
PRINCIPAL PRICING MEDIATION

The Reframe Challenge Information for Clients/Attorneys – Both Sides

Put yourselves in any part of the process in which both sides would be present (in person, electronically via video conference, or audio only) with the mediator. Clients or Attorneys, please present the Reframe Challenges described below. Mediators should try to reframe.

Reframe Challenge #1: All About Accusation

Make sure that your comments ACCUSE the other party of some form of malfeasance, and trumpet your unassailable proof, wherever possible. “You didn’t even try to reign in your hooligan nephews; no witness says you did.” “You just inflated all of these numbers to start high and then make it look like you’re making reasonable compromises.” \$10,000 for a chandelier is overreaching; there’s no proof that anyone in his right mind would pay \$10,000 for that.

Reframe Challenge #2: Only Negatives

Acknowledge only the negative. Some suggestions: “There is nothing responsible about the way this man and his party guest conducted themselves....” Or “Pat is taking zero responsibility for what happened.” “He has not offered any serious assets here or made any serious attempt to right the wrong.” “There’s nothing of value here...”
On the other side: “Magnus has no regard, hasn’t listened, or doesn’t care about financial realities.” “Magnus will never see that his bartenders made this happen.” “That concession is not worthy of a response. It’s the same as no movement at all.”

Reframe Challenge #3: Hyperbole and Personal Attacks

Use words that are not neutral when describing the other’s personality, motives, ideas, integrity, companions, family, etc. e.g., “You are just greedy and irresponsible. And you were too greedy for profits to buy insurance. That was irresponsible.” “You are just whining and trying to worm your way out of this.” “What kind of shameless family do you have if your nephews won’t buck up, then?”

Reframe Challenge #4: Positional Party

State what you want in the form of a demand or bottom line, e.g. “I will not pay any damages to them.” “I won’t accept a penny less than \$20,000 – that’s the only fair settlement.” State a position that is opposed to the other’s position.

Discussion Question:

Would you reframe differently if the opposing party or counsel were not present?