MEDIATING
WITH
NEURODIVERGENT
PERSONS

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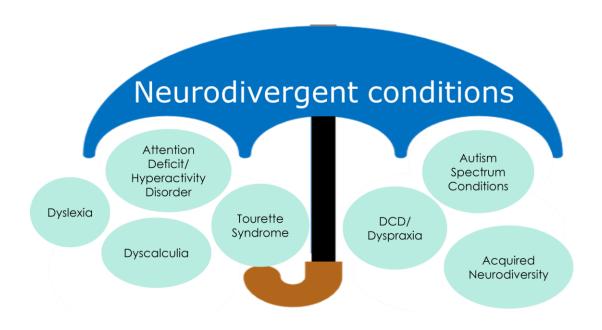
AGENDA

- 1. Neurodiversity focus on Autism Spectrum Disorder
- 2. Practical application mediation / neurodiversity
- 3. Focus on ASD science / tips for mediation
- 4. Mediation process design case study:
 - * Setting the mediation up for success
 - * Bargaining phase tips and tools
- 5. Audience Q&A
- 6. Concluding remarks

MEDIATING AND NEURODIVERSE PARTIES

(CREATING A SAFE SPACE FOR DIALOGUE)

- Mediation entails working with diverse persons
- Focus on ASD (but could include other conditions, eg: high conflict personalities)
- Mediation: inclusive and available to all
- Co-mediation with psychosocial expert?



Mediating with neurodivergent persons

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The Autism Spectrum Child & Adolescent Psychological Evaluations, LLC Matt Lowry, LPP

Proprioception

Sensing Body Position, Dancing, Walking on Tiptoes, Spinning Dyspraxia

Exteroception

Sensing the Outside World Hypersensitive or Hyposensitive

Stims

Energy Regulation, Repetitive Movements Sensory Seeking

SPINs

SPecial INterests, Intense Research, Information Hunger Collections

Executive Functioning

Hyperfocus, Demand Avoidance Hygiene, Process Complexity Autistic Inertia, Difficulty Changing Tasks

Interoception

Internal Sense, Hunger, Thirst, Feeling Full, Going to the Bathroom Awareness of Emotions

Emotional Intensity

Meltdowns, Shutdowns, Overload, Situational Mutism, Hyporeactivity

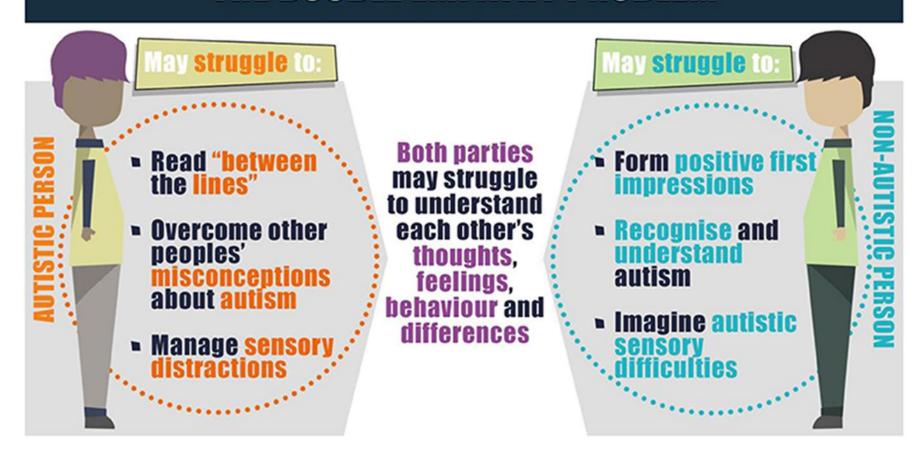
Communication Differences

Echolalia, Palilalia, Echopraxia, Scripting, Eye Contact, Body Language Tangential Conversation Infodumps

Relationship Differences

Rejection Sensitivity, Masking, Bonding through Special Interests

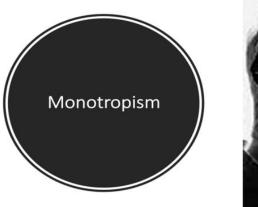
THE DOUBLE EMPATHY PROBLEM



Mediating with neurodivergent persons

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Monotropism – D. Murry and W. Lawson





2. PRACTICAL APPLICATION - MEDIATION

- How to surface parties' needs?
- Anxiety management
- Some parties may need more time processing documents or concepts
- Communication styles:
 - "Visual thinking" vs. "black & white thinking"
 - Come across as rude, direct?
 - Ability to see the other party's point of view?
 - Detail orientated ability to see "bigger picture"?
 - Ability to visualize options or risks?
- Coaching a party to "influence" effectively



