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## How to communicate the ADR way

By AdvocateDaily.com Staff



Most disputes are best resolved through some form of ADR — either alternative or appropriate dispute resolution, Toronto arbitrator [Marvin Huberman](#) writes in the summer [edition](#) of the ADR Institute of Ontario's newsletter.

Those methods can include negotiation, conciliation, mediation, arbitration or a hybrid process, writes Huberman, president of the institute.

“Although disputes occur for many reasons — inaccurate perceptions, strong emotions, misunderstandings and cultural differences between parties — most conflicts, especially international commercial disputes, emerge from difficulties in or failures of communication, a major barrier to dispute resolution,” he writes.

“It is therefore essential to understand how to communicate the ‘ADR way’ effectively, in order to diffuse/resolve existing disputes and to prevent future conflict.”

Huberman, who recently launched the [Canadian Cannabis Dispute Resolution Centre](#), says he is reminded of the quote: “Each person was given two ears and one tongue, so that we may listen more than speak.”

He says some cultures have “a valuable tradition of using a talking stick to give the person holding it the honour of speaking while all others have the duty to listen. As the Native American proverb states: ‘Listen or your tongue will keep you deaf.’”

Huberman says communication the ADR way involves:

- **Effective Listening** – with understanding and respect. Giving the speaker your full attention, restating and summarizing the speaker’s words in your own words, and asking questions to clarify what the speaker said.
- **Effective Speaking** – focusing on the problem, not the person; articulating your own thoughts, feelings, values and actions; giving details and concrete examples to support your perspective; looking for shared values, needs, interests, objectives, concerns and hopes; addressing what you would like to see in the future, instead of steadfastly arguing about the past and maintaining your demands and positions.

“If real impediments to agreement/resolution, including communication difficulties, are identified, understood, and effectively addressed by the parties, their representatives, and the ADR professionals involved in the dispute, the prospects of an expeditious, fair and durable resolution of the conflict will be maximized, and the goals of ADR will be achieved,” Huberman writes.

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