to be preparation enough. They jump at the chance for a rumble. In a negotiation, they seem utterly fearless. They are always ready to inflict punishment on their adversaries. They make extreme demands. They don't take notes but can remember everything said and can instantly fathom all the strategic implications of every development. They seem to know how to exploit their opponent, yet they give no clues about how the opponent can exploit them back. They always seem to know what moves to make, no matter how intense the situation— they think on their feet with the agility of a mountain lion. They are the people who look

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\(^1\) Legal studies scholar Gerald Williams, in his classic study of lawyers (Williams 1983), found that a minority of lawyers could be described in this sort of manner and named this category of lawyers the Gladiators.
steadily at their opponent and threaten to walk out of a negotiation. If they can't get what they want, they don't hesitate to raise the stakes by suing.

After litigation is over, win or lose, over drinks or lunch, conflict gamers express what a profound pleasure it all was, what a rush, and how it resembled the happy days they once spent in high school, lettering on the squad—baseball, football, or lacrosse. They assume their opponents feel the same way. Conflict is their element, and their highest thrills come from life on the edge. They are perfectly comfortable trying to wring their opponent's neck one minute, and slapping him or her on the back over beers the next. High-stakes, adversarial conflict is intrinsically rewarding for conflict gamers.

An experienced divorce mediator recalls how, as a young attorney, she assisted a veteran trial attorney in litigating a nasty insurance fraud case. After two years of contentious pretrial maneuvering followed by a bitter two-week trial (in which their client lost big), the litigator and his young attorney assistant found themselves eating dinner together. The litigator told her that he had been discussing the trial with a local judge who had mentored her some years before. The litigator and the judge, both conflict gamers, had come to the certain conclusion that the trial must have sealed for all time the young lawyer's wish to become a litigator and repeat this happy experience many times. He was incredulous when she told him that she had endured the entire trial in agony, mortified and almost physically ill. Obviously, the young lawyer was not a conflict gamer. Conflict gamers are probably in the minority, except perhaps in professions such as litigation, which often attracts such people. Whether layperson or legal professional, conflict is scary for most of us, and, for some of us, conflict is terrifying and abhorrent.

For the typical person caught in a conflict, coming out of it with a sense of success is frequently elusive, and some of us will do almost anything to avoid conflicts altogether. Do you fit this description? Do you subconsciously search for ways to postpone an important negotiation? Are you secretly relieved when the opponent gets held up in traffic and can't make it? Is buying a car (and having to bid down the dealer) a trauma you try never to have to endure? For you, does a tense negotiation feel more like torture than like a competitive sport? Is it worth the loss of money not to contest the extra charges on your bill?

If this description fits you, then you are probably like most of us, more on the conflict-phobic side of things. If you are conflict-phobic, then conflict diagnosis has many important advantages to offer you. It will give you clear guidance when conflict arises. It will help you understand what to do when you feel you are unprepared but don't know how to prepare. Nongamer legal studies students frequently comment that the ideas presented in this book help them stay calm and focused when they have to confront a conflict. This, alone, helps them make better decisions. You will also receive information to guide you in coping with the twists and turns of conflict processes, so you'll be less likely to feel alone and desperate.

Conflict diagnosis can be invaluable even if you're a conflict gamer. Have you begun to sense that your “iron-fisted” approach is not always the best one to
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Take? Perhaps you see yourself developing a reputation as someone who can't be dealt with. Perhaps your negotiations are limited by the lack of trust you engender in others. Or perhaps you sense that the range of possible solutions to the conflicts in which you are involved are not explored because every conflict turns into a battle. Conflict diagnosis can suggest alternative ways to assert your interests without giving in. It can indicate the best times to turn on your game and the best times to ease off.

