



Understanding and Managing High Conflict Disputes

Hosted by:

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High Conflict Person (HCP)

Someone who has a pattern of:

4

PRIMARY TRAITS
of the High Conflict
Personality

BLAMING OTHERS

preoccupied
with focusing
on a Target
of Blame

ALL-OR- NOTHING

problem-solving
dominated by
all-or-nothing
thinking

UNMANAGED EMOTIONS

which are
intense and can
completely
take over

EXTREME BEHAVIOR

or threats,
which 90% of
people would
never do

Bullies

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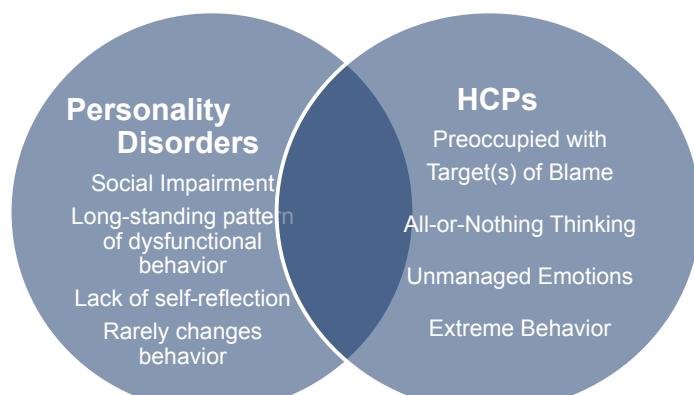
Additional Characteristics:

Driven to dominate or destroy others
**Driven to create win-lose
relationships**

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Overlap with Personality Disorders



Personality Disorders are Interpersonal Disorders

“Antisocial, borderline, histrionic, and narcissistic personality disorders, historically classified as Cluster B (dramatic-emotional-erratic) personality disorders, all showed moderate-to-large and significant associations with **domineeringness, vindictiveness, and intrusiveness....**”

[and]

a commonality across the personality disorders in a tendency toward distrust and suspicion of others and an **inability to care about the needs of others.**” (Emphasis added)

Wilson S., Stroud, C. and Durbin, C. Interpersonal Dysfunction in Personality Disorders: A Meta-Analytic Review, *Psychology Bulletin*, July 2017; 143(7): 677-734. doi: 10.1037/bul0000101.

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Disclaimer

- This seminar does not train you to diagnose personalities.
- It may be harmful to tell someone that you believe that they have personality problems or a high conflict personality.
- Just **recognize** potential patterns and **adapt** your approach accordingly.
- **Just develop your Private Working Theory.**

Borderline

"Love-You, Hate You" Types

- **Fear of abandonment: clinging & manipulation**
- Seeks revenge and vindication
- Dramatic mood swings
- Sudden and intense anger, out of proportion
- Impulsive, risk-taking, self-destructive behaviors

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Specific tips for "Love-You, Hate You" Types

- Listen with empathy. Stay calm and matter-of-fact when they get angry (and they will).
- Keep an arms-length relationship: not too rejecting and not too close
- Have clear boundaries—when you're available and when you're not, etc.
- Be consistent and predictable.

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Narcissistic "I'm Very Superior" Types

- **Fear of being inferior or powerless**
- Believes in a very superior self-image
- Absorbed in self, own needs, own viewpoint
- Feels entitled to special treatment
- Lacks empathy for others

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Specific Tips for "I'm very Superior" Types

- Be respectful and resist insulting them (even though you will be tempted because of their arrogance and insensitivity to others).
- Resist their efforts to receive special treatment. Reassure them they are important, but that you have to follow the rules and policies.
- Praise them for some positive efforts/skills.

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Antisocial

“Con Artist” Types

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- **Fear of being dominated**
- Drive to dominate others in weaker positions
- Disregard for social rules and laws
- Constant lying and deception, even when easily caught (they don't keep track of lies)
- Lack of remorse; Some enjoy hurting people

Specific tips for “Con Artist” Types

- Avoid trusting people who say “trust me” a lot. Maintain a healthy skepticism. Ask for documentation.
- Pay attention to your gut feelings—they often are the first to tell you to be wary.
- Sometimes they are dangerous. Don't accept being bullied—get assistance.

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Histrionic

“Always Dramatic” Types

- **Fears being ignored and left out**
- Drive to be center of attention
- Constantly dramatic and theatrical
- Exaggerates and may make up stories
- Difficulty focusing on tasks or making decisions

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Specific tips for “Always Dramatic” Types

- Don’t get hooked by their stories. You can always interrupt the drama by moving on to another important tasks.
- Plan to spend more time getting ordinary work done with them.
- Emphasize how they can help themselves. Give them a sense of empowerment.

