How Clients Think:

The Brains Behind Decision Making

Michelle Jernigan, one of the first mediators to be certified by the Florida Supreme Court 25 years ago, has used her experience to collect and summarize what lawyers need to know about how their clients – and parties who oppose them – make decisions. She reviews highlights of the literature on cognition for this white paper and suggests ways the knowledge could be helpful.

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March 2013

To make their work more effective and efficient, lawyers require some basic understanding of why their clients make the decisions they do and how to better respond and help. There is no need to become a neuroscientist, but some knowledge of this discipline is desirable. Also, we at least can explore some of the factors that drive the decision-making process in broad terms, emphasizing the cognitive aspects but also delving into economic principles and behavioral psychology. This brief inquiry into the thought process may help in guiding a client before, during and after a mediation.

Principles of **economics** come into play in what is known as utility theory. Premised on the assumption that people behave rationally in decision making, utility theory assumes that people collect lots of information, examine a wide variety of alternatives, and then make decisions that maximize their personal satisfaction.[1]

However, Nobel Prize winner Herbert Simon contends that people are cognitively limited and do not make decisions rationally in accordance with predictable economic models. People are not as comprehensive in their information gathering and analysis as economists would assume. "Humans satisfice, rather than optimize"[2], meaning we search for alternatives only until we find a solution acceptable to us, whether the solution is optimal or not. This evokes the need to study principles of cognition and behavioral psychology to gain more insight into the human decision-making process.

Neuroscience is defined as a branch of the life sciences that deals with the anatomy, physiology, biochemistry, or molecular biology of nerves and nervous tissue and

especially with their relation to behavior and learning. It began in 1848 as a result of a terrible work-related accident suffered by railroad construction foreman Phineas Gage. Gage had a metal rod stuck in his skull, yet survived. Post-accident he was a completely different person – rude, vulgar, and socially inappropriate.

Scientists studying Gage determined that there was a correlation between the damaged areas of his brain and his altered behavior.[3]

Our cognitive limitations lead to systematic errors in judgment and decision making. This is not because we lack intelligence, but because we are human. These cognitive biases[4] affect people in a variety of fields, and all of us are subject to them in our personal and our professional lives.

First, we will explore the cognitive biases that have been well established by research in the field of behavioral psychology, delving into the discipline of neuroscience and looking into the effects of intuition, emotion, and mood on decision making. We then will examine left- and right-brain functions and the differences in how the two hemispheres process information. Finally, we will offer strategies or interventions to help you and your clients engage in better decision making.

Overconfidence Bias

This is the tendency for people to be systematically more confident about their judgments than accuracy would dictate. Most studies reflect that average confidence levels exceed accuracy by ten to twenty percent. Author Scott Plous, in his book *The Psychology of Judgment and Decision Making,* suggests the following strategies for dealing with the overconfidence bias: First, beware of judgments that are difficult to make or where confidence is extreme. Second, calibrate the judgment in proportion with the decider's accuracy. For example, if a decision maker is ninety-five percent confident, but only

seventy-five percent accurate, treat the confidence level in the decision making at seventy-five percent. Finally, when the decision maker has a high level of confidence about a decision, consider other reasons that support a contrary decision.[5]

Availability Bias

Availability bias is the tendency of people to expect that certain events will occur simply because similar events have occurred more recently or that information regarding such events is more readily available. The fact that certain events are more available than others does not necessarily mean that they occur more frequently or with greater probability.

Consider this example: What is the more likely cause of death in the United States – being killed by falling airplane parts or by a shark attack? Most people say it is a shark attack, when the chance of dying from falling airplane parts is 30 times greater than the chance of being killed by a shark. This is because shark attacks receive more publicity than do deaths from falling airplane parts. In essence, information from shark attacks is more readily available than information from falling airplane parts.[6] This is the availability bias.

The best way to minimize the impact of this bias is by making proper calculations of probability and risk. Maintain accurate records, seek third-party assessments when appropriate, and recognize that the probability of desirable events is often overestimated and the probability of undesirable events is often underestimated.

