



# A MOST MEMORABLE CLAIM

CLM's ADR Committee Highlights the Importance of Understanding All Parties

By Cayce E. Lynch

**R**elatability was the underlying theme of the conversation I had with Rebekah Ratliff for the second article in this series from CLM's Alternative Dispute Resolution Committee. After all, how can we effectively resolve a claim if we do not attempt to relate to and understand the interests of the parties involved?

President of Capital City Mediations LLC, Ratliff boasts more than 25 years of experience as a former complex casualty claims adjuster and knows just how important relatability

and authenticity are to establishing trust in the pursuit of resolution.

**LYNCH: WILL YOU PLEASE SHARE SOME BACKGROUND ON THE CLAIM THAT LED TO YOUR MOST MEMORABLE RESOLUTION?**

**RATLIFF:** In this commercial premises liability claim, the insured was an owner of an apartment complex in Georgia. A group of teenagers got into a fight over an alleged stolen iPod, and a 16-year-old was tragically stabbed to death in the insured's parking lot by another teenager. The complex had a live-in security guard who saw the gathering of kids late at night,

but did not call the police despite it being obvious that a fight was about to ensue.

**LYNCH: OF ALL THE CLAIMS YOU HAVE HANDLED, WHY DID THIS ONE STICK OUT?**

**RATLIFF:** Over my career, I have handled a wide range of catastrophic liability claims and have seen just about everything—but this was one of the saddest and most senseless cases of my career. It is also a true example of my philosophy that claims are “the promise that we keep.”

As claims professionals, we are the customer service arm of the insurance



Cayce E. Lynch is administrative partner at Tyson & Mendes. [clynch@tysonmendes.com](mailto:clynch@tysonmendes.com)

industry, and we do our best to protect policyholders and make it right when a loss occurs. That is what I enjoyed most about working in this field. In this case, I was able to show the quality of customer service on behalf of the company I represented.

**LYNCH: WHAT WAS YOUR APPROACH TO HANDLING THE CASE?**

**RATLIFF:** We held a joint opening session at the beginning of the mediation process. We do not always do joint sessions in sensitive cases like this, so that alone made it unique. The joint session gave us the opportunity to say, “We are sorry this happened to you,” to the grieving parents, face-to-face. Too often, people do not take the time to say they are sorry, and that is why most lawsuits happen in the first place. I knew there was no way to truly compensate for the unimaginable loss of this child, especially given how it happened. Our goal was to find a way to somehow compensate them, while acknowledging that nothing could ever truly offset their loss. In civil cases, money is the only solution.

I always try to infuse humanity into every case and find a way to relate to the claimant on a level that would help me be fair and decent. I never let my defense lawyer partners dictate my handling of the negotiation experience, and I was successful in getting cases resolved because of my ability to discern the human condition.

I also have learned to hold on to my power. The insurance and dispute resolution industries are traditionally “pale, male, and stale,” so I am always out of my comfort zone, but I love being underestimated.

**LYNCH: HOW DID RELATABILITY PLAY A FACTOR IN RESOLVING THIS CLAIM?**

**RATLIFF:** The family of the decedent was Black. As a Black female, I knew that would be a factor in the case because I was the only other Black person in the room. This was not strategic; it was simply how things were. When I walked

**“I always try to infuse humanity into every case and find a way to relate to the claimant on a level that would help me be fair and decent,” says Ratliff.**



into the joint session, I could see relief on the family’s face because I looked like them. Throughout the negotiation process, I got the sense that the family really felt like I cared and would do what I could to make things right, even though I had to leverage the mediator to deliver some of the tough messages.

**LYNCH: HOW DID THE CASE ULTIMATELY GET RESOLVED?**

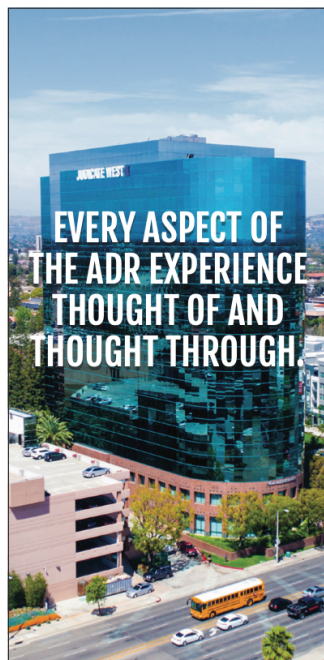
**RATLIFF:** The case settled for \$250,000, which had a meaningful impact on the family’s life. They had to live with the death of their daughter for the rest of their lives, and while no amount of

money would compensate for that, it was offered in a gesture to attempt to help them.

Despite the sadness of the situation, the mediation ended warmly. The mother of the decedent came over and hugged me. That hug released me from the anguish I felt about the tragic nature of the facts of that case. Lives were forever changed, including mine. It was clear that she knew I did the best I could to resolve the case fairly. Many times, people think claims professionals don’t have a heart. I believe she could see mine.

**LYNCH: GIVEN THE CURRENT PANDEMIC CRISIS, IT IS GOING TO BE QUITE SOME TIME BEFORE EVERYONE IS TOGETHER AGAIN. WHAT ADVICE DO YOU HAVE FOR COUNSEL AND MEDIATORS TO MAINTAIN RELATABILITY THROUGHOUT VIRTUAL MEDIATIONS?**

**RATLIFF:** Regardless of the venue, we must all show our human decency. I take “Rebekah” everywhere I go. We must also be authentically engaged and demonstrate that we are fully present, because that is the key to connection. ■



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