The Impact of the Apology on Communication and Negotiation

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Note: The PowerPoint is currently available on the CADRE website: www.directionservice.org/cadre/meierdingwebinar.cfm

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The Impact of the Apology on Communication and Negotiation

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Types of Apologies

Full apology

“I’m sorry; it is all my fault.”
(usually accompanied with a promise not to repeat the behavior; usually offered without defense)

Partial

“I’m so sorry that this has happened.”
(sometimes seen as an expression of benevolence; other times seen as strategically avoiding liability issues)

Partial and insincere

“I’m apologizing for the conduct that it was alleged that I did.”
(usually seen as a ploy to avoid responsibility; often seen as politically expedient or pressured, often called “the non-apology apology” )
The Impact of Full and Partial Apologies

- Situation: Clear fault
  - Full apology: 73% accepted the offer
  - No apology: 52% accepted the offer
  - Partial apology: 35% accepted the offer

- Situation: Shared fault
  - Full apology still had the highest settlement acceptance rate, but more people accepted the partial apology than when there was clear responsibility.

J. Robbennolt study (Dispute Resolution Magazine, Spring, 2004)
More Types of Apologies

- Unilateral or bilateral
  - From one to the other or reciprocal

- Contingency and/or transactional
  - In exchange for something

- Public or private
Even More Types of Apologies

- Rapport
  - relational goal; not necessarily an acceptance of responsibility

- Ritual
  - restoration of relationship and rebalancing power

- Cohesion or dispersion
  - restore relationship or leave without guilt/anger
Attitudes Towards Fairness

- Legal standard of fairness
- Equitable standard of fairness
- Cultural standard of fairness
- Faith based standard of fairness
Need to Save Face

Difference between:

- **Ego** – individualistic cultures

- **Loss of face** – collective cultures

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Timing

Ripeness
- Too little – too late
- Too much – too expedient
Level of Emotion

- Comfort level of the parties – may be gender and/or culture based
- Comfort level of the mediator
- Be aware of your own bias towards the level of emotion
Level of Sincerity

- Not necessarily related to the level of emotion that is shown
- Acknowledgment of responsibility?
- Repentant? Remorseful?
- Offer of reparation or restitution?
- Changed behavior?

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Apologies in Mediation

Why may an apology be important? Some reasons include:

- **Reconciliation** (which may mean either a ritual, rapport, partial, private, cohesive apology – but not necessarily a full apology)

- **No repeat offense** (which may mean a full apology – but it could be that a partial, sincere apology with an offer or guarantee not to do the behavior may be acceptable)

- **Restitution** (which may mean a contingent, unilateral, confidential apology)

- **Restore reputation** (which usually means public, but could be full or partial, unilateral or bilateral, contingency or transactional apology)
Apologies in Mediation

- Who should make the apology?
  - Party to party, mediator on behalf of the party, leader of group?

- Who should be there?
  - Attorneys? Mediator? Who else?

- What kind of apology is needed?

- Where should it happen?

- When should it happen?
  - In mediation? Outside of mediation? (Both?)

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Conclusion

- An apology should be “mindfully” made – understanding the complexity of how it should be delivered and how it may be received.

- Mindful apologies are just as sincere as spontaneous apologies. In fact, because they are thoughtfully done, they involve more reflection, thought, and intent.
Upcoming CADRE Webinar:

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