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Paranoid

"I'll Never Trust You" Types

- **Fear of being exploited**
- Endless doubts about friends, professionals, etc.
- Misinterprets ordinary events or comments as demeaning or threatening
- Bears long-term grudges
- Misperceives others as attacking his/her character, so "counter-attacks" first

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Specific tips for "I'll Never Trust You" Types

- Be as non-threatening as possible. Be reassuring, but don't expect them to trust you.
- Don't push them to open up about things. Respect their caution and desire to only reveal what they have to.
- Explain that policies require you to do certain things (so it feels less personal).

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2 Hemispheres of Brain (Flexible)

<u>Left Hemisphere</u>	<u>Right Hemisphere</u>
“Logical Brain”	“Relationship Brain”
Generally Conscious	Generally Unconscious
Language	Observes relationships
Thinks in words	Thinks in pictures
Planning	Creativity, Art, Intuition
Examines Details	Non-verbal Skills
Rational analysis	Facial recognition & cues
Systematic Solutions	Gut feelings
Positive Emotions Calm, contentment, etc.	Negative Emotions Hurt, anger, fear, etc.

Corpus Callosum

- The main wiring between the hemispheres of the brain, that aids in the flow of information back and forth. More flow is better.
- Some people get stuck in the upset emotions of the right hemisphere and can't access their left hemisphere to help resolve negative emotions.
- It's damaged or smaller in children repeatedly exposed to abuse, as well as in some adults with personality problems.
 - Martin Teicher, *Scientific American*,
March 2002, Vol. 286, Issue 3, p. 68+

Adapt your approach accordingly

The 4 Forget About Its

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FORGET ABOUT:

1 Trying to give them insight	Instead, Focus on choices
2 Focusing on the past	Instead, Focus on the future
3 Emotional confrontations or asking about emotions	Instead, Focus on thinking & doing
4 Telling them they have a high conflict conflict personality	Instead, Focus on what to do

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4 Key Skills for Managing HCPs

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C.A.R.S. Method®

- 1. CONNECTING WITH E.A.R.**
- 2. ANALYZING Options**
- 3. RESPONDING to Misinformation**
- 4. SETTING LIMITS on Misbehavior**

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Connect with EAR Statements (Empathy, Attention & Respect)

Example: "I **understand** these are big decisions in your lives and your children's lives. (Empathy)

I will pay full **attention** to your concerns about this issue and any proposed orders you want to request. (Attention)

I have a lot of **respect** for your commitment to your children and your efforts to resolve this issue. (Respect)

See article: Calming Upset People with EAR

Fears and EARS for HCPs

THEIR FEAR

For any of these:

- Being ignored
- Being inferior
- Being dominated
- Being abandoned
- Being betrayed

YOUR EAR RESPONSE

Use any of these:

- I want to help you
- I respect your efforts
- I'll pay attention
- I'll listen
- It's just rules we all have to follow
- I understand this can be frustrating
- I'll work with you on this
- I know this can be confusing

Cautions about EAR

Cautions:

- Avoid believing or agreeing with content.
- Avoid volunteering to “fix it” for them (in an effort to calm down their emotions).
- Be honest about EAR (find something you truly believe)
- Maintain healthy boundaries.
- Don’t do special favors or bend the rules when pressured to do so.
- You don’t have to listen forever.
- You don’t have to use words or these words. Use the EAR Statements that work for you.

4 Key Skills for Managing HCPs

C.A.R.S. Method®

1. CONNECTING with E.A.R.
2. ANALYZING options and dilemmas
3. RESPONDING to misinformation
4. SETTING LIMITS on behavior

Analyzing options Give them a choice

In high-conflict situations, don't focus on feelings. You won't resolve their emotional issues. Just acknowledge their frustrations. Talk to the right brain.

Instead, focus upset person on a choice.

- The goal is to get the upset person focused on problem-solving, away from his or her emotions.
- This puts responsibility on the person to help solve the problem; puts responsibility on the person for making the choice.
- It gives them some power, when they feel powerless.

Analyzing Options Making Proposals

Teach clients to Make Proposals:

Any concern about the **past** can be turned into a proposal about the **future**.

Proposals usually contain:

WHO does
WHAT,
WHEN,
HOW, and
WHERE.

When they get stuck or go back to the past or come up with new complaint, just ask:

"So, what's your proposal?"

Skill 2: Analyzing

3 Steps for Making Proposals

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1. **Propose:** WHO will do WHAT, WHEN, HOW and WHERE.
2. **Ask questions:** The other person then asks questions about the proposal, such as:
 - "What's your picture of what this would look like/how it would play out?"
 - "What do you see me doing in more detail?"
 - "When would that start, in your proposal?"
 - "How many weeks seems reasonable to you?"
3. **Structured response:**
 - Yes
 - No
 - I'll think about it

If it's a "No," just make a new proposal.