Confirmation Bias

One of the most prevalent biases we face is the confirmation bias. This is the human inclination to gather and rely on information that confirms and supports our existing beliefs and to avoid or downplay information that is contrary to those beliefs. Consider the following example: In 2003, managers at NASA were aware that insulating foam on the external fuel tank of the Shuttle Columbia became dislodged during launch. This foam then struck a wing, creating a hole larger than a human head. Hot gases seeped in and melted the shuttle from the inside out. Before this calamity, managers were well aware that foam strikes were occurring every year, but, because nothing catastrophic had ever happened, they did not consider it a safety threat. Each time, these managers "signed off" on flight readiness based on this belief. NASA managers did not seek disconfirming data, such as concerns from engineers and photos demonstrating the damage caused by the strikes. Instead, they relied on an expert who believed the foam strikes did not pose a danger and failed to give credence to the disconfirming data.[7]

One of the best ways to combat confirmation bias is to seek out evidence that is contrary to your viewpoint. In essence, play devil's advocate. When analyzing an issue, take your opponent's position and the evidence supporting that position and thoroughly examine the merits of it. You may find that you are not giving sufficient weight to the evidence that supports your opponent's position. You may be "drinking your own Kool-Aid" by simply seeking confirming evidence to substantiate your existing beliefs.

Sunk Cost Effect

The sunk cost effect is the tendency for people to become overly committed to a course of action in which they have made a substantial prior investment – whether time, money, or other resources. This is the "throwing good money after bad" quandary frequently seen in mediation.

Purely rational decision making would dictate that choices be based on the marginal costs and benefits of a particular course of action, while ignoring sunk costs. Consider the following example:

Imagine that you are the president of an airline company. You have invested 10 million dollars of the company's money to research and develop an airplane that will not be detected by conventional radar. When the project is ninety percent complete, you discover that another firm is marketing a plane that will not be detected by radar and is faster and less expensive than the plane your company is building. Question: Should you invest the last ten percent of the research funds to finish your radar-blank plane? Eighty-five percent of the people sampled recommended completing the project even though this airplane would be inferior to the competitor's plane already on the market. A second group of subjects received the identical fact scenario without any information regarding the ten million dollar investment. In that sampling, only seventeen percent opted to spend the money on the project. Clearly, the only difference was the sunk cost of 10 million dollars.[8]

Now apply this cognitive bias to your litigation practice. How many times have you or your clients been prone to proceed with a lawsuit simply due to the sunk costs? How many times have the sunk costs affected your decision with regard to settlement? What role should sunk costs play in settlement or litigation decisions? The attorney's fees and court costs that need to be considered in mediation are the totals going forward, in conjunction with a risk analysis based on the likelihood of success.

Primacy or Priming Effect

The primacy or priming effect is the tendency of individuals to form impressions based on words or characteristics that occur earlier in a sequence than words or characteristics that occur later in a sequence. Psychologists conducting studies have discovered that individuals' behavior can actually be influenced by "priming" them with certain impressions.

Consider this example in a study published by Solomon Asch:[9] One-half of subjects were asked for their impressions of someone who was *envious, stubborn, critical, impulsive, industrious, and intelligent.* The other half of subjects were asked about someone with the exact same characteristics, except that the characteristics were presented in the opposite order – *intelligent, industrious, impulsive, critical, stubborn, and envious.*

Asch discovered that the characteristics appearing early in the series of words influenced impressions more strongly than those appearing later in the series. After conducting numerous experiments of this type, Asch concluded that there is a general relationship between the position a word occupies and the effect it has on judgments. First impressions are the most important impressions!

John Bargh, a psychology professor at Yale University, conducted a priming study on two groups of students at New York University. Bargh gave both groups five word sets and asked them to make grammatically correct four-word sentences from each set. One of the groups had words that were associated with being polite, whereas the other group was given words associated with being rude. After completion of this exercise, the students were asked to go down the hall to the professor's office and have their word scrambles graded. When the students arrived at the professor's office there was another student standing in the doorway asking the professor questions. To measure the effects of the priming, Bargh observed how long the students would wait before interrupting the student in the doorway. The students who were primed with polite words either waited longer before interrupting, or did not interrupt at all. The students who were primed with rude words interrupted sooner and more frequently.[10]

We can shape people's impressions simply by using certain words in a particular context. By shaping people's impressions we can impact their behavior and their decision making. This technique is used frequently in mediation with opening statements. Mediators use words like "confidential", "informal", "voluntary", "listen", "consider", and "compromise", all of which set the tone for cooperative behavior.[11] In their opening statements, lawyers often prime the opposing party to negotiate toward a settlement by using phrases such as "good faith negotiation", "apologize for your loss", "believe you have suffered", "want to do the right thing."

Recency Effect

This bias is akin to the availability bias. The distinction between the two is that with the availability bias we place too much emphasis on available information, and with the recency effect we place too much emphasis on recent events or recent information.