Conflict Diagnosis for Conflict Professionals

Conflict diagnosis is also for conflict professionals and professionals-in-training seeking to enrich their understanding of their field. Whether you're planning a career as a lawyer, a paralegal, a judge, an arbitrator, a hearing examiner, a mediator, or a professional negotiator, this book will provide you with a rigorous framework in which to analyze disputes and transactions and to evaluate and choose the best dispute resolution processes and providers for each client's problem. Applying this system to conflicts enables conflict professionals to find the magic keys to unlocking their clients' potential power to settle their differences. The conflict diagnosis process also helps users avoid being swept up in the emotional turmoil of the conflict, and to choose the best way to handle conflicts with colleagues, neighbors, and even family members.

Conflict Diagnosis and Alternative Dispute Resolution

Conflict diagnosis and ADR are intertwined. There is no way to understand the implications of the many dispute resolution processes and variants available today without first understanding the principles of conflict diagnosis. This conclusion is by no means without controversy, however. To understand why, it is useful to delve a bit into the history of the ADR movement.

Although ADR processes such as mediation and arbitration are ancient methods of coping with human conflict, ADR in the United States has enjoyed an unprecedented explosion in popularity in the last quarter-century. This is particularly true for so-called legal disputes. Mediation, arbitration, and other forms of ADR have existed worldwide for centuries, but recently these processes have become more and more widely used, particularly in commercial disputes, in labor, sports, and entertainment disputes; in family law disputes; and in international legal disputes of all kinds. Moreover, courts throughout North America are

2 If so, you're probably right: evidence from social psychology and related research suggests that, over time, a highly contentious approach to resolving conflict does not provide the best outcomes. If you are perfectly satisfied with your approach, read on: you'll learn that it's probably limiting your success.
incorporating ADR into their systems to an ever greater degree, and many jurisdictions, including most U.S. federal courts, mandate the availability of, and frequently the referral of, entire classes of cases to ADR. Employers and commercial entities are also incorporating agreements to engage in ADR—particularly, arbitration and often along with waivers of jury trials—into employment and commercial contracts.

Underlying the popularity explosion are two disparate activist movements, which, ironically, are frequently in conflict with one another. (See Menkel-Meadow 1991 for an alternative account of these movements.) The first, which can be referred to descriptively as the “efficiency” wing of the ADR movement, is typified by former Supreme Court Chief Justice Warren Burger’s many pronouncements on the subject (Burger 1982). In this root of the ADR tree, ADR is seen primarily through the prism of efficiency. Bemoaning the high cost and extreme delays inherent in today’s overcrowded court system, the “efficiency” wing touts ADR processes as a cheaper, quicker, and less formal route to disposing of the overwhelming backlog of cases clogging our nation’s dockets. From this perspective, the type of ADR used is less important than the availability and use of ADR in any form. The important factor to keep in mind is that a case disposed of using an ADR process, preferably a private process paid for directly by the disputing parties, is not present in the courts to slow things down.

The second, more “radical” wing of the ADR movement takes a very different perspective. This wing, typified perhaps most starkly by ideas advanced by the “transformational” ADR scholars Robert Baruch-Bush and Joseph Folger (1994), focuses on the effects and implications of various dispute resolution processes on individuals, communities, and societies and considers some types of ADR—most often, mediation—to be intrinsically superior to litigation and other traditional adversary processes. Under this wing of the ADR movement, the specific type of ADR relied on, and its unique features, are not only relevant but utterly critical to understanding the effect of using the process on individuals, groups, and society at large.

There has been a tendency for the efficiency ADR advocates to be more powerful than the radicals in influencing the course of adoption and use of ADR in the United States. There are two main reasons for this trend. The first is simple: money talks. It is relatively easy to demonstrate the desirability of a program that, for example, eliminates the need for the hiring of additional judges or that seems to have produced a reduction in time from filing a court action to a trial on the merits. On the other hand, the radicals have a difficult time proving just what, apart from time and cost savings, makes certain types of ADR better than others. Client satisfaction can be assessed, but it is merely a rough proxy for the sort of benefit touted by the radical wing. The problem is compounded by a difficulty with language. Because the efficiency wing has been more influential, and because this wing cares less about the form of ADR used, a certain looseness with ADR terminology is rampant. Indeed, many professional people, who should know better, still confuse mediation with arbitration, two processes that are as
different as night and day. Thus, research into the effect and efficacy of ADR processes sometimes fails to consider the subtle but important differences between processes and programs tagged with the same name.

