

Conflict Resolution: If It Weren't For The Client I'd Have Done a Great Job

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What's the Client Got to Do With It?

In our experiences as professors of law and planning, we often find ourselves confronted with a certain professional ethos (from students and practitioners) suggesting that clients, and their ways of making decisions, "get in the way" of the best solution. We have heard the following in our classes:

"I hated having the clients there...it made it so emotional and almost impossible to reach resolution. With just the lawyers present, we could have wrapped it up quickly and efficiently." (*Law school debrief after a simulated negotiation involving represented clients.*)

"If it weren't for the politicians, we could make some good decisions." (*Occasional lament by planners working in the field.*)
"Community reps are too emotional and don't have the skills to understand how things are done in real life."
(*Frequent comment by planning students after simulations.*)
"We went to school for ... years to learn how to do this... and they think they can do it too."
(*Architect' and planners' reaction to client input they deem uninformed.*)

The conference, *How Can We Teach So It Takes*, provided us with a rare opportunity to discuss approaches to teaching conflict management/ADR with participants from several disciplines. Lawyers, scientists, architects, planners, and professional interveners presented and examined segments of their practice and of their pedagogy, uncovering unexpected similarities and differences. Our exchanges revealed that professionals who intervene in conflicts as agents rather than neutrals feel at times that their agency is hampered by the need to interact and to include the client in the decision process. Lawyers, planners and architects are taught how to solve problems and how to function as (sole) decision makers. They sometimes view their clients as interfering with the ideal solution they could design otherwise. Concern with teaching students in these professions how to better interact with their clients is of rather recent vintage, although the necessity is widely recognized. So for example law students are now urged to take courses in client counseling and negotiations, which stress a client-centered approach as though that orientation might not be immediately obvious and accepted. Planning students are acutely aware of their mandate to serve the public, especially the disadvantaged, but coursework often gives the impression that planning decisions are almost entirely in the planner's hands. Architecture students learn generic

techniques for understanding clients' spatial needs and translating them into design solutions, but make design decisions unilaterally or at best in teams with fellow students/architects, rather than jointly with clients. How to interact with the clients and include them in the fashioning of solutions is not addressed at a practical level to the same extent as other professional skills, sending the implicit message that it is of lesser importance.

Since interaction – or communication - skills often are identified as those necessary to being good neutral interveners, we began to ponder whether the pedagogy useful in training neutral interveners (mediators) should be the same or different given that our students ultimately practice a different kind of intervention that is not neutral: client representation. Do students who act as agents need a different set of skills and interaction strategies? If so, what do we import from neutral intervention skills training, and what do we change, add, eliminate, reframe? To begin to answer some of these questions in this brief essay, we explore some contextual similarities and differences between those who are trained as neutral interveners and those trained as agents in various contexts: trial lawyers who represent clients, planners who represent the public interest, and architects who design on behalf of clients; from this analysis we derive some pedagogical responses.

The Range of Third Party Roles - What do they do?

Both neutral intervener and agent roles such as lawyers, architects or planners , require the key skills of listening, interpretation, effective use of specialized procedural or substantive knowledge, and the (unilateral or joint) design of alternative solutions and implementation strategies. However, we question here whether, upon closer examination, details differ in some meaningful ways, possibly requiring different or at the very least additional specialized components beyond typical intervention training. To see this, we compare activities of neutrals, lawyers, architects and planners along four key intervention process phases (Table 1): needs assessment, intervention process management, crafting solutions and agreement implementation.

Neutral interveners design and manage a process that enables participants to make joint decisions in the face of differences. They need the ability to listen and interpret (and “reframe”) information from and about the parties in conflict, including the ability to discern the parties' *real interests*. Once they understand these interests, neutral interveners must design a process that can accommodate thoughtful option generation, and deliberation over mutually acceptable solutions. The process must appear neutral to parties. Depending on context, interveners may or may not contribute directly to the crafting of solutions. When they do, specialized substantive knowledge is useful. While interveners do not have formal implementation responsibility, they indirectly affect it by helping forge a mutually acceptable agreement and by helping shape its components in ways that encourage compliance and make it easy to verify.

