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**JEFFERSON COUNTY MEDIATION SERVICES**  
**VOLUNTEER COLLOQUIUM MINUTES**  
March 17, 2015

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Volunteers Present: Rhett Adams, Jolena Brusha, Marta Cary-Skovrinski, Larry Cerrillo, Jim Druck, Peggy Evans, Rogelio H. Flores, Scott Frank, Anita Gilbertson, Stanley Guralnick, Hazel Hanley, Debbie Plotkin, Elaine Rains, Jerry Schopen

Others Present: Marilyn Exley, G. Michael Kilpatrick, Ginny Robbins, Marcy Robertson, Jamie Roth

Staff Present: Julie Carter, Helena Jo Goldstein, Mark Loye, Beth Merritts

**I. Welcome:**

Mark Loye welcomed everyone to the meeting and asked those present to introduce themselves.

**II. Presentation: Brain Processes: Getting from fight or flight to creative problem solving.**

**Presenters: Tonya Dalhaus, MA, Micro Expressions Practitioner's Certification, Center for Body Language, Belgium, and Julie Carter, JD, JCMS Mediator Coordinator.**

Ms. Dalhaus began the presentation by introducing the importance of micro expressions and their role in mediation. Micro expressions are defined as an emotion that is displayed in less than ½ second and occurs during an attempt to conceal an emotion. Scientists such as Paul Eckman, Wallace Friesen and David Matsumoto discovered that there are seven universal emotions people share regardless of race, background, culture, or gender. Those seven emotions are fear, anger, sadness, happiness, surprise, contempt and disgust.

Micro expression often occur when a person is attempting to suppress an emotion, or when one is concealing an attempt to control, dominate, protect personal their interests, or hide feelings. Micro expressions can be seen as an indicator someone is attempting to lie. However, care should be used when interpreting micro expressions; while it may appear that a party is attempting to conceal an emotion, micro expressions can occur for other reasons, such a fear or a surprise unrelated to the mediation or discussion.

With regard to the seven universal emotions, fear is the most common emotion seen in mediation. Fear can occur when parties are about to enter into the mediation, and when parties are about to sign an agreement. It is important to follow up on a display of fear, as it could indicate a history of domestic violence, a concern about entering (or not entering) into an agreement, or other important issues. Visually, fear is displayed when: the whites of the eyes show above the iris, the mouth and lips are stretched horizontal, teeth are clenched, tension is

displayed within the cheeks, and eyebrows are furrowed. Fear can be misread as the active emotion, when a party is attempting to fake a smile, has a toothache, or has undergone a facial procedure, such as Botox or face lift. It is important to build rapport with parties, prior to beginning mediation. This will establish a baseline for the parties' neutral and relaxed facial expressions.

When micro expressions are displayed, mediators should avoid making assumption or directly acknowledging the expression. Rather, mediators should use questions and statements to elicit more information. Statements such as: "describe your relationship when you were together"; "how have you resolved disagreements in the past; or "what issues might arise in mediation that concern you?" The use of effective statements and questions will draw out the information hidden in the parties' micro expression.

In summary, when evaluating micro expressions avoid: threats, telling parties how they feel, and reading parties' facial expressions the whole time. Remember that there is a great deal of science involved in reading micro expressions. Do remember to: find the parties' neutral and relaxed facial expression prior to the start of mediation, consider the context of the micro expression, consider an alternative explanation for the facial expression, and finally start a conversation related to the micro expression, rather than make an accusation or assertion about the expression.

Ms. Carter presented next. She discussed brain processes in mediation and how to get parties backed down from their fight or flight response to be creative problem solvers. Remember that prior to mediation events and actions have occurred, often causing the parties to enter mediation feeling hostile and defensive. When parties enter mediation, they are often operating from the lower part of the brain.

Parties' fight or flight response can be triggered when they are feeling attacked or threatened, either physically or verbally. A threat may be a raised voice, foul language, characterization (you idiot), hyperbole (you always/you never) or body and facial language. More than half of communication is non-verbal.

Mediators should try to shift the parties' cognitive processes and get them to operate from the higher parts of the brain. Parties will participate in mediation more effectively when their perception of threat is removed. People perform many actions acting on "automatic." If we ask them to do something that requires active thinking, it can break that pattern. Hearing and vision will also improve once the parties begin to get away from their fight or flight mode.

The fight or flight response can be frequently observed in Protection Order (POCC) cases, as fear is often present in both parties. Both parties to a POCC case may be entering mediation in the fight or flight mode. The victim frequently displays fear, but surprisingly, the dominant party also displays fear, as they are experiencing a loss of control. Both parties enter mediation afraid, fearing a life change.

Mediators can be effective in helping parties to get out of their lower-brain function, into a higher-brain function by employing common mediation techniques, such as: reframing, displaying empathy, and making requests. Asking parties to physically move can provide a mental shift; it may be something as simple as asking the parties to pass over the Kleenex or to hand over a marker. Positive and negative thinking occur in different parts of the brain, and any physical change or movement of the body can help to alter the parties' states of mind.

Modeling and mirroring can be effective strategies to get clients to function from their higher brain. Simple actions by the mediator, such as a shift forward or backward in a chair, can get the parties to either relax or reengage. Modeling an expression, such as a smile, can help ease tensions and get the parties refocused. Mirror-neuron research is a fairly new field, but can provide a great opportunity for further exploration and its applied use in mediation.

Mark Loye thanked everyone who attended for participating in the discussion, and wished them a good evening.

**IV. Next Colloquium: Tuesday, May 19, 2015, 6:00 – 8:00 p.m. in the Open Space Hearing Room. Topic:** To be announced (suggestions always welcomed).

The meeting was adjourned.

Submitted by: *Helena Jo Goldstein*  
Helena Jo Goldstein, Program Director

Approved by: *Mark Loye*  
Mark Loye, Executive Director