Probably one of the most evident examples of the recency effect is the tendency of people to believe that clear weather today is an accurate prediction of clear weather tomorrow. The recency effect also influences what aspects of a presentation we are able to remember more clearly.

When it comes to evaluating the strengths of impressions and retention of information, it is important to examine which effect prevails – the primacy effect or the recency effect. Experiments have been conducted on this topic, and the results are quite informative. Researchers have discovered that people are more persuaded by the first communication than the second communication when the communications occur back to back.

However, people are more persuaded by the second communication than the first when there is a time lapse between the two.[12] The primacy effect governs when communication occurs back to back and the recency effect governs when there is some delay between the communications.

The primacy effect would give the Plaintiff an advantage in mediation because the Plaintiff generally presents first. The Defendant could utilize the recency effect and enhance the persuasiveness of its presentation by some type of delay between the Plaintiff's and Defendant's presentations.

Hindsight Bias

This is the I-knew-it-all-along bias.[13] It is the tendency for people to view something that has already occurred as having been inevitable without recognizing that their knowledge of the outcome is influencing their assessment of the likelihood of the event occurring. Fischoff and Beyth conducted one of the first studies on hindsight bias in 1975.[14] In advance of two presidential trips, they asked several groups of Israeli students to estimate the probability of 15 different outcomes for Nixon's China and Soviet trips.

Students were asked to remember the prior estimates of probabilities of the 15 outcomes. Two weeks after the trips, sixty-seven percent of students assigned a higher probability to the outcomes than they originally estimated. Four to eight months after the trips, eighty-four percent of students assigned higher probabilities to the outcomes than they had originally estimated.

This bias causes an individual to view a particular outcome as having been more predictable than it actually is. The more time that passes, the more we think we could have predicted the outcome. One way to guard against the detrimental effects of this bias is to write down our agreements, since we will often remember them differently than they actually are. We should also record predictions and then submit them to reflection and review for accuracy.

Anchoring Bias

This is the notion that people allow an initial reference point to distort outcome estimates. This is an extremely powerful tool in negotiation. Through experimentation, psychologists Tversky and Kahneman have discovered that, even if the initial reference point is completely arbitrary, it affects estimates. The effects of anchoring do not disappear with monetary incentives for accuracy or outrageously extreme anchors.

Consider this example: Tversky and Kahneman asked two groups of people to estimate the percentage of African nations that were members of the United Nations. Prior to presenting the question to one group, a wheel of fortune was spun and the needle landed on the number 10. Then those subjects were asked if the percentage of African countries in the United Nations was more or less than 10 percent. The other group of subjects spun the wheel of fortune and the needle landed on 65. This group of subjects was asked if the percentage of African countries in the United Nations was more or less than 65 percent. The first group estimated 25 percent, and the second group estimated 45 percent.[15]

This technique is very powerful in negotiations where the plaintiff sets the initial demand.[16] A plaintiff's unreasonable first demand frequently stalls a mediation.

Some suggestions on how to counter the powerful effects of anchoring are to contest the evaluation by using credible experts, counter with an equally extreme proposal, ignore the unreasonable demand and negotiate towards an offer that is reasonable, or suggest a bracket that will bring down the unreasonable demand and establish a reasonable negotiation range.

Illusory Correlation

We often jump to the conclusion that there is a correlation between two variables when, in fact, none exists. Decision making could be affected because we assume "if x, then y", or we may even assume "x causes y" when there is not sufficient data to justify such a correlation. One example of illusory correlation is demonstrated in an experiment conducted by Chapman and Chapman in 1967.[17] Clinicians were presented with descriptions of six types of patients and asked to indicate what characteristics the patient might display in a "Draw-A-Person" projective test. There was a strong measure of consensus among clinicians.

Eighty-two percent of clinicians stated that a patient who was concerned about his or her intelligence would draw an oversized head; ninety-one percent stated that a suspicious patient would draw large or atypical eyes. These correlations have no basis in fact and are simply shared clinical stereotypes. Illusory correlations emerge because distinctive pairings "are highly 'available' in memory and are therefore overestimated in frequency."[18]

The way to guard against this type of cognitive bias is to challenge assumptions by examining the underlying data to see if it is relevant and accurate and then to perform appropriate statistical analysis to determine if the two variables occur with such frequency that there is a correlation. With "x causes y", the examination goes a step further because the mere presence of a correlation between two variables does not necessarily lead to causation. In the litigation context, illusory correlation generally will be minimized by the use of experts.

