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Broken Halos: The Goal of the Mediator is to Balance Assessments



*Seen my share of broken halos
Folded wings that used to fly
They've all gone wherever they go
Broken halos that used to shine*

—Chris Stapleton

How is it that the expectations of parties to an action can be so different? Can it be the law and facts are unknown to one party? Or can it be that parties are not abstract representatives of a side but human beings. People having deeply held values, with different backgrounds and viewpoints. Expectations may arise from a sense of being wronged, or the need to seek justice or vindication. Emotional investment is a hallmark of almost every lawsuit. Particularly in personal injury cases involving trauma, pain and emotional upheaval. There are underlying emotions that makes putting a price on the injury often feel incongruous and unsatisfying and lead to “unrealistic” demands. The emotional aspect is not reserved to the injured party but also underlies the response of the party accused of wrongdoing. To be “accused” is an attack on the integrity, self-worth, resources and behavior of the person so accused or the company the person may represent. Is it therefore unexpected that a demand be labeled “unrealistic?”

Accepting human nature may drive expectations one would expect a tempering effect by the facts and laws. Surely that is the common ground. Yet, it is a shaky ground. How facts are perceived by a party is influenced by the halo effect. Because human social perception is a constructive process when a person forms an impression of a case they do not rely solely on objective information. Instead, they actively construct an image of the case based on what they already believe. The effect is akin to the confirmatory bias which is a cognitive bias that people tend to believe information that is consistent with what they already believe and dismiss as false that which conflicts with their existing beliefs. Expectations that are born within the glow of the halo, if not unrealistic, often prove unmanageable and unreachable. **[READ MORE..](#)**

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