

## **Lesson # 17: Techniques for Breaking Impasse**

**Divorced Fathers Network  
Advocates Of Shared Parenting  
'Because Children Love Both Their Parents'**

**Techniques for Breaking Impasse (that mediators may use) *from Kenneth Cloke*  
*Use with discretion!***

**Every case that comes to mediation has reached impasse. Often, the parties will discover a way to reach agreement on their own. In most cases, however, the mediator must intervene creatively to break impasse. The following are a few of the possible techniques which may create a breakthrough:**

1. Break the issue down into smaller parts, isolating the most difficult issues and reserving these for later.
2. Ask the parties why an alternative is unacceptable, and then look for narrow solutions tailored to the reasons given.
3. Go on to other issues, or take a break and ask the parties to think about the various alternatives presented.
4. Review the parties' priorities and common interests.
5. Suggest consulting an expert to supply needed facts or advice.
6. Caucus with each party separately to explore hidden agendas and willingness to compromise.
7. Split the difference.
8. Try to obtain agreement on what the parties originally expected the solution would be.
9. Look for possible trade-offs or exchange of services.
10. Encourage the parties to recognize and acknowledge each other's point of view.
11. Tell the parties you are stuck and ask for their ideas.
12. Ask the parties to indicate what would change or happen if they reached a solution.
13. Make certain the parties prefer mediation, as opposed to litigation or letting the

conflict continue. If they don't, find out why.

14. Look at the impact of various solutions on allied third parties.
15. Test for emotional investment in a given result by asking what it would take to get the parties to surrender it.
16. Compliment the parties on reaching earlier points of agreement and being willing to compromise, encouraging them to reach a complete agreement and put this dispute behind them.
17. Remind the parties what will happen if they do not settle -- what each stands to lose.
18. Create a minute of silence for the parties to think about it.
19. Ask more questions about the problem, about feelings, priorities, alternative solutions, flexibility, hidden agendas, reluctance to compromise, anger at one another, etc., or return to agenda-setting.
20. Serve food or drinks to get them to relax.
21. End the session and assign homework for the parties to return to the next session with written alternatives or reasons or financial data, etc.
22. Generate options by asking the parties to brainstorm without considering the practicality of a suggestion.
23. Tell the parties which alternative you believe is fair and why. This should only be done if all other options fail.
24. Suggest binding arbitration as a last-ditch alternative.
25. Suggest the parties increase the fighting, as a paradox to show the uselessness of the conflict.

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