



2026 PAW: Winning the Room - How Do We Influence the Room Before We Even Speak?

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From 23 to 27 March, we celebrated the 10th-anniversary edition of Paris Arbitration Week (“PAW”). What began as a bold initiative has grown into a global platform that now united practitioners from every region and background.

Yet PAW also reminded us that beyond the technical dedication of our profession, what happens in hearings and negotiations is fundamentally human. Not the facts we present or the arguments we craft, but our nervous system shapes how we think, listen, speak, and lead. Using insights from neuroscience, the [discussion](#) hosted by [Laborde Law](#) and presented by [ARBalance](#) invited arbitration practitioners to look beyond the technicalities of advocacy and explore the biology underlying human interaction.

The event featured three speakers who brought together extensive arbitration experience with somatic and psychological expertise. [Ema Potočnik](#) (VIAC CAN) introduced the topic, followed by [Yulia Polyakina](#) (La Borde Law) who shared the secrets of the neuroscience behind effective advocacy alongside [Kabir Duggal](#) (Akin). They explored how neuroscience can enrich advocacy, client management, and leadership in arbitration while also sharing some insights from their own experiences.

Beginning with the Body: An Experiential Start

Polyakina opened the session with an exercise by inviting participants to close their eyes, turn inward, and notice their emotional and physical state, offering themselves a quiet internal rating from one to ten. This simple practice introduced the concept of nervous-system regulation: becoming aware of internal shifts without judgement. Such awareness is the first step toward building resilience and stability in moments of pressure.

Building on this exercise, Polyakina presented a map of the nervous system. The participants focused on the autonomic nervous system (“ANS”), which operates largely outside conscious awareness. The ANS modulates physiological states such as heart rate, digestion, and stress responses. As Polyakina explained, the ANS has two branches: the sympathetic system, which gets your body ready to react quickly (the so-called “fight or flight reaction”), and the parasympathetic system, responsible for calming, resting, and restoring balance.

From Regulation to Reaction: Understanding Nervous System States

After laying out the theoretical foundation, Polyakina introduced the three nervous-system states that we cycle through each day and that shape how lawyers show up in the room, offering a more practical perspective.

The first and most desirable state for advocacy is “social engagement”—a physiological condition of safety and balance. In this state, lawyers think clearly, communicate with precision, listen attentively, and respond strategically rather than reactively.

This was described as the optimal state for persuasive argumentation. Social engagement emerges not from the absence of external threat but from the presence of cues that signal safety such as connection, belonging and acceptance. Physiologically, it is reflected in steady breathing, relaxed posture, eye contact, and a grounded voice. A lawyer who is grounded in this state creates an environment in which a tribunal’s nervous system perceives safety, making it easier for arguments to be understood and absorbed.

The second state, “fight-or-flight,” arises when we detect threat. While essential for survival, its activation under stress or pressure can narrow judgment and limit complex thinking. Anxiety, tension, perfectionism, and a faster heartbeat are common signs. In hearings, it may show up as a combative witness, overly aggressive counsel, or a sharply reactive arbitrator. In this mode, persuasive communication becomes significantly more difficult.

Duggal then shared a memorable moment from a high-stakes commercial arbitration in which he sat as an arbitrator. The hearing was tense and at one point, the tension escalated: one of the lawyers suddenly turned to opposing counsel and said, “You want to settle this? Let’s go out and settle this man to man.” It was an obviously inappropriate remark in a hearing and the escalation was so unexpected that Duggal, in his surprise, felt an involuntary laugh rise up. Despite trying to contain it, he let out a brief burst of laughter, a spontaneous physiological response that immediately shifted his internal state. Duggal noted that while the moment was uncomfortable and certainly not something he wished to encounter again, it taught him a lasting lesson: even experienced advocates can be overtaken by stress, and the body often reacts before the mind.

Lastly, the third state, “shutdown,” is triggered when a threat feels overwhelming or inescapable. Unlike fight-or-flight, which mobilises energy, shutdown immobilises it. Heart rate drops, breathing becomes shallow, muscle tone decreases, and mental clarity fades. This response is often misinterpreted as apathy or lack of competence, but it is purely physiological. In arbitration, shutdown may appear as an associate becoming silent, a witness being unable to respond, or a lawyer struggling under tribunal questioning. In such a state, neither learning nor persuasion is possible.

Polyakina highlighted that these states are rarely experienced in isolation: mixed states are common. A child on a roller coaster who is both excited and afraid shows how two feelings can coexist. Recognising these nuances enables practitioners to better understand their own state more accurately and restore balance when needed.

Why Clients Need Safety and How Lawyers Can Create It

Polyakina further explained that the nervous-system states do not remain contained within individuals. Human beings co-regulate: we influence each other’s internal states through facial expression, posture, tone, and presence. Nervous systems “talk” to each other long before words begin. She gave the audience the example of a herd of impalas that mirrors the tension of one animal that senses danger, just as people unconsciously mirror the stress or calm of those around them. One person’s tension can affect an entire hearing room. Likewise, one regulated person can stabilise many.

This dynamic has direct implications for client relationships. Polyakina emphasized that creating a sense of safety is one of a lawyer’s most powerful tools. On the one hand, clients who arrive in a state of fight-or-flight may appear anxious, demanding, or catastrophic in their thinking. On the other hand, those in shutdown may seem withdrawn or unresponsive. In both cases, the most effective response is not to match the intensity of the client, but to remain regulated oneself and offer cues of safety through steady presence and calm communication. As Duggal reminded the audience, echoing a saying from his mother, “we have two ears and only one mouth for a reason”. Listening to clients, the speakers emphasized, remains one of the most essential skills in practice.

Potočnik further pointed out that self-regulation does not have to be complicated. She shared a simple but vivid example from one of her own intense hearings: overwhelmed by the pressure and the pace of the discussion, she quietly stepped out to take a few slow, intentional breaths. When she returned, the room had not changed, but *her* internal state had. The moral of the story is that even in high-stakes environments, supporting the nervous system can be as accessible as pausing and breathing.

Conclusion

While arbitration has long emphasised mastery of the facts, law, and the art of persuasion, this session highlighted a less visible dimension of advocacy. Anyone who has spent time in hearings knows that success often depends on more subtle dynamics. A single argument may persuade on one occasion and fall flat on another, not because its content has changed, but because the emotional climate of the room, the state of the tribunal, or even the advocate’s own physiological condition has shifted.

The ability to regulate one’s nervous system, especially under pressure, shapes clarity of thought and expressiveness. It also affects how teams function. By navigating moments of stress or uncertainty, we create an environment in which colleagues can flourish. How lawyers show up physically and emotionally influences not only their own performance but also the overall stability of the entire room. Because of this, the speakers encouraged practitioners to adopt grounding rituals before hearings. These rituals do not have to be complicated or time-consuming. A short quiet moment together or a few slow breaths can help a team settle. A bit of well-timed humor can also be a powerful tool that can shift the mood and ease the tension during a long hearing.

Ultimately, the panel was a reminder that our profession is not only a matter of procedure and the presentation of facts. Our surroundings, our well-being, and the way we show up in high-pressure moments matter just as much. In a field where intensity and stress often dominate, these human elements are easily overlooked, making it more important than ever to remain aware of and control our mental state. These factors quietly shape every interaction, every argument, and ultimately every outcome.

This post is part of Kluwer Arbitration Blog’s coverage of [Paris Arbitration Week 2026](#).