



PROGRAM MATERIALS

Program #36210

October 2, 2026

Beyond the Bargaining Table: Navigating Generational and Cultural Communication Dynamics in Mediations

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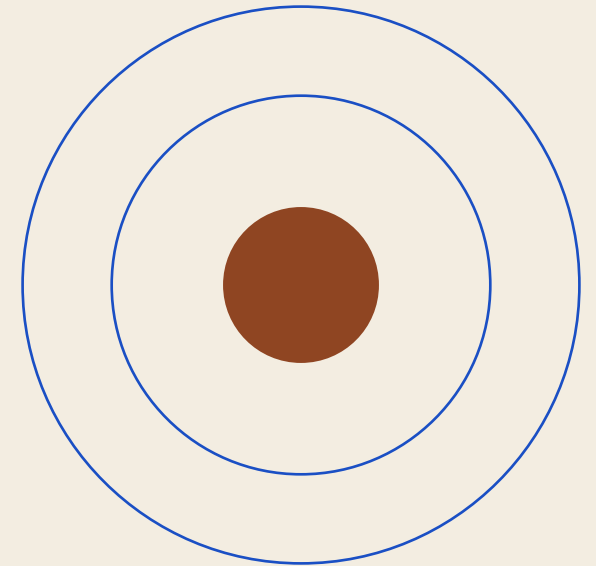
Beyond the Bargaining Table

Navigating generational and cultural communication dynamics in mediations

PRESENTED BY

Ellen Kim

Founder & Principal, Cadenza Resolutions and Advisory, LLC
Mediator · Arbitrator · Executive Coach





ABOUT THE SPEAKER

Ellen Kim



Founder & Principal, Cadenza Resolutions and Advisory, LLC

Mediator · Arbitrator · Executive Coach

Ellen serves as a full-time neutral, mediating and arbitrating workplace and commercial disputes. She came to the work through a decade as a technology transactions attorney for Fortune 500 companies, where she sat between legal strategy and sales organizations on high-stakes negotiations — the seam where misread intent does the most damage.

She brings that same deal-closer instinct to conflict at every level, and coaches professionals and organizations on the communication habits that decide whether an agreement holds.

