

# The Second Iceberg Could **SINK** You

## Beware of Nonverbal Communication Cues

By Barbara G. Madonik

**J**ust after America's first manned lunar landing, mediators loved to tell a story. It centered around an inexperienced neutral who wanted desperately to ease party tension. She asked counsel and clients in turn, "What is the greatest scientific breakthrough?" As the novice moved from person to person she kept hearing the wee echo of an elderly and slightly tipsy party. "Ask me, ask me," the party mumbled. When the woman's turn came she slurred indignantly, "Simple, the thermos bottle. You pour hot water in; it stays hot. You pour cold water in; it stays cold. And it doesn't even know how it does it!"

### How Does It Know?

In fact, the thermos doesn't know how it does it. It doesn't have to know. The process happens automatically. And just as automatically, the major part of communication takes place without most communicators knowing how they do it either. As far back as 1970, a study conducted by the University of Pennsylvania<sup>1</sup> determined that only seven

percent of what was being communicated was the result of the words or content of what was said. In that study, thirty-eight percent of communication resulted from verbal behavior, which included tone of voice, timbre, tempo and volume. Fifty-five percent of communication derived from nonverbal communication, including body posture, breathing, skin color and movement.

About the same time, eager graduate students in California decided to document and create models of communication excellence. They wanted to do this by locating and modeling language patterns of effective communicators who consistently elicited the results they sought. The assignment seemed straightforward. The students would videotape high caliber professionals like Virginia Satir<sup>2</sup> and Milton Erickson.<sup>3</sup> They would analyze their words, break down linguistic components, create finite language models, and reduce the patterns to compact communication packages that linguists could replicate. At the end of the testing, however, the results stunned these researchers. Like their Pennsylvania counterparts, they discovered that the words of

the communication masters formed only a minimal part of their messages.

The two independent studies arrived at the same major conclusion: people made sense of communication automatically and in specific ways that often had little to do with word content. The California students continued further. The results were used later to form the basis of a system<sup>4</sup> that identified and codified how people processed information and demonstrated identifiable preferences for sending and receiving it.

### Doing Your Own Experiment

Care to conduct your own experiment? Go back in time. Examine past mediations or arbitrations. Was there one in which you explained something brilliantly—or so you thought until you realized no one else understood it? Are you curious how anyone could have missed your point? Then investigate a bit. Did you present your idea using their communication preferences? Did you know how to recognize their preferences?

Actually, did you even know they had preferences at all?

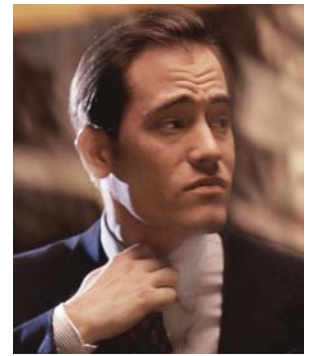
If you answered no to any of these questions your message may have been lost. It probably resembled signals broadcast on frequencies into which audiences are not tuned. Your brilliant communication may have literally missed its mark. You can, however, learn how to invite people to tune in to your communication. You just need to explore a simple communication system. Knowing about it can help you to develop more flexibility to reach every member of that conflict resolution audience.

## A Simple Communication System

Information is gathered by people through their five senses: sight, sound, touch, taste and smell. The raw data is then sent for interpretation to the brain. There, the information is filtered, analyzed, and presented—or really *re-presented*—through one of three *channels*. These channels are called visual, auditory, and kinesthetic representational systems. You can understand this concept most easily by imagining the brain as a mental file cabinet. In it are three drawers respectively labeled visual, auditory and kinesthetic (later abbreviated as *V, A* and *K*). The visual drawer contains sight-



related material, the auditory holds sound and reading information, and the kinesthetic drawer retains data tied to feeling, feelings, taste and smell. People understand information in all three representational systems. However, by the age of seven they have randomly begun to favor one represen-



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tational system. From then onward, they have this arbitrary preference although they are not aware of it. They tend to open and dip into that mental file drawer most of the time. They may rarely visit the remaining two. They demonstrate the preference when they send and receive information during mediation and arbitration.

## How Does This Affect Your Mediation and Arbitration?

Parties at mediation and arbitration must first make sense of communication. They have to do this before they can begin to evaluate the point being made. This means that they must first process the message by relating it to their particular model of the world. To do this they use their preferred representational system. Theirs may or may not be your preferred system. If you send your communication using their system they process information and understand quickly. If you transmit information in another representational system parties may fail to understand you easily. They must first spend time and energy *translating* your message into a representational system they understand before they can consider its merits. If you continue to force them to translate every message, you risk fatiguing them. As a result, irritation and stress levels often rise to the point where communication shuts down.

