Mindfulness and Negotiation: Moving Mountains with the Breath

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In negotiations, parties can become stuck on principles and positions. When this occurs two things tend to follow. First, it becomes more difficult to move them toward resolution. And second, it become more likely that each party will engage in communication and conduct that furthers their intractable stance. In short order, the parties can find the other seemingly immovable. They rise up like mountains, steadfast and impenetrable. As this happens, reaching resolution can seem as daunting as attempting a steep mountain climb.

Mindfulness practices offer a different assessment and approach. With a simple tool – the breath – and the intention to draw on it, as a mountain climber would his rope and carabiner, one can not only ascend, but move mountains. While the breath steadies the mind and body, mindful awareness penetrates into the clouds of thought that continually pass across the range, generating insight, empathy, creativity and compassion.

Mindful awareness – which involves learning to pay attention to what is taking place in the present moment without judgment – is a practice that is becoming increasingly drawn upon in the law and, in particular in the area of dispute resolution. Cutting-edge neuroscience findings on the role of mindfulness practices on the structure and function of the brain illuminate the value of this approach to both short and long term influences. It can help one to mediate and negotiate a dispute arising in the moment as well as develop the skills to more effectively resolve future disputes.

In this presentation, participants will be given an introductory overview of mindfulness along with the underlying neuroscience that supports much of its application, both in terms of personal insight and professional development. Exercises are taught to "breathe" life into these practices with real life application drawn from stories shared by participants as well as those that may be taking place in the news and current events. Practitioners engaging in dispute resolution will find mindfulness to be applicable and accessible to a variety of different approaches – some of which will be explored.

While the central theme of this presentation is negotiation and dispute resolution, the larger perspective, discussion, and exercises are applicable across a diverse landscape of legal practice areas.

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