SELECTED EXPERIENCE & AFFILIATIONS





What We'll Cover

01

The Multi-Generational Table

02

Primary Generational Friction Points

03

Cultural Dynamics in Dispute Resolution

04

Technology, AI, and Cultural Framing

05

Strategic Practice Moves



01

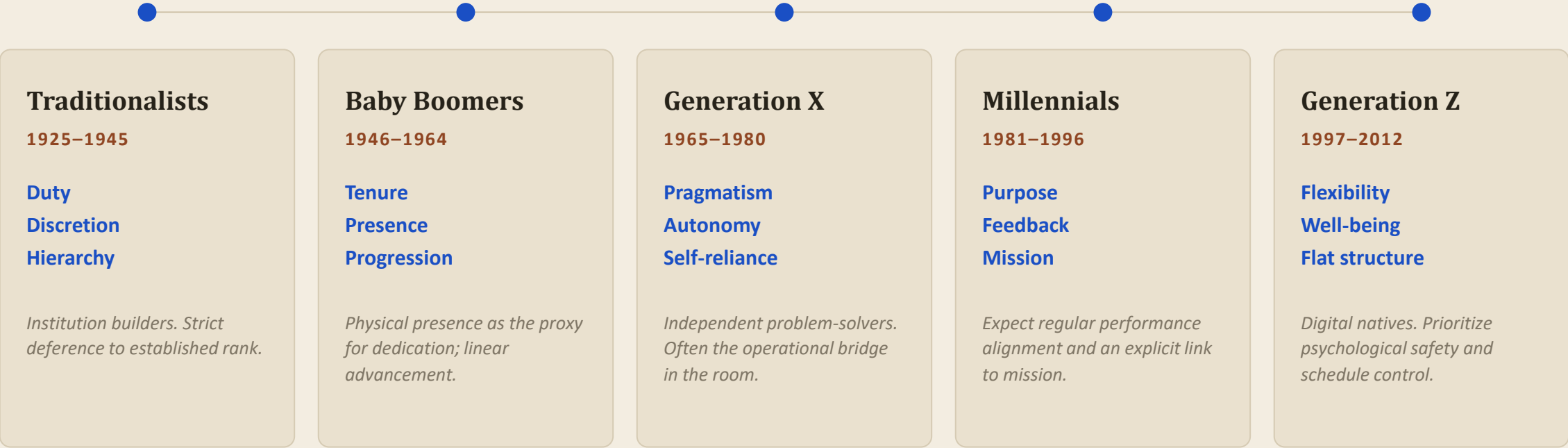
The Multi-Generational Table

For the first time in labor history, five distinct cohorts occupy the workforce at once — and the distance between them is wider than anything named in the intake form.





Five Generations, One Table



Watch the seams, not the labels. The sharpest friction is usually between adjacent cohorts who assume they already share a frame — and who therefore never check.



Beyond the Disputed Claim

The pleaded cause of action and the reason the parties are stuck are rarely the same thing.



WHAT THE FILE ALLEGES

The legal frame

- Wrongful termination
- Retaliation following a protected complaint
- Failure to accommodate
- Hostile work environment
- Constructive discharge



WHAT IS ACTUALLY IN THE ROOM

The expectation gap

- Assumptions about deference formed over decades
- Competing definitions of what “committed” looks like
- A feedback channel one side never knew existed
- A slight that was never named out loud
- Two parties using the same word to mean different things



Misattribution as a Settlement Barrier

Parties routinely mistake a communication default for a character judgment.



The three-word reply is read as contempt

A terse Slack message or an unpunctuated email is a native register for some cohorts and a deliberate slight to others. The sender optimized for speed; the receiver heard dismissal.



The unasked question is read as insubordination

Declining to challenge a manager in an open meeting can reflect training, culture, or plain risk assessment. Read as disengagement, it becomes evidence of a performance problem.



The mediator's reframe reopens the channel

Surface the implicit assumption under each position, translate the intent accurately, and the parties stop negotiating against a version of each other that does not exist.

TRY THIS IN CAUCUS

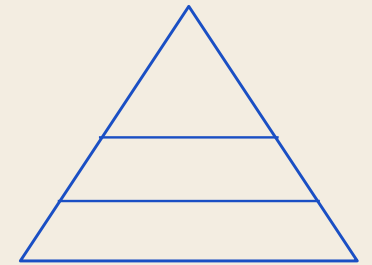
“Can I offer you a different read on that email?”



02

Primary Friction Points

Three fault lines produce a disproportionate share of workplace impasse: who defers to whom, what counts as commitment, and which channel the message arrived in.





Hierarchy versus Flat Authority

Both sides believe they are being reasonable. They disagree about what earns a hearing.



TENURE AS AUTHORITY

Rank commands the room

- Title and years of service are proxies for judgment
- Disagreement voiced upward is routed privately, if at all
- Being overruled by a junior colleague registers as a status injury
- Expects the neutral to acknowledge seniority in framing



MERIT-BASED ENGAGEMENT

The argument commands the room

- Proposals are evaluated on substance, not source
- Direct challenge is participation, not disrespect
- Deference without a stated reason reads as evasion
- Expects access to decision-makers, not a chain of command



What “Being Made Whole” Means

The same dollar figure can settle one matter and insult another. Value is cohort-inflected.

TRADITIONALISTS & BABY BOOMERS



Recognition of what was built

Settlement value concentrates in tenure recognition, a financial bridge to retirement, a neutral or positive reference, and formal acknowledgment of past service. The non-monetary terms here are often dignity terms — and they are frequently cheap to grant.

MILLENNIALS & GENERATION Z



Optionality going forward

Resolution terms lean forward: outplacement with a skill-gap analysis, funded certification or coaching, a defined reference protocol, release from a restrictive covenant, or structural change to schedule and flexibility. Cash matters; runway and re-entry matter alongside it.



