



Mediation Musings: Dog Negotiation

A number of years ago a friend was having difficulties with her son. I made the suggestion, among many others, that she watch a show about dog training. I thought that watching the kind and firm dog trainer might help her to have a model to learn how to stay more consistent and clear with her son. A few weeks later she had recorded a number of episodes, and her son asked her, “Are we getting a dog?”

You might be surprised how often the subject of dogs comes up in the field of conflict resolution. How to handle and train Fido in the home, who gets custody of Muffy after a divorce, a difference of opinion about vet care for BooBoo, Tucker’s damage to the neighbor’s deck, Honey being left behind with Mom and Dad by the college student, the Animal Control officer’s assessment of neglectful care of Rex—all are dog conflicts we have handled.

As a matter of fact, there *are* lawyers and mediators who do specialize in taking on these cases. I looked to the work of Karis Naftel from *Who Keeps the Dog?* to refine my understanding of how to work with couples on pet custody after a breakup. The group Family Dog Mediation works with all the humans in the home to negotiate how to consistently apply rules and limits as pet parents. The Justia website lists 26 attorneys with the label “Dog Law Attorney” who take on all kinds of dog-issue legal cases.

A dog as a subject of a mediation is tricky. They are living beings, yet the court says they are to be treated as property. They are members of the family needing custodial care, so they are in some ways similar to children—they don’t participate in the mediation process, yet their needs, interests, and welfare need to be considered. Even if the dog is not the main subject of the mediation, when we hear about a dog, the mediators listen carefully since in these conflicts dogs can become a challenging subject.

I’ve owned five of my own and helped others to adopt another 23 dogs—and learned that every dog is different. My negotiation skills are kept sharp with each new dog as I try to manage its unique personality. Bob Bordone, one of my favorite mediation thinkers, has shared similar thoughts on his YouTube channel. He suggests learning from dogs as [negotiators](#) and learning how to [negotiate with dogs](#).

Life is full of negotiation, with co-workers, neighbors, community members, and family—including the family pets. We negotiate all day in all kinds of contexts, and when we are not negotiating with others, we end up negotiating with ourselves. Bob points out that many negotiation skills we teach for mediators are valuable when dealing with dogs. Being reliable, using good body language, holding firm, and being kind and positive are all tips for mediators

and dog owners alike. As we say to clients who come for conflict resolution services, *the only person you can change is yourself*. So, with that in mind, here are some dog negotiation self-improvement ideas to consider.



Consider interests

Dogs have some basic interests: food, exercise, being part of a pack, knowing the rules. People have basic interests too; our list looks relatively similar. Observe carefully to understand what is driving the canines and humans around you. Believe those you are working with when they communicate those interests; don't say they don't deserve what they want to achieve. Find shared interests and work from there.

Reward promptly, correct promptly

If someone—or Henry the dog—does something positive, tell them immediately with a quick appreciation or a pat on the head—you pick who gets what. As Bob mentions in his video, don't punish the dog many hours later when it did something wrong; dogs need immediate reinforcement of the rules. They can't relate the punishment to the long-ago act and when punished at a later time they feel unfairly treated.



Be consistent and reliable

Trust is built when you can be counted on. Be the person who can be trusted and show consistency. Bob says it well here: "Be loyal to the things you say and mean what you say. We know that relationship power is found . . . in being . . . a trustworthy partner."

Emotional intuition

Key into the other's energy and emotions and you'll make better choices on your timing and connection. When you can figure out what is going on in another's emotional landscape, that information is incredibly helpful. Creating value with another person (or dog) is most likely when you can meet them where they are and not where you wish them to be.



Use a positive frame

People and dogs prefer to be treated positively; cue the high-pitched happy voice you use with Fido—note not equally an effective approach with humans. Especially when you must have a difficult conversation with a human, it is worth the effort to try to frame the discussion in a positive, strengths-based approach. People respond better to "help me understand" as opposed to "here's the list of what you did wrong."

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Owen the mediation office dog

Owen comes to work a few times a week. Despite his occasional flatulence, he gets high marks from mediation office goers. Owen has an uncanny way of standing next to the person who, during the in-person mediation, would benefit from having a dog to pet. When not mediating, his sleeping spot in the hall is where his snores and snorts entertain staff members.

For me personally, Owen has a very effective set of negotiation moves. When I have been sitting at the desk for a long time or once the last word is said in the Zoom meeting, Owen barks and whines inconsolably until I take him out for a little nature walk. When this happens, I appreciate him as a negotiator. Following Owen around the parking lot is entertaining and uplifting. He connects his interests to my own interests by reminding me that I need a break.



Owen, the coolest member of MV Mediation Staff.

Links for further reading and watching

Learn negotiation from dogs <https://www.youtube.com/watch?v=O3mOJurchqA>

Learn how to negotiate with dogs https://www.youtube.com/watch?v=_CbzTmVRUu0

Work together to raise the dog <https://poochparenting.net/episode71/>

Law and animals <https://aldf.org/article/animal-law-101/>

Who gets the dog?

<https://www.hg.org/legal-articles/in-a-breakup-who-gets-custody-of-the-dog-36657>

Who keeps the dog? <https://journal.iaabcfoundation.org/who-keeps-the-dog-divorce-advice-from-a-pet-custody-expert/>