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**The Keys to the Car**

We in the neutral world often find lawyers who expect their logic and solutions to be shared without dissent by the clients sitting next to them. After all, they have good reason to be proprietary about their presumed area of expertise. I see it often, where the attorneys find the client in disagreement and struggle for the necessary skills to process and reconcile the disconnect.  I recently encountered it in two cases. One was a family trust matter - a huge money squabble among siblings; the other was an employment case.

In each instance we arrived at a point in the mediation where a favorable deal was available for the respective clients, although the clients didn't necessarily view it that way and the lawyers just couldn’t convince them. The obstacle was apparent to my trained eye. There was a depth of emotion that the “legalisms” could not begin to impact. The disputants were not emotionally ready to let go of the litigation vehicle that had for too long replaced individual ownership of what had become the large piece of personal “real estate” that the emotion had consumed.

Interestingly, the lawyers in each case showed undue and uncharacteristic snarkiness with their clients because of their frustration and in turn, they pivoted to me for assistance in convincing them. They clearly wanted me to "throw the book" at the stubborn players. Instead, I focused on being counter-intuitive. In one case I literally took the keys to my car out of my pocket and handed them to the difficult party and told them that the litigation vehicle was in their hands and that decisions were squarely theirs with future consequence and residue to rest firmly on their shoulders - not mine and not their lawyers.

I carefully reviewed alternatives that would result from their respective decisions and gave the primmer on "ownership". It was done with little force, instead relying on a dialogue built upon trust and understanding....and personal control and ownership.  Very nervous-making for advocates who were removed....perhaps appropriately so, perhaps not....from the personal and emotional and relational dynamic of the dispute.

Both deals got done. One on the day of the mediation and the other during back channel follow-up a week later. Both were resolved to the pleasant surprise of counsel.

I took chances because my experienced view told me that these were chances that needed to be taken. Each is an example of what a professional neutral can add to the mix and to successful closure of disputes.