Framing

This cognitive bias was first made popular by authors Kahneman and Tversky in 1981. They theorized that an individual's decision-making process is more risk averse when something is framed as a gain and more risk seeking when something is framed as a loss. A simple example from Tversky and Kahneman's experiment is below:[19]

Subjects were presented with options A and B, and asked to select their preference:

Alternative A: A sure gain of $250;
Alternative B: A 25 percent chance to gain $1000, and a 75 percent chance to gain nothing.

Then subjects were presented with options C and D, and asked to select their preference:

Alternative C: A sure loss of $750;
Alternative D: A 75 percent chance to lose $1,000, and a 25 percent chance to lose nothing.

From an economist's viewpoint, how a problem is framed should make no difference. A is equivalent to B. C is equivalent to D, and the distribution of choices by subjects should be roughly equivalent. However, this is clearly not the case, due to the cognitive bias created by framing.

With respect to the first scenario, Tversky and Kahneman found that eighty-four percent of subjects chose Alternative A, which indicated that people tend to be risk averse when gains are at stake. With respect to the second scenario, they found that eighty-seven percent chose Alternative D, which exhibited that subjects were more risk seeking when losses were at stake. Seventy-three percent of subjects chose Alternatives A and D, and only three percent chose Alternatives B and C.[20]

Recent studies involving neuroscience have demonstrated that when something is framed as a gain it actually triggers pleasure in the brain and when something is framed as a loss the brain's pleasure center is suppressed. It is now believed that this suppressive effect could inhibit one's ability to think creatively about how to meet the desire for reward. So, in addition to taking greater risks to avoid the loss, the brain is further inhibited from imagining a creative way to achieve gain.[21]

The concept of framing has tremendous significance with respect to negotiation and mediation. Mediators frame things in certain ways to create comfort, security and opportunities for collaboration. Lawyers frame risk assessments in terms of losses and gains. One party's loss often may be the other party's gain, and vice versa. By strategy and word presentation, lawyers and mediators can positively or negatively impact parties' decision making. To encourage risk taking, a lawyer or mediator could frame a potential result in terms of a loss. To discourage risk taking, a lawyer or mediator could frame a potential result in terms of gain.

Intuition

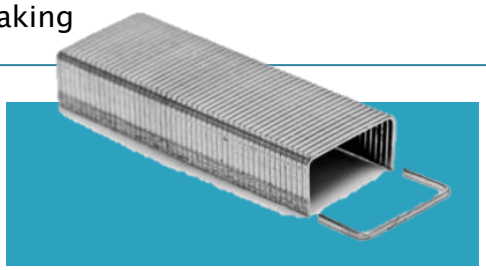
Intuition is nothing more than pattern recognition and pattern matching based on our past experience. People use intuition all the time. Nurses employ intuition when a patient doesn't meet certain criteria for cardiac arrest, but something "just didn't feel right."[22] Firefighters do not have time to explore all alternatives before selecting a specific course of action. They base their decision making on certain cues that are available to them. With intuition, we assess a situation and identify certain cues. From those cues, we recognize patterns based on our past experiences. Then we match the current situation to past patterns. Intuition is a helpful tool, but it can lead us astray when we move outside of our experience base. We can fall prey to a misuse of analogies. Sometimes the complexity of a situation obscures our pattern recognition ability. Sometimes we use outdated mental models, and occasionally we fail to question well-established rules of thumb when we should.

Consider the following example of a firefighter who used his intuition. He appeared on the scene of a situation that presented as a kitchen fire. Certain cues or aspects of the situation did not line up with this firefighter's prior patterns of experience in fighting fires of that type. He knew that something did not "feel right." Based on his intuition he ordered his men to leave the residence. Thereafter, the floor collapsed. The firefighter's intuition proved correct, as this was not a simple kitchen fire. Rather, the fire emanated from the basement and was much more serious and comprehensive than a kitchen fire.[23]

Reasoning by Analogy

Reasoning by analogy occurs when we assess a situation and then liken it to a similar situation we have seen in the past. It can be a very powerful tool in that it saves time, since we are not starting from scratch. There is a cognitive trap with this technique – we tend to focus on similarities and ignore differences.

