Potential Costs of Business Disputes

- Litigation expenses
- Disruption of business operations
- Embarrassment and reputational damages
- Potential adverse impacts on business relationships with third parties
- Encouragement of other claims
Elements of Conflict Competence

- Understanding the causes of conflict
- Avoiding problematic situations
- Early recognition and evaluation of incipient disputes
- Effective problem solving and negotiation skills
- Informed use of conflict resolution resources
Conflicts Arise in Important Business Relationships

- Business partnerships
- Vendors and suppliers
- Employees and consultants
Causes of Conflict

- Selecting the wrong partner/vendor/employee
- Unclear, incomplete or unfair agreements
- Failing to monitor and manage everyone’s performance
- Ignoring warning signs
Responding Constructively to Potential Conflict

- Avoid the “fight or flight” response
- Focus on the problem not the person
- Keep an open heart and mind
- Investigate and ask questions
- Listen carefully
- Confirm your understanding of the other side’s responses
Negotiating a Resolution

- Take responsibility
- Shift the focus from positions to interests
- Brainstorm solutions
- Communicate respectfully
- Document the resolution
Use Appropriate Conflict Resolution Mechanisms

- Escalation
- Assisted negotiation
- Mediation
- Fact-finding
- Neutral evaluation
- Arbitration
Conduct a Post-Mortem

- Are changes in company documents or processes necessary to avoid future conflicts?
- Did the company respond promptly and fairly in this instance?
- Were employees equipped with the information and tools to handle the conflict?
- What else can be learned from this situation?
Any final questions?

Lisa Renee Pomerantz, Attorney at Law

lisa@lisapom.com

www.lisapom.com