

# Prioritizing Interests in an Agreement

by Sophia Tutorial



## WHAT'S COVERED

In this lesson, we'll discuss how to ensure that the outcome of the resolution process is satisfactory to both parties. In particular, we'll look at:

1. Ranking of Interests
2. Determining the Satisfactory Nature of an Agreement
3. Strategies for Checking In

## 1. Ranking of Interests

In order for parties in a conflict resolution process to feel truly satisfied, they need to feel the outcome has met their needs and interests.

While the parties have likely come in with positions, or what they think they need in order to be satisfied, those positions are not the only ways of getting what they need.

When we look at the positions more closely, we uncover the **interests**, or the real reasons why the parties have taken their positions. These interests are what the parties need to have met in order to feel satisfied.

Thus, we want parties to share their interests as part of this process, and we list those interests once they have been uncovered.

### IN CONTEXT

You're a mediator, and you have Party A and Party B in a conflict resolution process. You want to make sure that you capture all of their interests, however many there might be.

Let's say there are three interests for Party A, and five interests for Party B. It doesn't matter that Party B has more interests than Party A; what matters is that the parties feel that what they need has been laid out on the table.

Once the parties have laid out their interests, they need to **prioritize**, or rank them. Both parties have to decide what's most important for them here. How the parties rank their interests is completely up to them, and you may find that they're going to rank their interests differently.

Let's say that Party A and Party B are involved in a conflict over a family inheritance, and they've listed what their interests are. There may be conflicts over money, items to be inherited, family heirlooms, or any number of things.

You find that Party A really wants a couple of particular items. These items don't have significant monetary value, but they have a sentimental value.

Party A ranks those items as the number one priority; they're at the top of the list. Party B is a little bit more interested in the monetary value of things, so those particular items doesn't really seem that important to Party B.

Party B might still like to have those items as well, but when it comes to ranking, the financial aspects of the estate rank higher. Thus, what Party B puts as number one is different.

You might look at the list of Party A and Party B's interests, and notice that one party has three interests while the other has five or six. When you write up an agreement in which Party A gets three things, and Party B gets five things, you might wonder if that's really fair.

It is fair if that's what the parties agree on and if that's what they want. This process is all about the parties having their interests met, so they get to define what that means. The satisfactory nature of an agreement is not defined by an objective criteria of what might be perceived as equal or unequal, and there are many instances in which the agreement may appear unequal to you as an outside party.



#### TERMS TO KNOW

##### **Interest**

An action, belief, or physical item that a party perceives as important or essential to his or her satisfaction or happiness.

##### **Priority**

The level of importance given to a particular interest.

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## 2. Determining the Satisfactory Nature of an Agreement

There's no right or wrong way for the parties to rank their interests. It might appear as if the agreement is unequal, but this is not the case as long as the parties are satisfied that their needs are being met.

For this reason, any objective standard we might want to use as an intervenor to look at an agreement as equitable or inequitable is not appropriate in this situation.



**EXAMPLE** You have two parties, Jo and Kendra, in a disagreement over office space. There are a number of things that Jo wants in terms of increasing organization and getting rid of clutter. The only thing that Kendra wants is to be in the office at a particular time, during which there is total quiet. Kendra says, "Between the hours of 8:00 and 10:00 is when I do a particular kind of work. I need to be in the office

alone, and the area needs to be quiet. If I can have that, fine. I'll clean up the office for when I'm not in here.”

It might look like Kendra has to do a lot of things for Jo, while all Jo has to do is agree to let Kendra be alone in the office between 8:00 and 10:00. However, if this arrangement meets their needs despite the perception that one party is doing more than the other party, this is fine as long as both parties feel their interests are being met.



#### BIG IDEA

As part of the conflict resolution process, parties will rank their interests. They might rank them differently, and that's up to them. As the intervenor, you are there to make sure that the parties are satisfied, and that they feel as though all of their highly prioritized needs have been met.

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## 3. Strategies for Checking In

When you reach the point of putting together a final agreement, you want to double-check with the parties to make sure that everything meets their needs.

This is not double-checking to second-guess the parties by asking them, “Are you sure this is really what you want?” What you are doing is making sure that they are okay with what they have written in this agreement.

### IN CONTEXT

When checking in, you can ask the parties questions such as, “Is anything missing here? Let's take a second look at it to make sure that everything is here. Do either of you see anything that you would want to change?”

Then you might follow up with, “Does anything need to be clarified? I notice here that there's an item about communication. Do you want to clarify exactly what that means, or is it clear enough? Do we need to have some other wording?”

You might need to push the parties for some specifics if something in the agreement is written in a very general way. You can ask the parties if they have any questions, and you can ask your own questions to check that everything is clear.

You are simply ensuring that the parties are comfortable with what they have agreed to and that all their relevant needs have been satisfied.



### SUMMARY

In this lesson, you learned that during the conflict resolution process, the parties will **rank their interests** before creating an agreement. While the agreement may seem unequal if one party has more interests than another party, all that matters is that the parties are mutually satisfied.

**Determining the satisfactory nature of an agreement** is based solely on whether the parties feel that all of their highly prioritized interests have been met, rather than on your perception of fairness. You

now understand that before an agreement becomes final, it's important to double-check that the parties are satisfied with the decision. Some **strategies for checking in** include asking clarifying questions, pushing the parties for specifics if needed, and ensuring that you are only checking in on their satisfaction with the agreement as opposed to second-guessing their decision. Good luck!

Source: Adapted from Sophia tutorial by Marlene Johnson.



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