Two business examples will prove illustrative. Prior to the 1980s, most office-supply stores were small mom-and-pop businesses. Then, Tom Stemberg, Staples founder, created his well-known office super stores, analogous to the evolution from grocery stores to supermarkets. In the 1990s, after more than a decade of success, Staples created a dry-cleaning business, Zoot, based on belief in a parallel between the office supply business and the dry-cleaning business.



Staples saw a fragmented dry-cleaning industry, with multiple mom-and-pop dry-cleaning businesses. Staples analogized the centralized distribution in the office-supply business to the centralized production in the dry-cleaning business, assuming that centralization would work well in dry cleaning, just as it had in office supply. Zoot folded in 2008 and was sold off in pieces. Staples had failed to take into account that dry cleaners customize locally to suit the particular needs of the customer. The two business models were not analogous.[24]

To combat the detrimental effects of these biases, Richard Neustadt and Ernest May recommend that we create two lists – one for describing all the likenesses between two situations and one for describing the differences.[25] Then indicate whether the items on the list are known, unknown or presumed. Examine these lists, and it will assist you in determining whether the analogies are appropriate and whether they are based on known facts or "assumed" facts.

Emotion and Mood

We now shift away from cognitive biases and explore the impact of emotion and mood on decision making. Anger triggers a biological fight or flight (fear-driven) reaction that impairs rational decision making.

Yet, emotion plays a role in almost all decision making. The amygdala, which consists of two almond shaped sets of neurons in the brain, processes emotions and acts as radar for the brain, calling attention to stimuli that are either pleasurable or threatening. This part of the brain provides no direct access to our cortical thinking. Rather, it registers feeling at a biological level.

Daniel Coleman, in his book *Social Intelligence,* describes this as the "low road" and distinguishes it from cortical thinking, which he describes as the "high road." "The low road can be seen as 'wet,' dripping with emotion, and the high road as relatively 'dry', coolly rational. The low road traffics in raw feelings, the high in a considered understanding of what's going on."[26]

The lesson to be gleaned is that there is no way to separate emotion from rational decision making. Emotions should be considered in negotiation and mediation. They need to be acknowledged and then directed to the task at hand. In mediation, we view the expression of emotion prior to "getting down to business" as venting. Emily Fusting, in her article titled *Making the Brain a Friend Not a Foe: What Interventionists Should Know about Neuroscience*,[27] suggests there should be sufficient space in terms of time between venting and rational decision making in mediation. This is because venting can induce the emotion of fear, which is extremely powerful in the neural network, and can inhibit rational thinking. Experienced mediators recognize this and give parties the opportunity to work through emotions prior to engaging in the actual decision making.

Likewise, mood affects decision making. Researchers have discovered that positive moods are associated with better negotiation results and yield more joint gain. Mood scientist Clark Freshman suggests three ways that mood may affect negotiation: "(1) the setting of goals in negotiation, (2) the nature of the relationship between the negotiators, and 3) the strategies the negotiators use."[28] Positive moods can be generated by providing food, exchanging pleasantries, injecting humor (when appropriate), increasing cooperativeness, and defusing anger.

Left Brain/Right Brain

The differences between the right and left sides of the brain have been documented by neuroscientists for quite some time. The left hemisphere is the sequential logical side, which processes "facts, details, comprehension, strategies and patterns".[29] The right hemisphere is the more emotional and creative side of the brain and processes feelings, goals, risks, imagination, and the big picture. The right hemisphere is also more active in matters of cooperation, empathy, and the types of problem solving associated with collaboration.

One strategy negotiators and mediators can utilize to activate different parts of the brain is to control how information is presented. Consider the following experiment:

Horizontal v. Vertical Math Problems

Horizontal Math Problem	Vertical Math Problem
75-50=25	75 -50 25
The brain processes this as verbal information, activating the left brain.	The brain processes this as spatial information, activating the right brain.

Female students were presented with the negative bias that women generally perform worse on math tests than men. Then they took two separate math tests, one in which the problems were presented horizontally and one in which the problems were performed vertically, as in the graphic above.