The second reason for the predominance of the efficiency wing is more subtle: it is the invisible veil, introduced in Chapter 3. Our society in general has difficulty accepting the premise that conflict can be resolved through any means other than competition. The legal profession, in whose control the management of legal disputes rests, is built on the idea that the clash of adversaries is the only way to resolve conflict. Although this ideal is the basis for our largely very effective system of justice, it tends to blind legal professionals to alternatives (Baruch-Bush and Folger 1994). Thus, when nonadversarial alternatives to litigation are considered, they are viewed through a prism of adversary process; seen this way, there are very few advantages to ADR processes except efficiency. (Indeed, when professionals with an adversarial perspective engage in ADR, they tend to “adversarilize” the process in question, masking the distinctions.) Both the narrowness of the research and the perceptual limitations of the legal profession have created the false impressions that all ADR processes are similar and that the differences are obvious and easy to apply.

The radical wing, on the other hand, views seemingly small variations in ADR processes as producing profound differences. These views are the result of fine theoretical exploration, by and large, but difficult to verify through empirical research. For example, Baruch-Bush and Folger not only prefer mediation to arbitration but also consider mediation in which the goal is to produce collaboration between the disputing parties to be suboptimal, compared with mediation that leads to “empowerment” of each disputant and “recognition” of each disputant by the other (Baruch-Bush and Folger 1994). It would be extremely difficult even to accurately characterize such distinctions among mediation programs, processes, and practitioners so that the potential differences between them could be explored. Moreover, the radicals point not only to the personal benefits of ADR processes but also to cultural and societal reforms that can result from altering societal emphasis from litigation to nonadversarial ADR processes. Radicals believe that deemphasizing adversary processes and emphasizing nonadversary processes may help increase communitarian values, which, it is believed by some, are unduly suppressed by the American emphasis on rugged individualism and laissez-faire capitalism. Of course, not everyone sees such an ideological shift as even desirable. And yet trying to prove that a particular ADR program or process might have such a far-ranging effect on society is virtually impossible, even if the goal of a more collectivist social structure were a matter of universal consensus.

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3 For the classic exposition of this perceptual limitation suffered by the legal profession, the classic law review article by Leonard Riskin, “Mediation and Lawyers” (1982), is must-reading.
4 This work is now being attempted. The “transformative mediation” process envisioned by Professor Baruch-Bush has been institutionalized as the REDRESS™ program of the United States Postal Service, which offers conflict resolution to postal employees. This program is undergoing an extensive evaluation by scholars at the University of Indiana (Indiana Conflict Resolution Institute 2001).
A student of ADR will find that both the efficiency and radical wings of the ADR movement provide useful perspectives. However, one undeniable contribution of the radical wing is the assertion that the desirability and efficacy of particular ADR programs and processes in individual cases depend critically on the specific structure and features of the process being used. Although it is true that a dispute effectively resolved outside of court will not clog the docket, it is also true that some forms of dispute resolution are more effective than others for particular situations. A process that provides a well-thought-out and well-tailored resolution to a difficult conflict is less likely to lead to litigation down the line, and disputing parties who feel they have had an important hand in choosing the outcome of a dispute are less likely to feel disgruntled about it in the future and find something else to fight about. On the other hand, a process that most disputing parties consider a waste of time and money, a resolution coercively imposed upon the participants, or a process that perpetuates existing power inequities is unlikely to have the same sorts of salutary effects. Thus, although a quick and cheap dispute resolution process is not necessarily effective, neither is it necessarily efficient. Good conflict resolution, on the other hand, is efficient in an important way, in that it may prevent future conflicts and caseloads and may, moreover, lead to better allocation of societal rights, obligations, and resources. Hence, whatever you think about the radical vision of a more communitarian society, the radicals are on target when they assert that choosing a high-quality form of conflict resolution, tailored to the situation at hand, is important.

