Lessons From a Mediator of Tragedies

Idea In Short

A prominent attorney built an unusual specialty administering compensation funds following national tragedies, work that required structuring one of the most emotionally difficult problems imaginable: assigning consistent, defensible monetary value to lost lives and lasting grief. His approach to that work, built around competence, patience, creativity and reliable data, offers genuinely transferable lessons in structured problem-solving and mediation under extraordinary pressure.

A Career Built on Impossible Problems

A prominent American attorney built an unusual specialty over several decades: administering compensation funds following some of the most difficult tragedies in recent memory, work requiring the extraordinarily difficult task of assigning consistent, defensible monetary value to lost lives and lasting grief.1 Watching him discuss this work reveals genuine composure, humor and mindfulness under circumstances that would overwhelm most people, qualities well worth studying regardless of profession.

A Body of Work Spanning Major National Tragedies

Over the course of his career, this mediator led compensation efforts connected to several major national tragedies and corporate crises, work that consistently required balancing legal structure with genuine human compassion for grieving families navigating unimaginable loss. Few professional roles carry comparable emotional weight: setting an economic value on a human life, then persuading thousands of grieving families to understand and ultimately accept that calculation.

Building a Formula From Almost No Guidance

The September 11th compensation fund illustrates just how little structure he had to work

with initially. The enabling legislation passed within hours, without any specific dollar appropriation and without clear guidance on who qualified or how awards should be calculated. Working largely without compensation himself for nearly three years, he built a methodology from that near-blank slate: combining an estimate of the victim's likely future earnings with a standardized non-economic amount for pain and suffering, then subtracting other compensation sources like life insurance payouts.

Compressing the Gap Between High and Low Earners

A deliberate design choice compressed the payout range considerably rather than applying a strict earnings-based formula. Comparing a lower-wage worker with a much higher-earning professional, the actual gap in compensation ended up far narrower than a pure formula would have produced, a conscious decision to soften the sense that some lives were valued dramatically more than others purely due to income.2

Reaching Nearly Everyone Affected

The fund ultimately distributed several billion dollars in compensation, reaching the overwhelming majority of eligible claimants, including undocumented workers who might otherwise have been excluded from consideration entirely. He later reflected that the process itself made him a considerably better listener, a skill that shaped how he approached every subsequent mediation.

Four Lessons in the Art of Mediation

He distilled his approach into four recurring principles worth applying well beyond crisis compensation work. Competence means knowing more about the underlying dispute than anyone else involved, earning credibility through preparation rather than authority alone. Doggedness means a genuine willingness to stay engaged as long as resolution requires, signaling patience rather than urgency to reach a quick but weak agreement. Creativity means recognizing there is always more than one path toward a workable agreement, thinking beyond an obvious first offer to find a genuinely win-win outcome. Reliable data means grounding claims in verifiable, reputable sources rather than relying purely on assertion or emotion.

A Humble Retrospective Doubt

Despite widely regarded success administering these difficult funds, he later expressed genuine reservations about the underlying premise itself, questioning whether it was truly just to compensate victims of some tragedies generously while other comparably devastating events received no similar program at all. He came to believe Congress may have been better served staying out of individual compensation decisions entirely, and doubted a similar large-scale program would likely be created again, viewing the circumstances that produced it as genuinely unique to a specific moment in history.

Why Consultants Should Study This Work

Consultants and lawyers ultimately share a common professional purpose: taking genuinely ambiguous, high-stakes problems and structuring them into something decision-makers can act on with confidence. Few examples illustrate that shared discipline as vividly as compensation work built almost entirely from scratch, under intense public scrutiny, with no established playbook to fall back on.3 Studying how a skilled practitioner handled that pressure, calmly, transparently and with a clear explainable logic, offers a genuinely instructive model for anyone facing a difficult, unprecedented problem of their own.

A Model for Structuring Any Difficult Problem

Beyond the specific, deeply sensitive subject matter, the underlying discipline generalizes well: even the most emotionally overwhelming, ambiguous problem can be structured into a fair, consistent, explainable methodology through genuine competence, patience, creative thinking and reliance on solid evidence, the same combination that separates strong problem-solvers from weak ones in far less extraordinary circumstances.

- 1Alternative Dispute Resolution
- 2Wrongful Death Claim
- 3Problem Structuring Methods

Summary

Structuring an emotionally overwhelming problem into a fair, consistent, explainable formula requires genuine competence, patience, creativity and reliable data, the same disciplines

that apply to any high-stakes negotiation. The clearest lesson may be humility: even a well-executed process left its architect uncertain whether the underlying approach should ever be repeated.