

the closer

By Jeffrey Kravis

Attitude of gratitude achieves success by creating value in situations and relationships.

A SIMPLE THANK YOU



Every day, I meet with people and try to sort through their conflicts in order to achieve some meaningful consensus or agreement. Some of these sessions are more difficult than others, but a challenging part of the process comes when one party fails to show any appreciation toward the other party for whatever concession has been given, however modest.

Consider the case of a father afflicted with alcoholism and the tragedy that denied him the opportunity to reconcile with his only son.

Tom had just finished his nightly tour of the local pub. His alcoholism had cost him his family and his driver's license, so on this night he was walking guardedly down the street hoping to make it to his apartment in one piece. As he stepped off the curb thinking he had the green light, a motorist turned right into his path and Tom was killed instantly.

Though Tom didn't leave many earthly possessions, he did have an 18-year-old son. This son had had trouble understanding his father over the years. To say that their communication was challenged is an understatement.

However, one month before Tom died, he wrote a heart-wrenching letter to his son, pleading forgiveness for a life full of pain. Ironically, before the son could even respond, Tom's life was over. That letter was never shown to anyone, not even his lawyer. Tom's son kept it hidden away, as if it were a buried treasure, never to be opened again.

Tom's son brought suit for the wrongful death of his father. The amount of money being offered by the insurance company became the real sticking point in this case. The insurance company distrusted the claim for loss of "love, comfort and care," and their offer reflected that perspective. After all, the son hadn't lived with his father for years and they were hardly on positive speaking terms. Nevertheless, Tom's son pressed on with the case, hoping to get some closure and perhaps a better realization of his father's plight. It seemed that meaningful consensus would never come.



to ask the son a few simple questions about his father, such as, "What was he like when you were a kid?" and "Tell me about your memories."

Fortunately, the claims manager had a heart. He praised the young man for having the courage to disclose such a private but important letter. He expressed his sympathies for what happened to his father. He listened carefully to Tom's son talk about his childhood and the way his dad was before he became an alcoholic.

They discussed ways in which Tom could be remembered, and came up with several alternatives that the insurer was willing to finance. Examples included a plaque on the street corner in honor of Tom, a scholarship and a donation to Alcoholics Anonymous. They agreed on one of the options along with a few more dollars and the case settled.

While deal-making in the rough-and-tumble world of litigation is not always like this case, people who demonstrate their gratitude toward others before, during and after a mediation session end up with a better deal. While this might not square with traditional negotiation tactics, it is a fundamental truth that I have observed after having mediated more than 2,500 cases. Conversely, I have noticed that parties feel indignant about others who don't listen or show any appreciation, no matter how little. This usually results in some type of barrier that prevents a case from settling.

When these barriers occur, it is generally because someone has an extraordinarily high opinion of his or her own abilities and viewpoint, and fails to pay attention to the signals coming in from the other side. When put in the position of receiving a confession from their opponent during negotiations, such people falter badly. The only response they have is "no," because they lack the skill, courage and initiative to act. Instead, they only know how to react.

In essence, they do not know how to show gratitude. This idea of gratitude allows individuals to achieve success by creating more value in every situation and relationship.

In the case of Tom's death, what appeared to be an insurmountable obstacle — the money — turned out to be the least of the son's concerns. The memory of his father could be quantified after all, and the insurance company could and did make it happen by showing some understanding, by listening to the story and demonstrating appreciation for the son's concern.

Finally, Tom's son asked to speak directly to the claims manager. During this conversation, the son opened the envelope he had received from his father one month before his death, and handed the letter to the claims manager to read. The son explained to the claims manager that the memory of his father was meaningful to him, maybe more meaningful than the paltry money the insurance company was offering.

The claims manager read the letter with great interest. He began

Show some appreciation next time you come to the table to negotiate. Thank the other side for their participation, and demonstrate your kindness by having an attitude of gratitude.

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