Trial lawyers hear a story from an injured client and, applying specialized knowledge, fit it into a legal theory of the case. Not all facts are equally meaningful for the lawyer who, for instance, may not consider emotional interests to be very useful to case resolution. The lawyer's "philosophical map," As developed by Professor Leonard Riskin, is based on the existence and virtues of the adversarial system, predicated on a competitive stance in problem solving. Lawyers have access to the "rules of the game," and tend to believe that the (win-lose) resolution that occurs within this framework best serves their client. When lawyers get too locked into their own assessment that the rule of law will resolve all client problems, however, they may seriously misjudge what the client really wants or needs out of the legal system (which, of course, may be rooted in a misunderstanding of what this system can offer). Lawyers may have to bring client expectations into a realistic range, a task made difficult by the fact that clients usually frame an outcome as a loss (because it is compared to unrealistic aspirations), as opposed to a gain (when compared to lack of agreement or going to trial.) Mastery of the listening skill, highly characteristic of a good neutral intervener, is likely to serve the lawyer agent well. In addition, specialized knowledge is critical at all process stages, especially in crafting solutions and embedding in them elements that increase the likelihood of implementation.

Planners (specifically those employed by public agencies) are perhaps in the most difficult spot with regard to role clarity to themselves and others. They act as agents for the elusive *public interest*. It is elusive because although the planning field shares an ethos that translates into a set of prescriptions over which there is broad consensus, any specific case poses quite a challenge. Well-meaning professionals might translate the public interest into very different decisions. An added complication is that many mistake the planner for an intervener and expect neutrality with respect to outcomes. In fact, the planner must uphold the public interest to the best of his or her understanding, and act neutrally with respect to outcomes only in cases where public interest consequences of the various alternatives are roughly the same. Planners need to listen well to a chorus of voices, work with the lay public and a team of other professionals to help generate alternatives, and at times work openly against the expressed interests of some segments of the public. For example, local groups may prefer to impose restrictions on the use of space and resources, such as limiting waterfront access, proliferating gated communities, or increasing urban sprawl, which would not serve the public interest and therefore should trigger planner opposition. Thus planners play stakeholding roles in public disputes, which they need to make clear. A successful plan is an implemented plan. Planners affect implementation indirectly, by helping stakeholders craft agreements with which all or most of them can live.

Architects design for others their living, working and recreation spaces. They need to understand the physical and psychological needs of their clients to the point where they are able to produce solutions that accommodate these needs, which are

often quite different from their own. Space design, even for oneself – let alone for others -- is a complex skill. Although some lay people may be able to produce and implement designs for private homes, in general space design must be delegated to a professional especially when the product is intricate, as is the case for schools, hospitals, exhibition or concert halls. For such functions, the architect needs not only to understand individual needs but also to facilitate the integration of multiple, possibly conflicting private and public needs and their expression in a physical structure that has to accommodate them all. So much like planners, architects may need both agent and intervener abilities. Listening, interpretation, and effective search of specialized knowledge bases remain key skills. Solution generation is perhaps the central activity, and although it has to integrate multiple inputs, it remains in the hands of the professional, who also frequently supervises implementation. At both design and implementation stages the architects find themselves in circumstances where they need to resolve disputes among clients and other professionals involved in design and construction. Although throughout they act as agents for their clients, at times architects have to bring the client around to a new understanding, rather than support client wishes against other technical professionals' input.

Table 1 here

Clients of these different professionals may be distinctly different from each other and from the clients of interveners. What they may expect from intervention or agency may differ too. However, the techniques employed by agents and interveners to gather and exchange information, and the ways these are taught, may have a number of common traits. Being an agent amounts to important representation responsibilities that hinge on the depth of understanding of the client's interests/needs, often (as with neutral interveners) without the satisfaction of making the decisions and getting credit for them. A better understanding of how to elicit the key interests of clients and build on these interests when testing solutions will help these professional agents, especially when it comes to not exercising (merely) their own "professional" judgment to decide the proper client course of action. For, in fact, similarly to neutral interveners, agents may be compelled sometimes to act against their best professional judgment. For example:

Neutral interveners may have to watch conflicting parties enter an agreement that could be greatly improved with some creativity and skill.

