

## THE ART OF IMPASSE

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The mediator's creativity is aroused and challenged when impasse appears. With the stillness at the point of impasse, there follows the opportunity for change. This is when the path to resolution can become truly exciting. The mediator must be ready to address the impasse to dilute its festering, and to focus and readjust the resolution process.

Effective dealings with impasse may concern anticipating areas of impasse, avoiding impasse, or preempting impasse. Consideration for managing impasse in a family mediation should be given to issues relating to the boundaries of the family relationships, transgenerational patterns, hierarchy of who's in charge, communication styles, and children's developmental stages. Elements exterior to the family may trigger an impasse, such as filing or pending court actions, the effect of applicable laws, or stressors from other pressures such as school, employment, and health issues.

The type and range of impasse is so great that it is difficult to formulate a common scheme for dealing with this great intangible. However attention should be given to: disparities in power between the parties; clarification of issues; and engendering forgiveness. Understanding the basic underlying notions of conflict is helpful, such as pursuit of power and control, good versus bad, failure to communicate and respect each other, misallocation of scarce resource, confusion and ambiguity, and unintended consequences resulting from a complex process. When appropriate, an exploration by the mediator with the parties of their personal perspectives regarding the applicable situation can clear the cloud of impasse. Failing which, the mediator may need to shift the approach and attempt a different tactic.

Specific techniques may be employed when managing impasses. Typically, the least intrusive is first attempted, such as empathetic listening so that each party feels heard and understood. Oftentimes, the mediator's review of the process may redirect the parties away from the impasse, by the mediator taking (or retaking ) the steps to allow for each party's story telling, to clarify the issues, to identify the options, and to remind the parties of the risks and advantages of each option. Another technique is brainstorming so that more options are created, with a discussion of the best and worst alternatives while weighing the results and costs. Sometimes shifting a party's vision to look at the big picture, or to switch roles with the other party can alter the thinking. Of course, there's the mediator's grimaced response to a party's stated impasse, "Would you rather go to court?", or "Would you rather have a judge decide this for you and your family?" Another effective shift from impasse is for the mediator to meet separately with each party so that the caucus allows for greater depth of discussion or to address fears and confusion. Additionally, timing is important to allow the parties to adjust to proposed changes, following a moderate pace, mindful of when to address the most difficult issue, and soften deadlines.