

The Random Lunatic -- Always an Unhappy Surprise

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Ever had that experience when someone coins a phrase that perfectly describes something you could never find the word to describe? It happened recently during a fascinating conversation with “Lex,” head of a large law firm’s transactional corporate practice and an advocate for applying Legal Project Management (LPM) methods to deals and deal lawyers.

We were speaking about LPM scoping and planning and about the importance of identifying uncertainties, potential problems, risks and changes before they occur. “Yes, but when people think of all the things that might impact or derail a transaction,” Lex said, “they always think about *things* that might happen – new legislation, economic events, regulatory roadblocks, etc. There’s one factor that always comes up that no one ever talks about: the *random lunatic*.”

Lex was absolutely right: I realized instantly that I’d never been involved with an important case, transaction, negotiation, consulting engagement, workshop or even friendly collaboration that didn’t require a “workaround,” that is, some extraordinary effort to cope with a wild-card, loose cannon, know-it-all, know-nothing, saboteur, incompetent, dull-normal, tyrant, or other species of jerk.

Lex and I agreed that the worst kinds of random lunatics are those who behave like spontaneous and inconsistent forces of nature: volatile, impulsive, indecisive or mercurial on one hand, or devious, obstructive, hypocritical or implacably stubborn on the other. They can be adversaries who don’t play by the rules, grandstanders who try to hog the limelight, judges that don’t get it, or even your own firm’s subject-matter experts whose expertise you need but who blow your budget or annihilate your timetable.

“The random lunatics I often run into,” said Lex, “are the people who pay the money. They may not have skin in the game, but they control the purse-strings. They’ll deny that they are trying to give you a hard time, but then they lay some off-the-wall demand on you – often on a matter of form and not of substance.”

Lex and I agreed that random lunatics can lack both self-awareness and context awareness: they may not understand the effect they have on people, are tone-deaf politically, or simply don’t care who they offend. “It’s really not hard to trip them up or show them up,” Lex said, “but what’s the point? If I react, they just act more

outrageously. So part of my plan is to ask this question: Must I really rely on them for anything? If the answer is no, I disengage, firmly, politely if I can...but fast.

But, if the answer is yes, I pause to consider what need is driving their behavior, what gain they're trying to get out of this situation. If I can step back and get a handle on that, I find I may be able to respond to their need, rather than reacting to their behavior. After all, my job is to get the deal done, not make new friends. It's a little like Jiu Jitsu – rather than confronting or fighting, I leverage their own energy to take them where I want them to go.”

The key to minimizing the impact of random lunatics is superior planning. We may not be able to eliminate the “lunatic quotient” from our legal projects, but we can use LPM approaches to diminish the surprise and control the damage whenever and however it appears.

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