

I Can Relate!

Monthly Musings on Relational Practice

By Louise Phipps Senft

Try, Try Again

*If at first you don't succeed...
That's right, "...try, try again."*

Remember your grandmother's old adage? And it's so true for being relational. Especially for lawyers. So often the knee jerk response to other's conflict is to shake our heads, join, or, at the request of a potential client, file a lawsuit, or, perhaps to write a letter on behalf of the client to the person whom they feel has aggrieved them. That letter often carries with it the thin veil of threat of a lawsuit. Just the letterhead alone sends shivers down the spines of most non-lawyers. And lawyers know that. And the public knows it. And that's why people come and ask lawyers to do those sorts of things. That's a lot of power lawyers have.

Imagine if one of such letters said instead, in genuine terms, "Let's meet in the next week or two to see if we can more fully understand what this matter is about from the perspectives of both sides." That would be a very relational thing to do. That would be a kind thing to do, a relational way to use our power. Even if the client reported the other person was crazy or unreasonable or a bully. An attorney with a relational mindset, and a relational practice, would write such a letter. And the cost of that letter and the cost of that meeting would be very worthwhile to the client. We know, don't we, that if a meeting were to happen, with just one person (you) taking a relational approach, that the matter would likely be much better understood, even resolved, with an apology, an offer, a change, a dismissal. And if not resolved, significantly narrowed, so it could then be unbundled for other appropriate options. So many conflicts are premised on incomplete information or fractured perceptions. Nothing takes the place of face-to-face dialogue.

Attorneys taking a relational approach promote more engagement because we understand the reality of the human conflict experience (fear and suspiciousness) which breeds distortion and inaccuracy. Taking a relational approach believes that the other side of that conflict coin is the human capacity to engage, even when hurt, self-absorbed, and uncertain. It might take more than one time to reach out and offer to meet, to talk, to engage; it might take numerous times, and it might take different forms, it might even take more effort, more patience, and perhaps more courage, not only on the part of the client, but on the part of the lawyer. Relentless engagement is part of relational practice. Try it. And try again. And, if you are stonewalled, then perhaps a lawsuit gets filed. A lawyer who is practicing relationally will then soon file a "Motion to Mediate." I first wrote about motions to mediate over twenty years ago. Since then, Courts love to see motions to mediate. It shows good faith. It shows a good civil practice. It shows a relational practice. Try, try, try again. Practice relationally. Live relationally. Your grandmother knew what she was talking about. You'll create more well-being for others. And for yourself.

What do you think about a Relational Approach? If you have any reactions or stories you'd like to share re this article, please send them to Louise@BaltimoreMediation.com. Your views and stories are welcomed.

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