

THE ALLY IN COLLABORATIVE PRACTICE

By Victoria L. Smith*

Twenty-five Collaborative Professionals experienced an inspiring and thought-provoking training with Bernie Mayer, a well-known mediator, writer and trainer in January 2006. The training went beyond the paradigm shift, the collaborative process, and the skills needed to do collaborative work. We focused on what it means to be a reflective practitioner, with a sophisticated understanding of what people in conflict need and what roles we can play to help them engage conflict effectively.

Central to the discussion was the concept of the role of an Ally. Bernie's contention, eloquently discussed in his new book, *Beyond Neutrality*, is that people engaged in deep conflict want an ally and not a neutral. We considered what it means to be an Ally in a collaborative process.

An Ally's commitment is to her client, not to everyone. An Ally's primary responsibility is to ensure that her client's needs are met. She understands the concepts of mutuality and self-interest. She knows that her client's needs will not be satisfied by attacking the other side, but rather by ensuring the other person's needs are satisfied as well.

So what does an Ally bring to the table? An Ally fulfills various roles:

- Conflict analyst - to analyze the situation, help decide how to approach the conflict, know when to ask questions, when to raise issues, when to make concessions
- Communicator - to help hear the clients real needs, to frame information and ideas so others can hear the underlying meaning, to raise difficult issues
- Counselor/Coach - to bring wisdom and experience to support the client's own decision-making
- Negotiator - to be skilled in both the integrative (expanding the pie) and distributive (getting a big enough piece) aspects of negotiation

An Ally, in essence, helps the client to be a better negotiator, at all times demonstrating respect and compassion for both parties.

To work effectively as an Ally, we need to understand conflict and be able to coach our client through it. We need to learn to recognize the real conflict in the room and help our clients engage conflict effectively.

As interest-based negotiators we appreciate our clients have needs on many levels:

- survival needs - for food, shelter emotional and financial security
- psychological needs - both procedural and substantive
- identity needs - around meaning, community, autonomy and intimacy.

We shouldn't assume that we know which interest is driving the conflict. Sometimes we can't work at a substantive level, but must attend to process. Sometimes our client needs to reconcile how he will be viewed by others if he accepts a certain settlement.

We often experience that people seem to act against their own self-interest. Here working at the level of interests doesn't take us where we need to go. Bernie talked about the dimensions of conflict which move beyond interests.

- The cognitive or attitudinal dimension - In order for people to move toward resolution they need to make sense of the conflict, or develop the conflict story that doesn't vilify the other side.
- The emotional dimension - Do our clients need to come to terms with the divorce before negotiating an agreement or do they need an agreement as a platform to heal, or both?
- The behavioral dimension - This is where lawyers focus and the only dimension where agreements make sense. The awareness here is that we may assume that people can't make decisions at the behavioral level unless they can manage their emotions. Sometime people have the capacity to make decisions despite anger. Sometimes people need decisions made to resolve anger. We can ask our client what they need now to move forward.

The concept of Ally has helped to enrich the scope and meaning of non-adversarial advocacy and provide a theory to explain the promise of the collaborative process.

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Go to the website collaborativepracticetoronto.com for current information on training in collaborative practice.