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4 Key Skills for Managing HCPs

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C.A.R.S. Method®

1. CONNECTING WITH E.A.R.
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4. SETTING LIMITS on Misbehavior

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Responding to misinformation

Maintain a healthy skepticism

- Remain skeptical of the accuracy of the person's information. There may be many cognitive distortions.
- Let them know that you will never know the full story. It is *possible* the extreme statements they are making are true.
- **"You might be right!"** And *possibly* not true.
- But next steps can still be taken and decisions can still be made about the future.

It's Their Dilemma

- Keep the burden of solving problems on the client. No matter how badly they want you to do it.
- Tell them **"You have a dilemma. How do YOU want to resolve it?"**
- Then, if they can't think of options, you could suggest several, based on your knowledge.
- Be a role model of comfort with ambivalence.

Teach BIFF Responses®

Brief: Keep it brief. Long explanations and arguments trigger upsets for HCPs.

Informative: Focus on straight information, not arguments, opinions, emotions or defending yourself (you don't need to)

Friendly: Have a friendly greeting (such as "Thanks for responding to my request"); close with a friendly comment (such as "Have a good weekend").

Firm: Have your response end the conversation. Or give two choices on an issue and ask for a reply by a certain date.

4 Key Skills for Managing HCPs

C.A.R.S. Method®

1. CONNECTING WITH E.A.R.
2. ANALYZING Options
3. RESPONDING to Misinformation
4. SETTING LIMITS on Misbehavior

Skill 4: Setting limits

Setting limits on High Conflict Behavior

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- HCPs need limits because they can't stop themselves
- With HCPs, focus on external reasons for new behavior (rather than focusing on negative feedback about past behavior):
 - "Our policies require us to ..."
 - "The law requires me to ..."
 - "It might appear better to _____ if you..."
 - "I understand, but someone else might misunderstand your intentions with that action..."
 - "Let's take the high road..."
 - "Choose your battles..."

Skill 4: Setting limits

Imposing Consequences

Educate about consequences

Give an EAR Statement when imposing consequences in about half of cases (to explain benefits) or not in about half of cases (to avoid manipulation).

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HCPs do not connect **realistic consequences** to their **own actions**, especially fear-based actions.

- They feel like they are in a fight for survival, which blinds them to realities.
- Their life experiences may have taught them different consequences than most.
- Many are in survival mode.
- They can be educated and helped by a caring person—YOU!
- Imposing consequences is appropriate and necessary for many people to learn.

Summary of Key HCP Skills

1. **CONNECTING:** Listen closely (briefly), then respond with Empathy, Attention and/or Respect (EAR statement)
2. **ANALYZING:** Get client to make a list of problems/options, make a proposal.
3. **RESPONDING:** Be Brief, Informative, Friendly and Firm (BIFF response)
4. **SETTING LIMITS:** Don't make it personal. Use "Indirect Confrontations" by helping client deal with policies and procedures.

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New Ways for Mediation® The Simple Structure

Stage of Mediation Process	Client Mediation Task
Stage 1: Establishing the Process	→ Asking Questions
Stage 2: Making the Agenda	→ Making Their Agenda
Stage 3: Making Proposals	→ Making Their Proposals
Stage 4: Making Decisions	→ Making Their Decisions

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Stage 1: Establishing the Process

Stage of Mediation Process	Client Mediation Task
Stage 1: Establishing the Process	➡ Asking Questions
Stage 2: Making the Agenda	
Stage 3: Making Proposals	
Stage 4: Making Decisions	

Stage 1: Establishing the Process

- Establish control (Mediator talks; clients listen)
- Any client diversionary issues will have to wait until process is explained.
- Explain the process and briefly explain the **four stages**:

4 Stages	Client Mediation Task
Stage 1: Establishing the Process	Asking Questions
Stage 2: Making their Agenda	Making Their Agenda
Stage 3: Making Proposals	Making Their Proposals
Stage 4: Making Decisions	Making Their Decisions

Stage 1: Establishing the Process

Emphasize the Mediator's role:

- Control and guide the process
- Answer questions
- Educate about options and possible outcomes
- **Ask clients if any questions about this**

Emphasize the Clients' role:

- Asking questions
- Making their Agenda (With Mediator's guidance)
- Making their Proposals (With Mediator's guidance)
- Making their Decisions (With Mediator's guidance)
- **Ask clients if any questions about this**

Stage 1: Establishing the Process

Emphasize that the focus is on the future

- Will be very little discussion of the past
- We can't mediate the past
- Don't have to agree about the past
- Don't have to defend the past
- **Ask clients if any questions about this**

Explain ordinary ground rules (confidentiality, okay to take breaks, etc.)