Lawyers may be asked to reach a negotiated settlement agreement at odds with their judgment that a better resolution could be reached at trial, or vice versa.

Planners who believe in public participation may find themselves in situations where the public requests decisions that run counter to their beliefs regarding social equity or environmental sustainability.

Architects are sometimes asked to make design changes that are incompatible

with all that they value in terms of aesthetics or functionality of a building.

Pedagogical responses – What should we teach?

Table 1 begins a list of the various approaches taken by different third parties to accomplish essentially different tasks. It is apparent that the different professionals share purposes but use different tools. Given the similarities and differences, can and should the training and education modalities that have been developed for neutral interveners be adopted in full for “agent” interveners for the same skills? So for example, should listening skills be taught in the same way to neutrals and agents alike? Is there any advantage to borrowing across fields in order to enrich the students’ understanding? Are there critical components we can identify as those most likely to be imported from the mediation realm into other professional education/training?

To begin to answer these questions, we have looked at the broad concepts or categories of knowledge addressed in a typical court-conducted mediation skills training course. We considered possible pedagogies involved in teaching these concepts to mediators, and then analyzed their relevance for a law, planning or architecture student audience. We used the problem-solving orientation of mediator skills training because the professionals we are considering have a problem-solving orientation in their practice. In fact, their agency is rooted in the client’s expectation that they have the necessary skills to help solve legal problems, conflicting resource demands or spatial challenges.

There are, of course, some key differences between the neutral intervener and client representation roles that also need to be brought to this discussion on pedagogy. For example, agents are bound to uphold client interests, rather than collective interests, even if that should come at the expense of others. This representation skill is at the heart of training that is specific to the various professions, and not part of neutral intervention training. Additionally, although both agent and intervener need to understand the parties to a conflict, an agent needs to reach a level of understanding that enables him or her to act on the client’s behalf, which may have to exceed in depth or quality the information useful to intervention. As well, a one-sided agent usually would not have the same access to information as do interveners expected to act in a neutral fashion. Perhaps the key distinction between neutral interveners and lawyers, architects or planners is between “agents of process” -- those who must act to ensure the quality of a conflict management process for all involved – and “agents of interest” -- those who must act to satisfy a client’s needs. Notwithstanding the differences, there is not always a clear-cut demarcation between agent and intervener roles, just as the demarcation lines are blurred between the strategies of the various agents discussed here. Thus pedagogical quandaries remain.

A typical mediation skills training requires mastery of the following steps. The actual substantive content involved in each step, as well as the order of the steps are, of course, important to the mediator as master of the “process.”

Step 1: Needs assessment -- gather initial information from the parties; listen without judging

Pedagogy: Teaching the beginning stage of a mediation session might include:

- a) Exercises to orient parties to the potential for good in conflict, such as drawing pictures of conflict, (i.e., fire v. dawning sun) or drawing pictures of animals one could want as a companion in a conflict (i.e., lion v. lamb);
- b) Exercises that point out the differences between the neutral as decision-maker and neutral as facilitator, illustrating how the parties "feel" when "subjected" to these different processes; and
- c) General discussion, reinforced with role-plays and simulations, on blocks to effective listening.

A key part of the conflict resolution process appears to be the effort to understand the parties whether in order to represent them, design solutions or design processes for/with them. Often this occurs through information exchange devices including interviews. In these interviews, lawyers need effective listening skills, particularly to help get them past the "lawyer's philosophical map." They need to listen to the totality of what clients are saying, not just what fits into a legal theory of the case. Legal training would be well served to adopt the kind of interactive, problem-based or simulation methodology used in mediation training for this skill, since the traditional Socratic case method does not lend itself to teaching this skill. Exercises on the nature of conflict can give law students more acceptance of conflict for its potential for "good," while still developing the empathy needed to realize that clients in conflict are usually experiencing pain. Understanding the role differences (decision-maker v. facilitator) can help students understand why commitment to a client-centered facilitated decision, rather than one imposed by the judge (or even urged by a well-meaning lawyer) can be best for a client. This stage of mediation skills training appears to export itself almost completely to legal training.