There is evidence that the sort of intelligent and reasoned choice of dispute resolution processes advocated by the radical wing of ADR proponents is not now taking place on a widespread basis. For example, Judge Wayne Brazil of the federal bench, a leading proponent of ADR, reported evidence that federal court referrals to ADR do not vary based on the characteristics of the dispute and disputants but, instead, depend on what processes are available in the particular court system and on the preferences of the judge making the referral (Brazil 2000). Additionally, it appears that choices of both court-connected and private ADR are made not so much based on the needs of specific clients but, rather, on the cultural predilections and emotional reactions of the practitioners who make referrals. For example, attorneys working with commercial clients sometimes assert that some forms of ADR are too “touchy-feely” for their clients, despite a clear basis for concluding that these forms are well suited to their issues, which often involve the need to preserve a working relationship with suppliers, subcontractors, and customers. Thus, there is little evidence at this time that the true promise of ADR is being realized, beyond diverting legal disputes out of the litigation system.

Another unfortunate result of the lack of emphasis on careful conflict diagnosis is the slow but inexorable adversarialization of ADR. Because most people who are in a position to provide funding for ADR programs operate in the efficiency wing of the movement, ADR programs are often reduced to nothing more than litigation lite (a term coined by law professor Jack
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M. Sabatino 1998), a less formal and less careful version of the same old adversary process. This point is reiterated by Professors Lela P. Love and Kimberlee K. Kovach (2000), who caution that without taking more care to consider and preserve the unique characteristics of the many varieties of ADR, the benefits that each unique process offer will be lost. The 1983 lament of history professor Jerold Auerbach is, perhaps, overstating the point, but correct in its overall concern:

"[W]hile the forms of alternative dispute settlement still flourish, its substance recedes to the vanishing point. The relentless force of law in American society can be measured by its domination, and virtual annihilation, of alternative forms of dispute resolution. (Auerbach 1983, 15)

The radicals assert that the careful application of ADR processes to disputes both transforms the handling of specific disputes and, more broadly, transforms legal and non-legal culture. This general assertion is no doubt true, although exactly what form this transformation may take is certainly controversial and will probably remain unclear for many years to come. Individuals with conflicts, disputes, and pending transactions, as well as conflict and dispute professionals, need to have as much information as possible about the impact of various dispute resolution processes to make enlightened decisions about how to select and participate in them. Thus, the superficial efficiency treatment of ADR by some—the characterization of ADR as nothing more than “litigation on the cheap”—is insufficient and dangerous. There are many, more enlightened texts dealing with ADR.5 Some are cited in this book. You are encouraged to delve more deeply into the subject by reading them.

The noted law professor Frank E. A. Sander (1976) has taken the notion of tailoring a dispute resolution process to a specific situation a step further in suggesting that courts should have a “multidoor” aspect to them: that disputing parties should have available to them a whole variety of dispute resolution processes, both traditional and alternative. Sander’s extensive work suggests that the optimal dispute resolution process is different for different types of cases (Sander and Goldberg 1994, note v). Social and developmental psychology theory and research strongly bear this assertion out. The notion of tailoring the dispute resolution process to the specific characteristics of the conflict and its participants is also behind the idea of conflict diagnosis.

The concept of a multidoor courthouse is now present in the free market. Although most court systems at this time have available at most only a few “alternatives” to litigation, a plethora of private, entrepreneurially based alternatives, each with their own stated goals, processes, and practitioners, exist,

