

The Last WORD

By Edward J. Walters, Jr.

IPSE DIXIT: ALL "TIED" UP

Vince Fornias (who we all miss writing in this space) tells this story about what happened at one of his mediations. Vince, of course, revealed no names, but you know who you are.

Many moons ago in Metairie, Vince had a mediation with a very well-dressed (and well-known) plaintiff's attorney. The parties were worlds apart at the start.

So Vince, being the skilled mediator that he is, worked all day and finally got them close, but they were at a spot where both sides dug in and said they were not gonna move. That's IT. Brinksmanship at its best, or worst. By late afternoon, despite every cheap trick imaginable, the parties were still \$10,000 apart on a potential deal of more than \$600,000.

The defense representative (whose fashion budget was quite obviously limited), vents, as he's getting up to leave the mediation, "If that plaintiff's lawyer with his fancy (flippin') tie thinks he's going to get another red cent out of me, he is sadly mistaken."

Is the end in sight? No. Vince guards the door. Time for a Hail Mary pass. He needs to get the two sides to a "WOWD" (a Way Out With Dignity). He asks the defense adjuster, "Just wondering, if I can get the plaintiff's lawyer to give up his 'fancy (flippin') tie' and present it to you as his battle trophy, can you call someone up the ladder and get an extra \$5,000?" Looking almost relieved and amused, the adjuster says, "You get me his tie, and I'll find the \$5,000." Vince says, "Cover me. I'm going into the other room." Do not try this at home. Void where prohibited.

In the other room, Vince comments to the plaintiff's lawyer that he has quite



a lovely tie, and that it must have cost a pretty penny, but certainly not 40 percent of \$5,000. He tells him, matter of factly, not to ask any questions but that if he will take off his tie and let Vince use it in the other room, he will come back with an extra \$5,000. The lawyer doesn't bat an eyelash. As he takes off his tie to hand it to Vince, he babbles under his breath, "Tell that so-and-so in there that he can have his tie — but that I'm walking out of here with my pants on."

Vince made it happen and got it all tied up.

Next time Vince mediated a case

with that plaintiff's lawyer, he came donning a starched button-down shirt, sport coat — but no tie.

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