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Edward J. Kelly, Natalija Kaminskienė



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## IMPORTANCE OF EMOTIONAL INTELLIGENCE IN NEGOTIATION AND MEDIATION

**Edward J. Kelly\*** (corresponding author)

*University Counsel, East Tennessee State University,  
1276 Gilbreath Dr., Box 70300, Johnson City, TN, USA  
kellye@mail.etsu.edu*

**Natalija Kaminskiene**

*PhD, Associate Professor at Mykolas Romeris University, Ateities st. 20, LT-08303 Vilnius,  
Lithuania  
n.kaminskiene@gmail.com*

**Abstract:** Emotions play a very important role in the search for dispute resolution, but very often are neither understood nor effectively addressed by the parties to the dispute, also not properly controlled and managed by the professionals that are helping the parties to reach peaceful dispute resolution. The effective negotiator or mediator must take into account not only the economic, political and physical aspects of the process, but also the emotional tenor of themselves as well as that of all of the parties.

This paper has three objectives: to define emotions and their role in solving legal disputes by the means of negotiation and mediation processes; to outline main elements of the process of developing emotional intelligence as they play out in the mediation and negotiation processes; and to explore some of the mechanisms for addressing and optimizing the emotional climate in negotiation and mediation processes. The object of the research – emotions in the processes of legal dispute resolution – negotiation and mediation.

The research is composed of introduction, three parts and conclusions. Introduction provides a brief overview of the object of that research and its goals, part one describes emotions and their roles in negotiation and mediation processes, in part two four elements to develop emotional intelligence are overviewed and in the third part analysis of mechanisms for addressing and optimizing the emotional climate of negotiations and mediation are presented. The conclusion gives main ideas of the assignment of that work in brief.

**Keywords:** legal disputes, emotions, emotional intelligence, negotiation, mediation.

### **Biographical note:**

**Edward J. Kelly** is University Counsel of East Tennessee State University and Quillen College of Medicine (1997 to present), Adjunct Professor in doctoral program Educational Leadership and Policy Analysis (1999 to present).

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