

MANAGING CONFLICT LIKE A PROFESSIONAL

By: Ronald M. Green, Esq.
Green Bryant & French, LLP

Introduction

Life is conflict. Everything we encounter in our lives arguably includes some form of conflict. For instance, we have a limited amount of time to complete what seems like an endless amount of tasks. We constantly struggle to satisfy our clients, colleagues, families and friends, especially in this industry. Strangely, in this day of high speed technology we seem to have less time and more interests to satisfy. Clients are less accepting of any form of delay. Once a task is sent to you via e-mail, facsimile, pager, cell phone, voicemail, or otherwise, the clock is ticking. In most cases, this means your “To Do List” grows by three tasks for every one task you accomplish. It’s no surprise that this atmosphere creates an enormous amount of stress. Stress creates an environment ripe for conflict. While conflict occurs daily, even amongst our most loyal supporters and those supposedly on our “own team,” this often creates a boomerang effect and makes dealing with our adversaries (i.e., complaining homeowners) an unconscious pressure release valve. We too often take out our frustrations on those we should be seeking a resolution with. To better manage conflict we need to recognize our own susceptibility and be sensitive to our options.

Accept That You Can’t Eliminate Conflict – You Can Only Manage It

Most of us are taught as school children to avoid conflict. Remember the sayings of our parents and teachers: “just walk away” or “ignore them” and so on. As professionals we need to “retrain” ourselves to quit avoiding conflict and instead try and embrace it as part of what we do and who we are. It sounds masochistic, I know. But it gives you power to better manage conflict. The first step is to accept that conflict cannot be eliminated or controlled – only managed. It is inherent within the industry and always will be present. How we deal with it is up to us. Sometimes you can’t help but feel powerless and that behind every complaining homeowner, client or colleague, is another one who is walking up the steps to your office. This is the nature of our business and what we are paid to do. It is critical you remind yourself daily that it is not personal and not something to be feared or avoided. Once you accept this maxim, it will be easier to re-prioritize and better understand the costs of the conflict.

The Real Costs of Conflict

The cost of conflict comes in two forms: 1) money; and 2) health. Let’s focus on the money first. Delaying a timely resolution of conflict or ignoring conflict costs the homeowner’s association, the management company, and the membership money. The more delay and the more inefficiency, the more the association needs to hire various outside professionals, vendors and lawyers, to assist in resolving it. In most cases, these amounts are substantial. Budgeting for “conflict” or anticipated “disputes” is difficult at best. It seems no one envisions or anticipates conflict in their future, unless you are a lawyer or a parent. Therefore, we need to recognize the monetary value associated with an efficient conflict resolution – it saves money. Do not mistake or confuse the concept of promoting efficient conflict resolution with providing the complainer

with concessions or “giving away the farm.” Certainly not all conflicts can be resolved over the phone or by one letter and sometimes a more formal approach is your only option. That’s why we have arbitration, mediation and, ultimately, judges and courthouses. The point is to acknowledge the hidden cost of conflict management and elevate it to a higher priority.

Now, let’s focus on the issue of your health. Health problems caused by internalizing (and personalizing) conflict are well covered and generally well understood, although often minimized. Stress is the number one killer in the United States, according to my doctor. When I recently asked my doctor how I could prolong my life, my doctor told me to “Stop practicing law.” Anyone that knows me knows this is not an option. But it illustrates an important point: some professions have more inherent stress than others. The HOA industry is a high conflict industry. Your perceptions of what conflicts may arise within the profession and your understanding of the benefits of “objectifying” the daily conflicts you encounter is important. Harassing messages from disgruntled homeowners need to be dealt with no different than the maintenance requests in your “In Box,” methodically and stoically. Although this might seem hard to believe, very rarely, if ever, is the conflict personal. While name calling may occur as a result of the conflict, the original conflict is usually deep seeded and arises out of the homeowner members personal agenda competing with the always maligned governing documents. Whether it be an architectural improvement or special assessment, the conflict arises when the HOA asserts its’ interests in a way that interfere with the individual members personal agenda. Often times homeowner members will try to create what I call an artificial personal problem between one of the board members and/or the manager and themselves in order to disguise the true issue – hoping the board’s desire to avoid conflict will prevail. Old habits die hard.

Becoming more aware of the real costs of conflict is critical to improving one’s conflict management skills and ultimately success in this industry.

Improve Your Skills Of Conflict Management By Learning To “Crawl Into The Hide” Of Your Adversary

What do great trial lawyers, professional mediators, negotiators, successful salesmen all have in common? They “listen” better than we do and they possess what we often hear termed as good “people skills” – whatever that means. I believe it means you are willing to try and “crawl into the hide” of your adversary or opponent. In this context, the term adversary or opponent can mean anyone really, from the gardener to the board president. Paradoxically, it’s crawling into someone’s hide that gives you the power to understand the personal truth of your adversary and your best chance of efficiently resolving any conflict with that person. “Crawling into their hide” as Gerry Spence is fond of saying, means looking at the world through their eyes, trying to feel what they feel, which helps you better identify the reasons for the conflict. You cannot begin to meaningfully communicate with a person if you fail to speak the same language. Marriage counselors across the country have made billions of dollars trying to convey this simple principle. Start by asking yourself why this person is angry, upset, frustrated, etc. (even if you don’t agree they should be or have a legal right to be).

Identify the top three (3) factors you believe are motivating this person's emotional reaction and begin to acknowledge those in your dialogue with that person; sit back and watch the magic occur. Start to address their concerns from their point of view and work backwards. Meaning, start by acknowledging you understand how they feel under the circumstances and then work back towards your position and the position of your client. If your approach is honest and incorporates at least some objectivity (i.e., avoid acting superior or defensive, or non-verbally communicating in a way which essentially invalidates your adversaries position – for instance rolling your eyes would be inappropriate) you should begin to see some positive results. With a bit of patience, and much tongue biting, you should get to a point where the communication becomes rational and fairly objective. Once each party has acknowledged the others emotional concerns the real issues can be dealt with. **[WARNING:** This assumes your adversary is a rational thinker and a mentally healthy person. Should you encounter someone who is not in apparent control of their mental faculties, or so irrational that you find yourself in a unilateral dialogue (i.e., they are speaking as if you are not there), you may need to focus your efforts elsewhere and resolve the conflict formally with the assistance of a lawyer or professional mediators experience.]

The benefits of this approach are two fold: 1) you better understand the motivation of the person (which allows you to focus on the points which have the most impact and the most likelihood of success in informally resolving the conflict); and 2) even if you are unable to resolve the conflict, you are better equipped to identify the true nature of the conflict so as to provide better information to those who may be required to resolve the matter formally, such as your boss, an arbitrator, or, worst case, your lawyer.

A Summary Of Some Simple Steps To Better Conflict Resolution In The Homeowner's Arena

Start and stay on the “high road,” no matter what;

Find objectivity within the conflict no matter how minimal it may seem at the time. Use the objectivity as a starting point for agreement (i.e., everyone is subject to the same rules);

“Crawl into the hide” of your adversary and understand the real costs of conflict (so you don’t relegate conflict management to the bottom of your “To Do List;”)

Don’t be afraid to agree on some sub-points or acknowledge the feelings of your adversary but still disagree on the conclusion; and

Offer a positive plan if you are unable to resolve the conflict during the negotiation (i.e., such as taking the matter under submission, requesting additional information or reviewing the facts and circumstances again before providing a final response) and seek professional advice.