Stage 2: Making their Agenda



Stage 2: Making their Agenda

In this method we don't ask for:

- an opening statement
- their points of view
- the concerns that brought them here
- anything that opens up the past

You can tolerate some talk about past, but don't let it go too far – just ask what their questions are about:

- legal information (not advice)
- their options going forward
- and what others have done.

Emphasize *gathering information* in preparation for making proposals.
Answer their questions to the extent possible.

Stage 2: Making their Agenda

A. Ask clients for:

"Any questions you have about the mediation process or the decisions you are facing today?"

This will help me know what information to tell you to help you prepare for making your proposals.

In divorce mediation, ask them to include:

- parenting plan
- property division
- child support
- the legal process
- spousal support (maintenance)
- any timing issues

You don't have to have anything figured out at this point – it just lets me know where we're starting

Be strict about taking turns. It will help them feel safe and focused.

Stage 2: Making their Agenda

B. Then its time for them to make their Agenda.

Tell me what you each propose to put on today's agenda.

Each gets an uninterrupted turn while you write their list.

Now, what do you agree should be the items that we address today, and in what order?

- **This should be totally up to them.**
- **You want them to practice making joint decisions.**

Stage 3: Making their Proposals



Stage 3: Making their Proposals

Ask if they have any questions about the topic they chose to discuss first. Then, ask who wants to go first with making a proposal, using these steps:

1. **Propose:** WHO will do WHAT, WHEN and WHERE.
2. **Ask questions:** The other person then asks questions about the proposal, such as: "What's your picture of what this would look like, if I agreed to do it?" "What do you see me doing in more detail?" "When would we start doing that, in your proposal?"
(Be strict about them asking questions before letting them respond.)
3. **Respond:** Other person then responds with:
"Yes." "No." Or: "I'll think about it."

And if you say "No," then you make a new proposal.

Stage 3: Making their Proposals

Help them Analyze “What’s important” in their proposals

IF NO AGREEMENT, ask for new proposals.

IF STILL NO AGREEMENT, tell them what you saw was important in each.

You can write these on a white board.

THIS IS *reverse interest-based negotiations*:

- Reframe any positions as “proposals.”
- Mediator helps analyze proposals with questions.
- Mediator identifies:
 - “what’s important”
 - checks if parties agree
 - adds whatever they wish

“What’s important” is really their **interests**.

Stage 3: Making their Proposals

Educate them about options

IF NO AGREEMENT, avoid probing questions (they open up the past).

INSTEAD:

- Give them at least 3 options that others have done or that you can envision, which might give them new ideas for proposals.
 - **1 option** is too directive for mediator
 - **2 options** risks one likes one and other likes other
 - **3 options** gets them thinking

IF STILL NO AGREEMENT:

- Discuss sources of information they might investigate.
 - reading resources
 - people to consult with
 - plan to meet again after their research

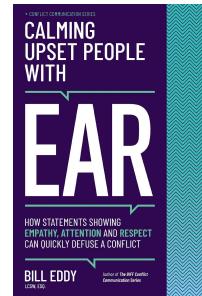
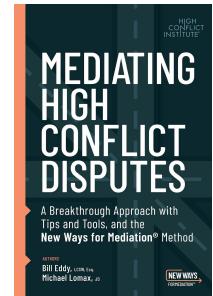
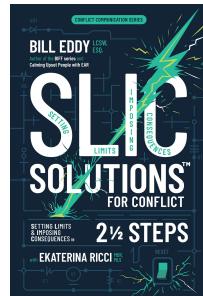
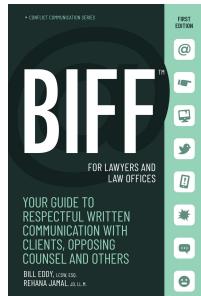
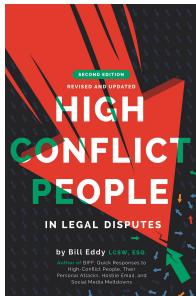
Stage 4: Making their Agreements

Stage of Mediation Process	Client Mediation Task
Stage 1: Establishing the Process	
Stage 2: Making their Agenda	
Stage 3: Making Proposals	
Stage 4: Making Decisions	→ Making Their Decisions

Stage 4: Making Decision (Their Agreements)

- A. **When they appear to have an agreement**, write it down. Ask for all details.
- B. If they have been **“thinking about it”** on an issue, ask them now if it’s a **Yes or NO** or need more time to think.
- C. If they appear to have an agreement, **encourage them to think about it** and know they aren’t locked in until they sign.
- D. **Warn them** about buyer’s remorse, so make sure its what you want now.
- E. Advise them to see **reviewing professionals**, such as lawyers, financial professionals, parenting professionals.
- F. Warn them that professionals **may want them to fight for “more.”** Tell them they are the **decision-makers**, so hear what professionals have to say, but then decide for themselves.
- G. Can always make **new proposals** if necessary, until its signed.

Resources



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