Subjects did, in fact, perform worse when the problems were presented horizontally, but not when the problems were presented vertically. Scientists discovered that this is because the horizontal problems are processed in the left prefrontal cortex, the area of the brain that is associated with anxieties and is thereby distracted by anxiety. The right prefrontal cortex is responsible for processing the vertical problems and is not distracted by the anxiety of the negative bias.[30] Since the presentation of information can affect which side of the brain is used to process that information, negotiators and mediators can present information in a way that activates the right brain, the more cooperative side of the brain. It also is thought that the "left brain needs certainty and needs to be right", whereas the right hemisphere can "hold several ambiguous possibilities in suspension together without premature closure on one outcome".[31] When a lawyer or mediator wants to elicit a cooperative problem-solving approach it would be wise to present information in a way to engage the right hemisphere of the brain. This can be accomplished in a number of ways. As the above example suggests, when making decisions regarding numbers, utilize vertical problem-solving. Use words that encourage mutuality, understanding, and empathy for one another. Finally, emphasize the joint gains of collaborating, rather than the "win-lose of competing".[32]

Conclusion

Law professor Richard Birke identifies at least thirty-five distinct principles from the fields of cognitive and behavioral psychology that impact the way lawyers negotiate.[33] In this article, we have only touched on a sampling of those that tend to affect and alter rational decision making. We will never be completely rational decision makers because we are human.

The more research that is conducted in neuroscience, the greater the number of biases and other factors we will discover that influence decision making. We must also recognize that cognitive biases, emotion and mood, and left brain/right brain processes can and will interact with one another. The tension between the primacy effect and the recency effect illustrates this.

Our awareness is the key to our understanding. "Understanding will guard you"[34]; "whoever has understanding keeps a straight course."[35] If we are aware of these decision-making traps, we will understand how they may impact us in our decision making. With understanding we can guard against these traps and make better decisions and judgments.

Lawyers occupy a position of great trust and responsibility; they often hold their clients' futures in their hands. With this new understanding, we will not find perfection, but we may be able to avoid catastrophe.

About Michelle Jernigan

Since launching her mediation career in 1987, Michelle Jernigan has mediated thousands of cases throughout Florida. In 1988, she was one of the first mediators to be certified by the Florida Supreme Court. A pioneer in the field, Ms. Jernigan consulted with the Florida Supreme Court as it established mediation mentorship rules. In 1997, Chief Justice Gerald Kogan appointed her to the Florida Supreme Court Mediation Training Review Board for a four-year term ending in 2013.

Ms. Jernigan was selected to mediate and arbitrate 40 class-action claims involving policyholders from Prudential Life Insurance Co., following a negotiated and highly specified dispute resolution process in the late 1990s, when she also became certified as an NASD arbitrator and mediator. She has developed and implemented mediation training programs for Orlando Regional Healthcare Systems and the Eckerd Corp., provided mediation training at basic and advanced courses in Florida and is a recognized speaker in the field of ADR.

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Endnotes

[1] Scott Plous, *The Psychology of Judgment and Decision Making,* 1993.
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[3] Emily Fusting, *Making the Brain a Friend Not a Foe: What Interventionists Should Know about Neuroscience,* 6 Am. J. of Med. 44 (2012).
[4] Michael A. Roberto, *supra.*
[5] Scott Plous, *supra* at 230.
[6] *Id.* at 121.
[7] Michael A. Roberto, *supra* at 14.
[8] Scott Plous, *supra* at 244.
[9] *Id.* at 42.
[10] Emily Fusting, *supra* at 51.
[11] Daniel Weitz, *The Brains Behind Mediation: Reflections on Neuroscience, Conflict Resolution and Decision-Making,* 12 Cardozo J. of Con. Res. 478-479.
[12] Scott Plous, *supra* at 43-44.
[13] *Id.* at 35.
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[16] Scott Plous, *supra*; Michael A. Roberto, *supra;* Program on Negotiation at Harvard Law School, *Conflict Management - Evenhanded Decision Making,* http://www.pon.harvard.edu. (2008).
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[18] Scott Plous, *supra* at 167.
[19] Scott Plous, *supra* at 70.
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[24] Michael A. Robert, *supra* at 26. ; Michael A. Robert, *The Art of Critical Decision Making*, lecture series, tracks 7-12 (2009).
[25] *Id.* at 26.
[26] Daniel Coleman, *Social Intelligence*, at 16 (2006).
[27] Emily Fusting, *supra.*
[28] *Id.* at 52.
[29] *Id.* at 49-50.
[30] *Id.*at 51.
[31] See Iain McGilchrist, *The Master and His Emissary* 167 (2009).
[32] Daniel Weitz, *supra* at 486.
[33] Richard Birke, *Neuroscience and Settlement: An Examination of Scientific Innovations and Practical Applications,* 25 Ohio St. J. on Dispute Resolution at 478 and 493-496 (2010).
[34] Proverbs 2:11.
[35] Proverbs 15:21.