Presence versus Output



VISIBILITY AS COMMITMENT

“I could see who was there”

- Presence during standard hours is baseline devotion
- Responsiveness after hours signals seriousness
- Remote requests are read as reduced investment



ASYNCHRONOUS DELIVERABLES

“I delivered what I owed”

- Completed work is the measure; location is incidental
- Boundary setting is professionalism, not withdrawal
- Monitoring of hours is read as distrust



Litigation trajectory: disagreements over remote-work accommodation, leave usage, or core-hours policy are among the most common precursors to harassment and hostile-work-environment claims — the accommodation dispute supplies the pattern evidence the later claim relies on.



Channels and the Written Record

Medium selection carries meaning — and increasingly, it carries evidence.



Delicate topics have a preferred channel, and it differs

Older participants generally move sensitive matters to a phone call or an in-person conversation. Younger litigants will address the same complexity over Slack, text, or email without any sense that they have downgraded it.



Writing it down is not the same as building a file

A documented follow-up may be ordinary practice for one party and a hostile escalation to another. The same message can be read as diligence or as calculated record-building, depending entirely on who receives it.

ASK ON THE INTAKE CALL

“How would you like to receive proposals — a call, a written summary, or both?”



Match the channel to the party in caucus

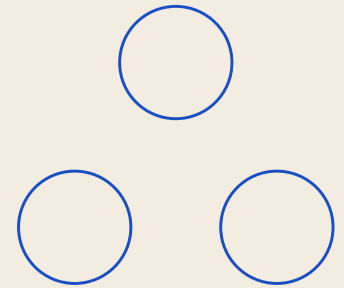
Offer the choice explicitly: a call, a written summary, or both. Mediators who name the channel preference early spend less time repairing tone disputes that were never about tone.



03

Cultural Dynamics

Culture sets the default for how a grievance is raised, how disagreement is signaled, and what a party can concede in public without losing standing.





Individual Rights versus Collective Harmony



WESTERN ADVOCACY PARADIGM

“The squeaky wheel gets the oil.”

Direct self-promotion, individual assertion, and rights-based negotiation. Raising the issue early and loudly is the responsible move — silence forfeits the claim.



EASTERN RELATIONAL PARADIGM

“The loudest duck gets shot.”

Group cohesion, shared responsibility, and saving face. Raising the issue loudly imposes a cost on everyone — restraint is the responsible move, until it isn't.



The delayed grievance: a party operating from the relational paradigm may withhold a complaint until a threshold is crossed — then raise everything at once. Opposing counsel reads the earlier silence as acquiescence and the eventual complaint as opportunistic. Both readings are wrong, and both harden positions.



High-Context and Low-Context Communication

Where meaning lives — in the words themselves, or in everything around them.

Dimension	Low-Context / Individualist	High-Context / Collectivist
Primary focus	Individual rights and direct advocacy	Group harmony and saving face
Conflict expression	Explicit, stated complaints	Indirect cues and diplomatic inquiries
View of hierarchy	Egalitarian; merit-based evaluation	Respectful compliance; formal deference
A pause reads as	Evasion or lack of candor	Respect, deliberation, or restraint
Mediation risk	Misread as aggressive or hostile	Misread as acquiescent or evasive



A paused response or an indirect phrasing is data, not evasion. Before treating it as a credibility problem, test the simpler explanation: the party is signaling discomfort in the register available to them.



Deference, Silence, and Face

Impasse is often not refusal. It is a party who cannot concede in the form you have offered.



Quiet compliance has a cost that does not appear in the file

Direct pushback against a superior can violate a deeply rooted norm. A party who never objected may have been managing an obligation, not endorsing a decision — and their later claim is not therefore inconsistent.



A public concession can end the negotiation

Pressing a party to yield in joint session, in front of counsel or colleagues, risks total disengagement. What looks like sudden intransigence is often a party protecting standing they cannot afford to lose.