Much the same about role differences can be said for architects and planners who share with lawyers a tendency, reinforced by traditional education, to frame themselves as decision makers despite their agent role. Typical mediation exercises in the first category, however, may not be directly transferable because although conflict pervades architecture and planning decisions, it is not the central feature of their activities. The third category involving effective listening is transferable and necessary. Planners may face a tremendous challenge in trying to listen to, and understand, community voices and needs, and in responding through the devices at a planner's disposal, which are not always transparent to the public, while balancing them with dictates of the law and of the public interest. They have the task of combining neutral intervention with representation of an entity not really present at the decision table. Architects who need to translate living patterns into spatial solutions need the ability to talk and listen to clients who may not be able to imagine or value anything outside their experience and to translate design concepts into terms understandable by lay clients.

Step 2: Understand each parties' interests

Pedagogy: Teaching the difference between interests and positions is at the core of mediation skills training. It is usually taught using exercises that illustrate the difference, together with lectures and simulations to practice asking questions that move the discussion from parties' initial positions to their interests. The concept of reframing from positions to interests is an important component of all interest-based mediation skills training programs.

In litigation lawyers are taught to gather sufficient facts to analyze problems quickly and determine, as near as possible, the legal "answer" to convey to the client. Although the "answer" is hedged with a lot of "it depends," ultimately the lawyer is paid to be able to justify and defend the "answer." Furthermore, this answer is based on legal research about the "rights" to which the client is entitled. Trial lawyers do not generally approach legal research assuming that the "answer" (which is a legal position) is just one way to meet the parties' interests, and that there may be many other ways as well. Indeed, these other ways might entail the client relinquishing a legal entitlement. This simple point needs to be taught in exercises that allow law students to recognize the range of (good) solutions that can be generated on the same facts and that still meet client interests. The ability to ask questions to effectively elicit these underlying interests prior to developing potential solutions is an art that must be practiced. Moreover, understanding what is involved in reaching settlement based on mutual trade-offs starts with understanding how to discern each side's most important interests. Once again, mediation skills training has much to offer the lawyer agent.

Planners face a different challenge in this category: not only do they have to elicit the interests underlying several stakeholders' positions, but their main client is mostly a silent one. The public interest does not sit at the negotiation table -- planners represent it. Thus, in addition to understanding others' interests, planners need to convey to the other stakeholders the public interest concerns, on behalf of which the stakeholders may be asked to give up on satisfying all their personal interests. In this case, besides simple elicitation techniques, planners need to learn effective communication and persuasion techniques beyond those required of a mediator. Currently planning education stresses writing but does not often train specifically for communicating effectively with various publics.

Planners and architects also need to sharpen skills that help them differentiate between positions and interests. Architects are familiar with the numerous situations in which their clients request a specific design feature that may not work with the rest of the design, simply because they cannot articulate effectively, and the architect has failed to elicit, the underlying need. This is a common source of conflict between architect and client and it often results in compromise and unhappiness on the part of one who concedes to the other. One difficulty is that at times the underlying interest is not socially acceptable and therefore that much harder to articulate. For example, "keeping up with the Joneses" may be a common wish, difficult to express in terms other than

wishing for a specific architectural feature. Nevertheless, the ability on the part of the architect to surface this wish explicitly may open the door for alternative suggestions that can accomplish the same (unworthy) goal. Architects do engage in direct observation of life styles, which is a relatively effective mode of getting at client's interests, but certainly more practice is warranted.

An item of common ground among all these third parties is the necessity to master the skills of eliciting and understanding client interests. Interest-based negotiations have a higher integrative potential, allowing for the generation of creative solutions that positional bargaining may preclude. This is arguably extremely valid for agent-client interactions: the better a lawyer, planner or architect understands the interests underlying the positions stated by their clients, the more able they are to help craft satisfying solutions. It follows that the education of lawyers, planners and architects should address interest elicitation skills.

