

**2018 PROFESSIONAL MEDIATION INSTITUTE CONFERENCE**

**WE'RE REALLY SORRY YOU HAD TO BE HERE! --- THE POWER OF APOLOGY**

**Sunday, August 19, 2018 1:10pm – 2:10pm Orlando World Center Marriott**

**Thomas E. Glick, Esq**  
**Attorney and Mediator**  
**Center for Conflict Resolution**  
**Miami, FL**

**Robin Caral Shaw, Esq.**  
**Attorney and Mediator**  
**Law Office of Robin Caral Shaw, P.A.**  
**Boca Raton, FL**

**Some things to think about when asking for -- OR -- being asked for an apology:**

1. ***Four Reasons to Apologize:***
  - a. To show remorse or regret
  - b. To take responsibility
  - c. To repair or restore
  - d. To avoid future harmful behavior
2. ***Four Types of Apology:***
  - a. Tactical
  - b. Explanatory
  - c. Formalistic
  - d. Happy-ending
3. ***Elements of an Effective Apology:***
  - a. Take responsibility
  - b. For an action that caused real or perceived harm
  - c. Express remorse or regret
  - d. Express desire to restore / remedy / provide restitution
  - e. Avoid future harmful behavior
  - f. Voluntarily
4. ***Attorney-perceived Risks:***
  - a. May be seen as an admission of guilt / responsibility / fault
  - b. May be seen as a sign of weakness
  - c. May make a situation worse if poorly done
5. ***Apology as Used in Problem-Solving:***
  - a. Not always about money
  - b. May lead to closure
  - c. Goes directly to the sense of feeling injured
  - d. Acknowledges perceived or real harm done and acceptance of responsibility
6. ***Actions to USE in Mediation:***
  - a. Everyone should use ACTIVE LISTENING to be attentive to a request for or an offer of apology
  - b. Once raised, begin the discussion about the apology requested or offered (See #7)
  - c. Raise the need for sincerity
7. ***Actions to AVOID in Mediation:***
  - a. Don't insert your own beliefs or opinions
  - b. Don't minimize the importance or effectiveness of asking for/getting an apology
  - c. Don't deflect attention away from the idea of an apology
  - d. Don't dismiss the idea as not being "right" for the situation
  - e. Don't insist on going forward with an apology when client decides against it