OFFER THE EXIT

“Would it help if this came from me rather than from them?”



Build the face-saving mechanism into the structure

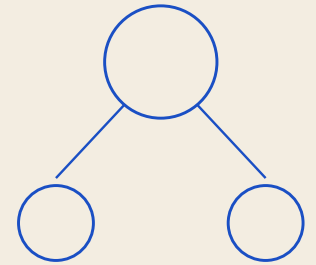
Move the concession to caucus. Let the neutral carry the proposal so neither party authored the retreat. Frame movement as responsiveness to new information rather than as a party having been wrong.



04

Technology, AI, and Cultural Framing

The preparation tools have their own defaults. If you do not specify the context, the model will supply one — and it will not be neutral.





“Cultural Accents” in AI-Assisted Prep

Large language models carry embedded cultural paradigms from their training data and their prompt language.

ALGORITHMIC DEFAULTS

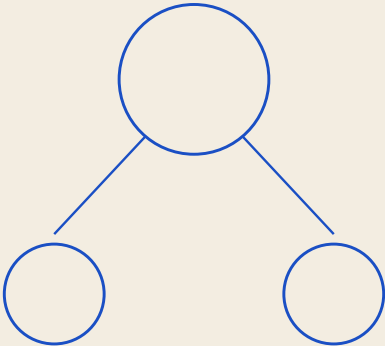
The tool has a paradigm

Models used for case evaluation, opening-statement drafting, or opposing-party roleplay carry orientations absorbed from their training corpus. Left unspecified, the output tends to assume a direct, rights-asserting, low-context speaker — the very frame that misreads half the parties in this session.

LANGUAGE-DRIVEN ORIENTATION

The prompt language shifts the answer

Research indicates that prompting a model in different languages elicits measurably different cognitive styles and social orientations. The same question asked in Chinese and in English can return advice weighted toward different assumptions about harmony, assertion, and hierarchy.



Treat an unprompted model as a confident colleague who has met exactly one kind of party.



Anatomy of a Context-Rich Prompt

Four specifications that keep an algorithmic assumption out of your caucus strategy.



01

Stakeholders

Name who is in the room, their role, and their relationship to one another — not just “employee and employer.”



02

Hierarchy

State who defers to whom, what rank signals in this organization, and who actually holds settlement authority.



03

Cultural constraints

Specify directness norms, face considerations, language of origin, and whether a grievance would have been raised early.



04

Human review

Have a cultural insider check the output before it shapes a caucus. Algorithmic confidence is not cultural accuracy.



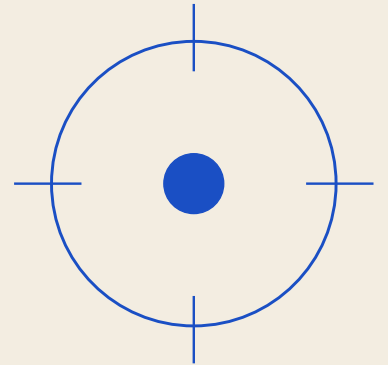
Confidentiality discipline applies first: confirm your tool's data-handling terms and your obligations under the mediation agreement before any party information goes into a prompt.



05

Strategic Practice Moves

What to do before the joint session, what to adjust inside caucus, and how to draft terms that survive contact with the parties' actual priorities.





Pre-Mediation Diagnostics

Questions worth asking on the pre-mediation call, none of which appear on an intake form.



How has this person received feedback before?

Formal review cycles, hallway correction, or nothing at all — the answer predicts how they will hear a proposal.



What channel do they want proposals in?

Ask directly. A written term sheet and a phone call land very differently depending on the party.



Who do they need to answer to afterward?

A spouse, a professional community, a parent, a team. The invisible audience shapes what they can accept.



When did this first actually bother them?

The gap between the first grievance and the first written complaint is often the whole case.



What would make this feel finished, apart from money?