Step 3: Generate multiple options

Pedagogy: This stage of the mediation process is usually taught using exercises to push those who would be mediators to "think outside the box" as potential solutions are generated. This includes the need to understand that there are rules for effectively brainstorming (especially how to suspend judgment during this creative endeavor); and that there are more and less helpful ways to set up a process that allows parties to build on each others' ideas in constructive ways. Quality training results in the ability to devise more than one way to achieve specific goals, judicious use of information as well as taking into account future change by generating solutions that are robust and flexible.

The aggressive trial lawyer may view things in black-white dichotomies, based on the lawyer's view of what the law commands. This analytical rights-based conclusion, however, may lack the creativity needed to "solve" the problem and resolve the dispute. Lawyers look for the legal solution and may not routinely advise their clients to live with something less. Thus, learning the techniques a mediator might use to better involve all parties in the decision-making process could help the lawyer to more creatively involve his or her client in generating useful and preferred solutions. It could also potentially help the lawyer find useful negotiation strategies to use in generating multiple workable ideas from the opposing side of a case.

Generating alternatives is at the center of the planner and architect training. Brainstorming and other creativity-enhancing devices are frequent components of studios and hands-on projects. Various narratives and visual modes of expression are encouraged. Computer technology has helped planners generate spatial "what if" scenarios that make explicit assumptions about certain decision factors, and then generate their physical implications for a neighborhood, city or region. Architects have long utilized a broad array of visual tools, and their kit has also been enhanced by computer technology. They can give virtual tours through proposed structures and explore the physical consequences of various functional alternatives. In fact, mediator

training might benefit from some of these techniques.

Though all decisions face a certain level of risk, planners in particular need to reckon with uncertainty of consequences as well as uncertainty related to states of the world – economy, social issues, etc. – affecting the outcome of planning decisions. As a result, planners need not only to generate creative solutions but also to devise strategies that take into account the contingencies they are able to imagine, in order to reduce the extent to which the future will surprise. To a certain extent, mediators and lawyers also have to think about solutions strategically, so the difference may reside mostly in the length of the horizon and the number of people likely affected by results. While mediators, lawyers, and architects at times work on problems whose outcomes accrue far in the future or affect large numbers of stakeholders, for planners, making long-range decisions is the norm.

Creative solution generation happens more readily when a strong information base regarding needs and interests of the clients is available. The more all these professionals are able to ferret out the interests hiding behind stated positions, the more they are able to devise a range of solutions and the more likely it is that clients will find one of these satisfactory. Thus, besides the array of exercises aimed at thinking outside the box, a good way to enhance creative solution generation may be to invest in the portion of training devoted to the elicitation of client needs and interests.

Step 4: Evaluate options and move towards settlement

Pedagogy: This critical stage of mediation training involves teaching how to evaluate the options generated in the previous step so that parties can be helped to choose the option that best meets the needs of all parties, and hopefully reach resolution. Exercises and simulations in this part of the training generally force students to concretely assume possible resolutions and then generate lists of the specific interests for all parties that would be met if that resolution were adopted to settle the matter at hand. The concept of the BATNA (Best Alternative to a Negotiated Agreement) is widely taught as a non-manipulative way to help the mediator test specific solutions with each side to a dispute to ensure that parties are fully informed before they consent to any specific resolution.

This step of the mediation process might be where general skills training for mediators is less adequate for the lawyer agent. Indeed, at the point of evaluating options, the lawyer must know how to use the specialized knowledge of the law to bring about the best result for his or her client. The lawyer as advocate must know what the law “allows” and/or what the judge might be expected to do under the circumstances of the case in order to advise the client adequately as to the BATNA of the case. The training for lawyers as agents might be distinctly different in this stage as the student/lawyer is taught how to exercise thoughtful legal judgment and how to communicate with a client with insightful and adequate information about legal options. The mediation skills training up to this point, with its emphasis on understanding interests as the key determinant of solution, should keep lawyers from trying to impose their own idea of

right solution and certainly can promote optimal solutions for everyone. The lawyer as “zealous advocate,” however, may ultimately have to push for resolution that is solely beneficial to his or her client. This very non-neutral role may be best taught in ways that are different than that of the neutral training model.