Once you are able to recognize representational system preferences you can accomplish a great deal. You can facilitate com-

munication between neutrals and parties at the table, clients and their counsel, disputing parties, and even opposing counsel. For example, people with a visual preference see the world by constructing (that is, imagining) or remembering mental images. In their model of the world, a picture really is worth a thousand words. Allow them to create pictures or diagrams to process communication. Others with an auditory preference prize sound. They often take copious notes or ask to have something repeated word for word. They understand things they hear or read. Make sure to send your messages to them that way. Yet another group who have a kinesthetic preference tend to deal with the world through body sensations. For them terms like “gut feeling” and “walks all over me” have literal connotations. You can make headway when you respect their need to understand the world through physical contact as well as taste, smell and feelings.

Knowing that representational systems exist is the first step toward fluid communication. Learning to recognize the clues to people’s preferences is the next. You can do this by becoming a keen observer and astute listener. Get a real feel for the environment around you. Because the mind and body are part of the same cybernetic system<sup>5</sup> you will be able to track communication through interconnected clues. Start with neurological cues demonstrated by specific eye patterns<sup>6</sup> and then listen for language that indicates preferred representational systems.<sup>7</sup> Both kinds of clues will be clear and repeated. Parties will cycle through them again

*(Please see next page)*

and again because that is how they communicate. When you take time to notice you might be surprised at how the signals begin to jump out at you.

## The Eyes Have It

Romantics have long advanced the theory that the eyes are the windows of the soul—but no one can yet dissect the soul. Nonetheless researchers have made progress in the world of neurology. Ironically, there may be scientific vindication for those romantics. Specific eye positions (called eye accessing cues) appear to correlate with positions to which the eyes travel when the brain looks for information. Using the file cabinet analogy once again, this means that eyes automatically seek the visual, auditory or kinesthetic file drawer in which information resides. When you know how to spot eye accessing cues you enhance your ability to communicate. You can respond directly to the representational system parties show you. The chart below illustrates typical eye accessing patterns.

Ready for your next experiment? Have some fun as you begin to identify these cues by observing your colleagues, people around you, family and live television interviews. Notice their eye movement patterns. If you miss quick eye movements, relax. You will get many investigative opportuni-

Examples of Language Cues to Communication Preferences		
VISUAL	AUDITORY	KINESTHETIC
Mental picture	Idle chatter	Start from scratch
Dim view	Manner of speaking	Heated argument
Sight for sore eyes	Tuned in	Gut reaction
Naked eye	Rings a bell	Not following you
Short sighted	I said to myself	Slipped my mind
Looks like	To tell the truth	All washed up
Mind's eye	Outspoken	Hang tough
Tunnel vision	Call on	Hot headed
Horse of a different color	Utterly	Stiff upper lip
In light of	Word for word	Sharp as a tack
Eye to eye	Earful	Come to grips
Make a scene	Loud and clear	Hard hearted
Paint a picture	Give an account of	In touch with
Gain perspective	Voice your opinion	Smooth operator
See to it	Resounding success	Stuffed shirt
Seeing is believing	I hear you	Hopping mad

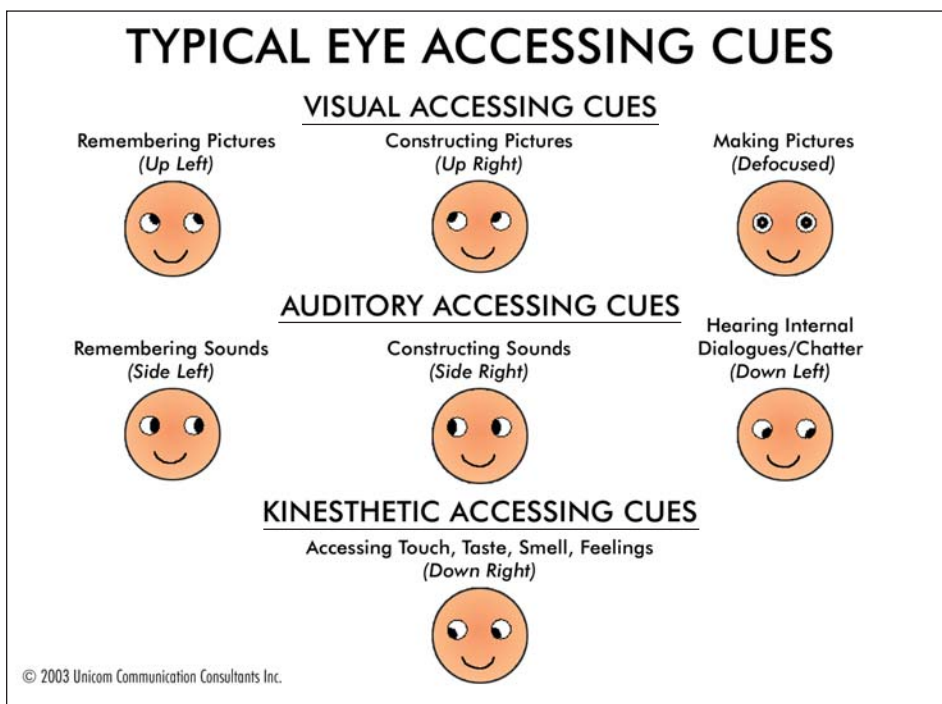
ties: communication patterns are repeated continually. Use the accompanying chart to assist you. Notice that eyes looking upward or that are defocused typically indicate people accessing a visual system. Eyes moving side to side or down to their left are usually seen when people are seeking auditory data. Eyes traveling downward and to their right side tend to indicate people going for kinesthetic information.<sup>8</sup>