Recognition, a reference, a schedule, a clean narrative — the durable terms usually live here.



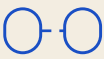
Which stereotype am I about to apply?

Behavior reflects generation, culture, profession, and person at once. Name your own hypothesis so you can test it.



In-Caucus Adaptation

Three adjustments that cost nothing and change what the parties are able to hear.



Calibrate tone and framing to the listener

With senior parties, acknowledge tenure and contribution before moving to terms. With younger parties, frame options around autonomy, skill development, and forward optionality. Same offer, two different doorways.



De-escalate the misattribution out loud

Translate the perceived slight into its operational or cultural context: the terse email, the unasked question, the delayed complaint. Offer the alternative reading as a possibility, not a correction — parties reject correction and accept possibility.



Design agreements that address both currencies

Pair the economic term with the non-monetary priority that actually drives compliance. A settlement that resolves the number but ignores the dignity interest is the one that comes back as an enforcement dispute.

THE PRINCIPLE

Same offer, two different doorways.



Drafting for Durability

Compliance follows from terms the parties recognize as responsive to what they actually wanted.



ECONOMIC TERMS

What the file can measure

- Payment amount, structure, and timing
- Tax characterization and allocation
- Fees, costs, and liens
- Release scope and carve-outs



NON-MONETARY TERMS

What the parties remember

- Reference protocol and the agreed narrative
- Outplacement, coaching, or funded certification
- Neutral characterization of the separation
- Schedule, flexibility, or restrictive-covenant relief
- Acknowledgment language that lets both sides stand down



IN CLOSING

Four Things to Take Back



Diagnose before you discount

Behavior that reads as bad faith is more often a communication default. Test the simpler explanation first — it is usually correct and always cheaper.



Translate, don't referee

Your leverage is not in judging whose norm is right. It is in restating each position in terms the other side can receive without loss.



Protect face to protect the deal

A concession extracted in public costs standing the party may not be able to spend. Move the retreat to caucus and let the neutral own it.



Build terms that fit the person

Pair the number with the non-monetary priority that drives durability. That pairing is what makes an agreement hold.



THANK YOU

Questions

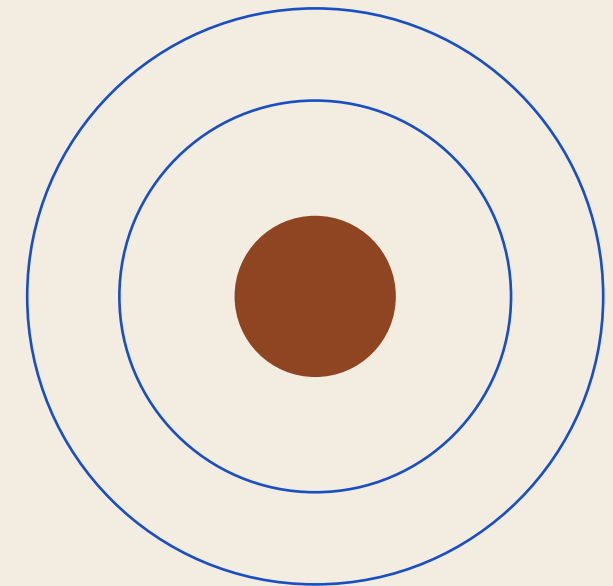
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Beyond the Bargaining Table

Navigating Generational and Cultural Communication Dynamics in Mediations

CLE Provider: Celesq (Offered on 10/2/2026) | Faculty: Ellen Kim, Founder & Principal, Cadenza Resolutions

I. High-Level Course Outline

Course Overview: Modern mediation brings together parties, counsel, and neutrals across broad cultural backgrounds and age groups. Impasse often stems from misalignments in communication styles, hierarchy expectations, and approaches to conflict rather than legal or financial divides. This panel equips advocates and neutrals with practical strategies to recognize these subtle communication barriers, adapt negotiation tactics, and de-escalate tension.