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5 For other excellent works that present a deeper view of ADR processes, try Leonard L. Riskin and James E. Westbrook’s (1997) law school textbook, Dispute Resolution and Lawyers, and Baruch-Bush and Folger’s The Promise of Mediation (1994). Many excellent law review and social science articles, too numerous to list, also attempt to deal with the issue of the deeper ramifications of ADR, including Sander and Goldberg (1994, supra).
Conflict diagnosis provides a step-by-step process for analyzing and understanding interpersonal conflict. Grounded in tested theory and research, and backed by experience, the process of conflict diagnosis enables the user to better understand the forces that drive the conflict and impede its resolution. Conflict-phobics often find that having a straightforward system of analyzing conflict can help them confront difficult or frightening situations and become more calm, deliberate, and pro-active. Conflict-gamers, on the other hand, can benefit from

In some jurisdictions, discussing and recommending ADR to clients is evolving to become an ethical obligation for lawyers. This issue is discussed in more detail in text Chapter 2.
the broader perspective that comes from pausing to evaluate the situation from the conflict-diagnosis perspective. In either case, conflict diagnosis can enable participants in conflict to achieve more flexibility and adaptability. What works very well in one situation may be disastrous in another situation, but conflict diagnosis helps the user identify a panoply of possible strategies, and to determine when a strategy will work, and when it won't.

Conflict diagnosis also informs the study of ADR. As many scholars in the field have pointed out, ADR, like conflict itself, is not "one size fits all." Familiarizing yourself with conflict diagnosis before embarking on the study of ADR will help you appreciate the sometimes subtle differences between forms of ADR and why these differences are important.

Finally, conflict diagnosis enables more effective selection and use of ADR. Conflict diagnosis can help shed light on whether ADR is appropriate, on what ADR processes and providers would lead to "good conflict," and on what strategies and tactics will best meet the goals, interests, and needs of the parties involved. In this modern age of expansion of the ADR movement, conflict diagnosis is a critical tool in the legal and conflict professional's arsenal of skills.

EXERCISES, PROJECTS, AND “THOUGHT EXPERIMENTS”

1. Think back on the last interpersonal conflict in which you were involved. (You may use your conflict journal topic for this exercise.) How did it feel when you first realized a conflict was occurring? What steps did you take to handle the conflict? What does this information tell you about your overall attitude toward conflict? Are you a conflict gamer, a conflict-phobic, or something in between? Think hard about what the advantages are of your overall approach to conflict. What are the disadvantages? What can you do to minimize these disadvantages while retaining the advantages?

2. Having identified your predominant attitude toward conflict in question 1, interview someone who you believe holds a very different attitude. (For example, if you consider yourself to be a conflict gamer, interview someone you think is probably conflict-phobic.) Try to find out whether your belief about this person is accurate. How does he or she feel when dealing with interpersonal conflict? What do you see as the advantages and disadvantages of the person's approach?

3. Whom does the traditional legal system benefit more—disputants who are conflict gamers or people who are conflict-phobic? Explain your answer. Compare your answer and rationale with that of your classmates.

4. Which of the following statements are you in more agreement with? Discuss your decision with your classmates.
   a. "As a society, we need to realize that litigation is not a very good way of dealing with most disputes. We need to develop other ways of handling legal disputes, so that these disputes can be resolved more effectively."
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b. “Our judicial system is seriously underfunded and understaffed. It remains the best way to resolve legal disputes, and we should do a better job of providing it with resources.”

5. Review the steps of conflict diagnosis. See box on p. 51. Which of these activities or skills appear to be consistent with the traditional roles of an attorney? Which of these activities or skills appear to be activities that attorneys don’t normally do? Which of these activities or skills are contrary to the traditional roles of an attorney?

6. Put yourself in the role of an attorney who handles civil litigation, mostly business contract actions. You have learned all about conflict diagnosis and think you would like to put these skills to use with your clients.

a. Is it ethical for you, or for experts you retain for the purpose, to diagnose your clients’ conflicts without first informing them of your intentions? Why or why not?

b. How do you think your clients will feel if you bill them for the time and effort you spend diagnosing their conflicts?

c. Is there a way to market conflict diagnosis to this customer base? Design a brochure that convinces potential clients of the advantages of conflict diagnosis.

d. Would your answers to these questions change if you specialized in child custody cases? Why or why not?

RECOMMENDED READINGS