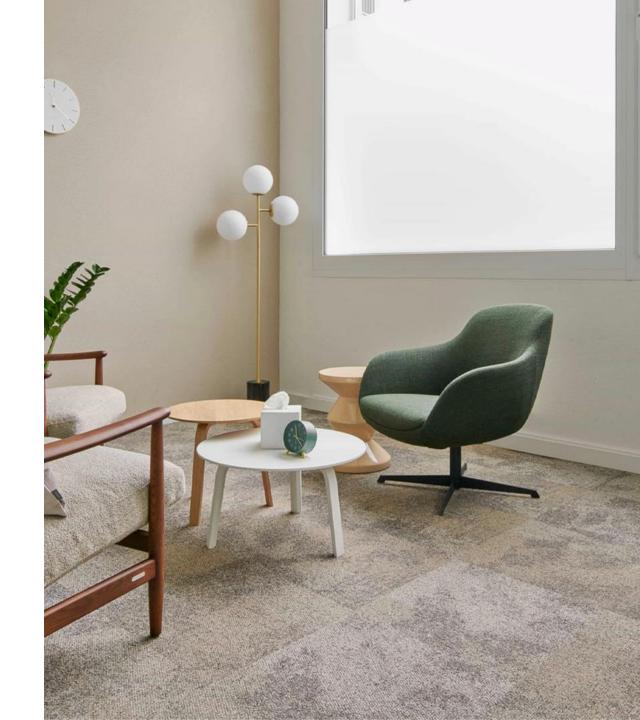
Jessica Park, USA artist with autism

MEDIATION PROCESS DESIGN

Anything I should know about you or your client, to help with the mediation process?

If Party volunteers information – eg client "vulnerable" or "neurodiversity issues present" then consider adjustments such as:

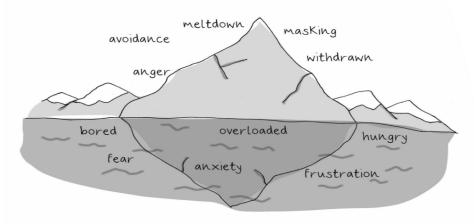
- Offer further preparation time with client?
- Venue and support on the day?
- "What do I have permission to share?"
- "What would help you get the most out of the mediation?"



WHAT IS THE NEED BEHIND THE BEHAVIOUR?

The Anxiety Bucket analogy

WHAT WE SEE



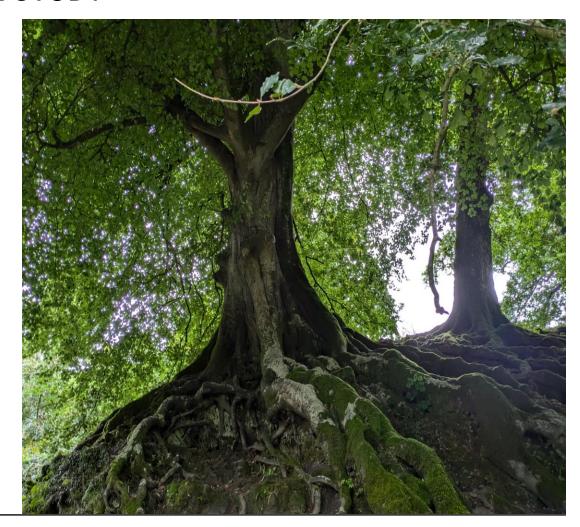
WHAT YOU CAN'T SEE



4. MEDIATION PROCESS DESIGN — CASE STUDY

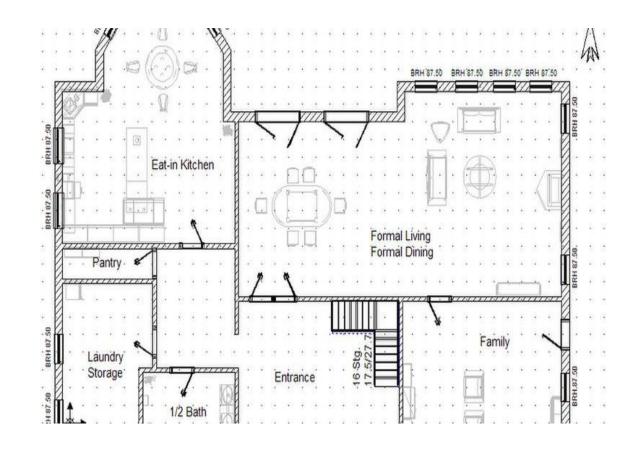
Residential construction case – damages for defects

- Identifying ASD present
- Extra time BUT management expectations
- The "36 PPT presentations" C wanted to share
- Importance of working with the legal team
- Insight from ASD therapist/ tips and tools



CASE STUDY – PREPARATION STAGE

- Pre-mediation contact with parties
- Preparing the papers agreeing the Bundle
- Crafting the agenda, with timings
- Preparing for the joint session
- Who to join on each side?
- Ability to call for "time out"



CASE STUDY – BARGAINING STAGE

- How to elicit offers?
- Framing offers so they can be "heard"
- Managing disappointment;
- Hitting deadlock
- Moving from *positions* to *interests*
- Drafting the settlement agreement
- Ability to call for "time out"



ANY QUESTIONS?



THANK YOU — AND FURTHER READING

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Scattered Minds – Gabor Mate

The Autistic Brain – Temple Grandin & Richard Panek

Women and Girls on the Autism Spectrum – Sarah Hendrickx

Autism for Adults – Daniel Jones

Untypical – *Pete Wharmby*

The (Slightly Distracted) Woman's Guide to Living with an Adult ADHD Diagnosis – Laura Kerbey – Out June 2025