1. The Multi-Generational Table

- **Unprecedented demographic span:** Five generations share the labor force simultaneously, expanding the distance between litigants beyond the facts named in the intake form.
- **Cohort orientations:** Traditionalists value duty and hierarchy; Baby Boomers prioritize career longevity and physical presence; Gen X values autonomy and pragmatism; Millennials seek purpose and structured feedback; Gen Z values flexibility, authenticity, and flat structures.
- **Misattribution as a barrier:** Practitioners often mistake generational or cultural communication habits for bad faith, insubordination, or hostility.

2. Primary Generational Friction Points

- **Hierarchy versus flat authority:** Senior litigants often view organizational structure and tenure as proxies for respect, whereas younger cohorts evaluate proposals on substantive merit.
- **Presence versus output:** Disagreements over physical presence and traditional business hours versus asynchronous deliverable metrics frequently escalate into hostile environment claims.
- **Communication channels:** Older participants generally prefer phone calls or face-to-face caucusing, while younger litigants rely on digital channels (Slack, email, text), leading to potential misinterpretations of tone or litigation record building.

3. Cultural Dynamics in Dispute Resolution

- **Individual rights versus collective duty:** Western advocacy focuses on individual assertion ("the squeaky wheel gets the oil"), while Eastern frameworks prioritize group cohesion and saving face ("the loudest duck gets shot").
- **High-context versus low-context communication:** Low-context framing relies on explicit statements, while high-context framing relies on subtle non-verbal cues and indirect inquiries.
- **Deference to authority:** Indirect responses or pauses often signal respect or deliberation rather than evasion or lack of candor.

4. Modern Intersections: Technology, AI, and Culture

- **Cultural framing in AI preparation:** Large language models carry embedded cultural paradigms based on training data and prompt language.
- **Contextual prompting:** Effective AI-assisted case prep requires explicitly specifying stakeholder relationships, hierarchical dynamics, and cultural constraints.

5. Strategic Practice Moves for Advocates and Neutrals

- **Pre-mediation diagnostics:** Assess generational expectations and communication preferences prior to joint sessions.
- **In-caucus adaptation:** Reframe perceived slights into their underlying operational or cultural contexts and design settlement terms addressing non-monetary priorities.

II. Generational & Cultural Reference Tables

Generational Cohort Dynamics

Cohort	Workplace Values	Preferred Channels	Negotiation Priorities
Traditionalists (1925–1945)	Duty, loyalty, tenure, hierarchy	Formal, in-person	Institutional recognition, confidentiality
Baby Boomers (1946–1964)	Career longevity, physical presence	Phone, in-person caucusing	Financial bridges, tenure recognition
Generation X (1965–1980)	Autonomy, pragmatism, efficiency	Concise email, direct calls	Operational independence, practical terms
Millennials (1981–1996)	Purpose, mentorship, alignment	Digital messaging, collaborative tools	Career realignment, growth opportunities
Generation Z (1997–2012)	Authenticity, flexibility, well-being	Asynchronous, text, Slack	Skill gap analysis, schedule autonomy

Cross-Cultural Communication Matrix

Dimension	Low-Context / Individualist	High-Context / Collectivist
Primary Focus	Individual rights and direct advocacy	Group harmony and saving face
Conflict Expression	Explicit, direct complaints	Indirect cues, subtle inquiries
View of Hierarchy	Egalitarian; merit-based evaluation	Respectful compliance; formal deference
Mediation Risk	Misinterpreted as aggressive or hostile	Misinterpreted as acquiescent or evasive

Speaker Bio

Ellen Kim is the Founder and Principal of Cadenza Resolutions and Advisory, where she serves as a mediator, arbitrator, and executive coach. Drawing on a background as a technology transactions attorney for Fortune 500 companies, Ellen served as a vital bridge between legal strategy and sales organizations during high-stakes negotiations. Today, she applies that same "deal-closer" mindset to help professionals and organizations navigate conflict at every level as a full time neutral. For more information, visit cadenzaresolutions.com.