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STOP Labeling People DIFFICULT PEOPLE and HCPs

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by Janet Rowles

March 2016

Nowadays it is chic to label people. If we then turn that label into an acronym we sound even smarter, it appears. At the top of the list of most-used labels is narcissistic personality disorder (NPD). While people used to be merely "selfish", a term that might lend itself to being at least somewhat transitory, we now label people narcissistic which guarantees that from then on every move they make will be proof of the label – a self-fulfilling prophecy, for sure.



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In the world of alternative dispute resolution (ADR, as long as we are slinging around acronyms) mediators, evaluators, attorneys and judges love to hate-on difficult people or high-conflict people (HCPs).

According to Bill Eddy, LCSW, Esq., "High-conflict people (HCPs) have a pattern of high-conflict behavior that increases conflict rather than reducing it or resolving it. This pattern usually happens over and over again in many different situations with many different people. The issue that seems in conflict at the time is not what is increasing the conflict. The "issue" is not the issue. With HCPs the high-conflict pattern of behavior is the issue, including a lot of: A. All-or-nothing thinking, B. Unmanaged emotions, C. Extreme behaviors, D. Blaming others."

<http://www.highconflictinstitute.com/who-are-high-conflict-people>

Let's look at this. If you understand conflict, you know that when people are in conflict that they are generally not at their best. They are sadder, angrier, more sensitive, more volatile, more stubborn, and/or more confused compared to their normal selves.

The "All-or-nothing thinking" is an attribute of most mediation participants when they first meet at the table. "Unmanaged emotions" as well. Sometimes people arrive to the mediation table quite calm and then, as the conversation progresses, they might get more upset! Progress in a mediation is not a straight path to an agreement. It is often convoluted and unexpected. It *usually* gets worse before it gets better. Think of cleaning out a room. You pull out all the stuff to go through it and suddenly the room is messier instead of cleaner. Same in a mediation: often the process is a bit messy.

Getting back to the attributes of so-called HCPs, "Extreme behaviors" is next on the list. Yes, extreme behaviors may be a sign of dysfunction, but at the mediation table, more importantly, it is definitely a sign of feelings of powerlessness. Judging people for these behaviors only adds to the difficulty.

The fourth and final attribute is ironic, at best. "Blaming others". Everyone, and I mean *everyone*, blames the other participant in the mediation. If they aren't blaming each

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other, they likely don't need mediation. Like the other attributes, blaming is a symptom of powerlessness. People are more self-absorbed than they would normally be when they are in conflict so it makes perfect sense that they would not yet be able to accept responsibility for their part.

It appears that labeling people HCPs is a way of blaming them for mediators' inability to deal with very difficult cases. We need to stop blaming the participants and start figuring out ways of improving our own skills to accommodate very difficult situations. These are the cases that are most in need of mediation.

All four of these attributes of so-called HCPs are consistently a part of high-conflict mediation. But labeling a person in the mediation as high-conflict, is a vote of discouragement and judgment. It devalues their opinions and struggles. It affects our neutrality, which is essential to a high-quality process.

These are not HCPs. These are people who are in conflict. Perhaps they have been in conflict for a long time and are steeped in their upsetness. Regardless, we must stop labeling people HCP's because it changes the course of the discussion. It changes the interventions we choose as mediators. It closes down the discussion instead of opening it up. We should be welcoming people who are angry or upset and telling them explicitly and through our actions that we understand why they might be acting that way.

The best mediators know that it is important to understand that when people are upset, they *act* upset. We welcome high-conflict cases because that is exactly what we are supposed to be experts in: conflict. We don't judge people because they are stubborn or sad or angry, even those who appear unmovable. We actually expect this and know how damaging it is to the process to judge them for their behavior.

Mediators (and others) who label people as HCP's and difficult people are preying on potential clients that figure now they are finally going to be understood because their soon-to-be-ex-spouse is certainly an HCP! Can't you just hear someone going through a divorce reading about HCP's in an article or on a website and exclaiming, "Have you read the definition? It fits exactly him, doesn't it?"



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It might be true that one reason to label people is to then be able to find empathy for their behaviors, for their condition, for their struggles. Regretfully, this is not what truly happens. When we label people, what we inevitably do is stop listening with an open mind, we stop taking them seriously, we start making assumptions based on their label, which ironically, we just made ourselves.

These are people who are acting angry, interrupting, won't calm down, won't get to the point, and/or won't compromise. Once someone has the HCP label, it means that we walk into the room with our guard up, watching out for the others, keeping arms length physically and emotionally, and we pretty much don't believe them with the same openness that we do if they would just behave themselves. They suddenly have fewer rights than others do because they have been labeled HCPs.

Mediators who complain about HCPs are the same mediators that accept, and likely prefer, cases that have little or no conflict. If there is little or no conflict, ideally people would try to work things out on their own. Then if they get hung up on certain aspects of their agreement, they can find a mediator who truly welcomes and has expertise in dealing with difficult situations.

Come to think of it, there ought to be a label for people who are constantly labeling other people. Just in case there isn't, I'm going to go against my own advice and label them. Let's call it: Excessive Labeling Disorder (ELD).

Biography

Janet Rowles is a mediator specializing in high conflict and emotionally-difficult situations. In addition to doing divorce, post-divorce, and all types of family mediations, Janet does small and large group work including circle-keeping in Minneapolis public schools and facilitating large-groups such as condo associations and non-profit board decision-making. Janet has a Certificate in Dispute Resolution from Hamline School of Law Alternative Dispute Resolution Institute. Janet is trained in transformative mediation, eldercare mediation, circle-keeping, and the social inclusion method for bullying in schools. Janet has been a volunteer-mediator for Conflict Resolution Center in Minneapolis since 2003 and was a board member there from 2004-2011. In

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2013 Janet received a Peacemaker of the Year Award from the Minneapolis Public Schools.



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John Bern Ford · Works at John Ford & The HR Mediation Academy

Wise counsel!

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Caos-Alan Sharland · Director at CAOS Conflict Management

Thanks for this Janet, just as true for the label 'bully'...if you were to scan google for 'definitions' of a 'bully' few if any of us would come out the other side without having fulfilled the 'criteria'.

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Janet Rowles · Mediator / Educator at Mediation Unlimited LLC

I agree. Often people don't see the difference between labeling someone a bully and saying "a person who bullies". And in my experience, it is important to find empathy for the person who is bullying, too.

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Mary Forst · Works at Confluence Center for Mediation & Training - Mary Forst Associates

Thank you for voicing a concern I've had - I appreciate a perspective that stands up to that tide of labelling! Also agree about bullying label.

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Sophie Morse

Interesting. I, too, feel that labeling people can be counterproductive. I've also benefited a lot from Bill Eddy's work, especially his "E.A.R." strategies. If the strategies work, does it matter if we are labeling people or not? Wondering...

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Janet Rowles · Mediator / Educator at Mediation Unlimited LLC

Hi Sophie. I'm sure there are awesome things to learn from Mr. Eddy, but as

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far as I'm concerned, labeling is a very dangerous road. It can affect our neutrality and our empathy, and can encourage us to make assumptions about someone's capacity and about what is an acceptable outcome. It becomes like baggage. That's my main message. In my opinion, we should be making interventions based on what we are witnessing at the table, with empathy for all.

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Mary Forst · Works at Confluence Center for Mediation & Training - Mary Forst Associates

I find that labeling a person - even if I am trying to listen and be empathetic - does interfere with my ability to be really open to them. . . I think it lets me "off the hook".

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