## What the Words Tell

Language also presents you with valuable clues to preferences. Even though people use all three representational systems, their word choices indicate their partiality for one system. Examples of clues to preferences are shown in the above chart.

Are you ready for your final challenge? Then take this test now. Reread each column in the above chart. Afterward, take as much time as you need and add ten words or expressions to each column. After you have finished, continue reading this article.

People who take the test are often surprised with their results. They usually do not experience equal ease completing all three columns. Sometimes they have great difficulty coming up with even one expression in one or two columns. Facility to complete one column and not another may indicate they favor one representational system so strongly they do not use the others very often. As a result they may find it quite difficult to think in terms of those unused representational systems. If you took the test and found this same result you too may be using only your preferred system. If this is the case, consider the degree of discomfort you experienced finding terms outside your favored system. Appreciate how that might equal the same degree of difficulty others experience when they prefer a sys-



tem different than yours. Now imagine the impact on results at the table. With this in mind you might begin to see the advantage of flexibility to glide from system to system. Without it you might be creating communication obstacles unrelated to issues and jeopardizing attention spans.

## Practically Speaking

Consider how you can use this information respectfully and to everyone's benefit. For example, most mediations and arbitrations are gatherings of parties



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with different communication preferences. One strategy for delivering a message effectively to everyone involves ensuring availability of materials that people can see (e.g., pictures, charts), read (e.g., reports, testimonials) and touch (e.g., handouts, models). Another way to improve results occurs when opposing counsel negotiate. Often conflict results from misunderstanding information rather than disagreeing with it. Many times just sketching a picture (*V*), asking for feedback (*A*) about a suggestion, or providing miniatures (*K*) is very useful. At times when communication is limited to words (e.g., in correspondence or on the telephone) cycle through all three systems. For example, "I look forward (*V*) to our next telephone conversation (*A*) in which we can dig into (*K*) more case detail."

## Danger of Icebergs

Mediators, arbitrators and lawyers who rely solely on word content put their results at risk because they are only dealing with the tip of one communication iceberg. These folks might want to go back to remembering why the Titanic sank—the captain stubbornly refused to factor in all information. He would only deal with limit-

ed information, acknowledged the presence of just one iceberg and maintained a collision course. Notwithstanding the captain's denial of a second deadly ice floe, it still existed. The second sank the ship.

Paying attention to all communication at the table or in caucus is much the same. Nonverbal communication exists and conveys powerful messages whether neutrals or counsel choose to deal with it or ignore it. However, if they choose to deal with it, they usually discover that their communication is working for them instead of against them. **CL**

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*the practical use of nonverbal communication in the Canadian legal system and organizations. President of Unicom Communication Consultants Inc., Barbara is retained on Canada's high-profile criminal and civil cases, has been invited to the United Nations, and is the author of I Hear What You Say, But What Are You Telling Me? The Strategic Use of Nonverbal Communication in Mediation. She will make a presentation at the CBA Law Center on April 25.*

## Notes

1. *Kinesics and Communication*, Birdwhistle, R., University of Pennsylvania, 1970.
2. Innovator of family therapy in the 1970s.
3. Psychiatrist, Founder of The American Society for Clinical Hypnosis, creator of innovative approach to hypnosis later called "Ericksonian Hypnosis."
4. *Neuro-Linguistic Programming, Vol. I*, Dilts, R.B., Grinder, J., Bandler, R., DeLozier, J., and Cameron-Bandler, L., Meta Publications, 1979.
5. *NLP Through Time*, NLP Connection, Vol. IV, No. 3, p. 20, Gordon, D., July-September, 1989.
6. *Magic Demystified*, Lewis, B.A., Pucelik, R.F., Metamorphous Press, Lake Oswego, Oregon, 1982.
7. *Sensory Based Language in Legal Communication*, The Practical Lawyer, Vol. 27 - No. 1, p. 45, Barkai, J.L., January 15, 1981.
8. *I Hear What You Say But What Are You Telling Me? The Strategic Use of Nonverbal Communication in Mediation*, Madonik, B.G., Jossey-Bass, San Francisco, CA, 2001.

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