For planners and architects, the greatest challenge resides in the issue of whose criteria should be applied to the evaluation – the professional's or the client's. Although planners and architects are agents, their criteria are apt to differ drastically from those of their clients even when they fully understand needs and interests. The planner has to struggle with an internally diverse and non-monolithic client, so evaluation criteria have to be developed jointly with the various segments of the public involved, much as in the mediator's case.

Architects have their own and their peers' criteria that at times loom larger than those of the client. An architect's aesthetic sensibility cannot be set aside easily in dealings with clients, an issue which can become a serious source of agent-client disagreement. Architects have been known to renounce a lucrative project rather than “humor” clients' aesthetic or other whims. It can be argued, however, that such problems signal the architect's inability to bridge both their own and their clients' interests through design – a sign of lack of creativity, communication skills and competency in setting expectations. Thus these are training issues. Both planners and architects could benefit from the neutral training model in the area of the joint generation of evaluation criteria.

Conclusions

It seems to us that what the conflict resolution field has learned and implemented in basic mediation skills training has much to contribute to other professional fields dealing with agency issues. The tensions inherent in the role of the neutral intervener repeat themselves in similar and in different ways for the agent responsible for client representation. When the client is most in need of a resolution to conflict, the roles seem most similar and the pedagogy for skills training perhaps most transferable. Yet we think the following questions, at a minimum, are waiting to be explored, and they were not explicitly addressed at the Theory-to-Practice conference:

- What exactly is the nature of disciplinary differences? For example when conducting an interview, do these different professionals have very different purposes? Does it make a difference whether there is a substantive versus process focus? Do agents listen with a “different” set of ears than neutral interveners? Must they?
- Assuming differences, should the training be different? Does it need to be? Is our teaching nuanced enough? Do we train for the specific roles these different professionals play? Where the roles overlap, how different should the training be?

We propose that these questions are worthy of further investigation because of the potential for learning across disciplines and improving practice in each, as well as for

the possibilities this might open for novel training devices that surprise the interveners and agents and trigger needed reflection on practice.

Table 1: Activities of third parties at various process stages

Process phases	Assess needs	Manage process - communicate		Craft solutions	Implement agreement
		with client	with others as representative of client		
Third party role (typically working in)					
Neutral (independent, private firm)	<ul style="list-style-type: none"> • Fact finding • Conflict assessment 	<ul style="list-style-type: none"> • Joint meetings • Caucus meetings • Personal communications (rare) 		<ul style="list-style-type: none"> • Joint meetings • Direct input especially when specialized knowledge is needed 	<ul style="list-style-type: none"> • No formal responsibility
Trial Lawyer (private firm)	<ul style="list-style-type: none"> • Interviews • Examination of similar cases and statutes 	<ul style="list-style-type: none"> • Counseling • Personal communications 	<ul style="list-style-type: none"> • Professional communications • Negotiations • Joint meetings 	<ul style="list-style-type: none"> • Professional work, including drafting agreements • Client feedback • Joint meetings 	<ul style="list-style-type: none"> • Continued client representation • Court action when necessary (as part of enforcement)
Architect (private firm)	<ul style="list-style-type: none"> • Direct observation • Interviews • Examination of similar cases • Examples and feedback 	<ul style="list-style-type: none"> • Drawings • Models • Visits to other sites 	<ul style="list-style-type: none"> • Professional communications (w. engineers, real estate professionals, regulatory agencies, etc.) 	<ul style="list-style-type: none"> • Professional work • Moderate level of joint activities • Client feedback • Advice from specialists (structural engineers, electricians, etc.) 	<ul style="list-style-type: none"> • Continued client representation through construction
Planner (municipal, county, state government)	<ul style="list-style-type: none"> • Public meetings (facilitated at times) • Fact finding • Charettes • Conversations with decision makers, politicians • Other indirect approaches 	<ul style="list-style-type: none"> • Client (public interest) represented by planner in interactions with all stakeholders 	<ul style="list-style-type: none"> • Public meetings and communications with segments of the public and with local NGOs • Newspapers, media • Consultations with elected officials (city council, mayor, state and federal entities) and with technical staff • Plans: documents, narratives 	<ul style="list-style-type: none"> • Client acts as constraint on various proposals • Wide range of • Professional input -- engineering, environmental, fiscal, legal, economics • Feedback from interests groups 	<ul style="list-style-type: none"> • Varies by case

Table 2: Skills third parties need at various process stages

Process phases Third party role (typically working in)	Assess needs	Manage process - communicate		Craft solutions	Implement agreement
		With client	with others as representative of client		
Neutral (independent, private firm)	<ul style="list-style-type: none"> •Listening for interests underneath expressed positions •Ability to see a problem from different angles •Withholding judgment 	<ul style="list-style-type: none"> •Organizational skills •Ability to convey neutrality of process •Capability to assess situations as they unfold and to take action at short notice 		<ul style="list-style-type: none"> •Imagination •Substantive knowledge •Ability to integrate interests 	<ul style="list-style-type: none"> •Indirect influence through careful agreement writing
Lawyer (private firm)	<ul style="list-style-type: none"> •Listening for interests underneath expressed positions •Getting past situational details to uncover similarities with other cases •Teaching while interviewing 	<ul style="list-style-type: none"> •Convey accurately the likelihood of success •Educate - explain legal technical points •Consult about offers to make and offers received 	<ul style="list-style-type: none"> •Ability to negotiate •Empathy •Listening to uncover others' interests 	<ul style="list-style-type: none"> •Substantive knowledge •Ability to identify a range of acceptable strategies •Ability to convey limits and outcomes that include "losing" •Ability to draft agreements 	<ul style="list-style-type: none"> •Influence through careful agreement writing •Follow=up in court if necessary
Architect (private firm)	<ul style="list-style-type: none"> •Deriving physical needs from visual cues •Withholding judgment and early assumptions •Giving information in order to obtain information (exchange rather than interview) •Teaching while interviewing 	<ul style="list-style-type: none"> •Draw for others, not for self •Convey space and its use through multiple means (a great challenge) •Accept compromises in "taste" or aesthetic principles 	<ul style="list-style-type: none"> •Know enough to understand technical constraints claimed by other professionals involved •Play mediator between the professionals and between them and the client 	<ul style="list-style-type: none"> •Incorporate client interests in designs that obey technical and aesthetic rules •Take advantage of problem specifics •Draw on broad knowledge (technical, human nature, local conditions, etc.) •Involve the client (difficult but can yield creative outcomes) 	<ul style="list-style-type: none"> •Adopt supervising role after having played more neutral, mediating role with the same parties •Consider the job to be complete only when implemented, not just when designed •Make resourceful modifications when required by unforeseen events

<p>Planner (municipal, county, state government)</p>	<ul style="list-style-type: none"> •Ability to plan a convening process: identify key stakeholders, find ways in which their interests can be identified •Understanding of context and history of the place •Understanding of how public decisions are made (politics is the means, not a hindrance) •Ability to derive the underlying public interest along with the interests of the direct stakeholders 		<ul style="list-style-type: none"> •Convey accurately the role, which is not that of a neutral •Define the limits within which direct stakeholders are free to craft solutions (without infringing on public interest) •Conduct a transparent process, to foster trust in the role (offer access to information technical and assistance) •Within limits consistent with the public interest, observe neutrality •Enable dialogue across differences of education, power, wealth, etc. 	<ul style="list-style-type: none"> •Facilitate production of ideas (instead of acting as decision maker) •Rely on collective wisdom of stakeholders •Enlist technical help 	<ul style="list-style-type: none"> •Indirect role: chances of implementation increase if stakeholders have had input and are satisfied – they will not challenge
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