



# LEGALLY SPEAKING

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## April Showers Don't Wait Neither Do Difficult Conversations

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Special to Minnesota Lawyer

April has zero patience. It does not check your calendar, it does not ease you in, and it certainly does not wait until you feel prepared. One minute you are enjoying a hint of spring, and the next you are sprinting to your car in the rain (or, in true Minnesota fashion, waking up to a foot of fresh snow you thought we were done with), questioning your life choices.

Difficult conversations in the practice of law have the same energy. They show up when you were planning to have a quick call, they appear in emails you wish you had opened later, and they surface in mediations that seemed like they were going just fine until suddenly they were not. Just like April weather, pretending they are not happening does absolutely nothing to improve the situation. If anything, it makes it worse, because the conversations we try to avoid in this profession are almost always the ones that matter the most.

### The one you keep hoping will fix itself

Every lawyer has one, and if we are being honest, most of us have several. It is the client whose expectations are ambitious and who is slowly drifting further from reality while you tell yourself you will address it at the next call. It is opposing counsel whose tone keeps inching toward unnecessary, and instead of addressing it directly, you either ignore it or respond in kind just enough to keep things moving. It is the issue in the case that everyone recognizes but no one wants to raise because doing so will make the negotiation more complicated before it makes it better.

We see this play out in mediations all the time. On the surface, everything looks productive. Numbers are moving, positions are being discussed, and everyone is engaged. But underneath it, the actual barrier to resolution is sitting there, untouched, because addressing it requires a level of discomfort no one has quite committed to yet. The irony is that the conversation we avoid is usually the one that unlocks everything, and the longer it sits, the harder it becomes to address.

### Let's talk about the discomfort

Here is the part that no one particularly enjoys. These conversations are uncomfortable, and there is no tech-



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nique or framework that eliminates that entirely. But discomfort is not a signal that something is going wrong. More often, it is a signal that something important is happening and that you are at the point in the conversation where real progress becomes possible. The lawyer who is willing to step into that moment early retains the ability to shape it, while the lawyer who waits is often reacting to a situation that has already taken on momentum.

Consider the client who is frustrated with the pace of their case. You can respond by explaining timelines, procedure, and the realities of the system and hope that information alone resolves the frustration. Or you can take a step back and acknowledge what is driving the reaction, which is often a lack of control and uncertainty about what comes next. Walking the client through what is within your control, what is not, and what the next steps look like tends to be far more effective because it addresses both the legal issue and the human one. The same dynamic shows up in negotiations, where shifting the conversation from positions to risk and outcome often changes the tone entirely. When the focus becomes what happens if this case does not resolve, rather than who is right in the moment, the conversation tends to become more productive.

### You do not need to join the storm

There is a moment in almost every difficult conversation where tone starts to take over. An email becomes sharper than necessary, a call becomes more pointed, or a courtroom exchange takes on an edge you were not expecting. That moment presents a choice, even if it does not feel like one. You can match the tone and escalate, or you can step out of that dynamic and bring the conversation back to substance.

Some of the most effective lawyering happens in that decision. It is not about conceding anything or avoiding the issue. It is about maintaining control of how the conversation unfolds. When opposing counsel sends an aggressive email, a response that mirrors that tone may feel justified, but it rarely moves the matter forward. A response that calmly addresses the substance, without engaging in the tone at all, often resets the interaction more effectively than any direct correction would. The same principle applies in court. When a judge presses a point in a way that feels challenging, the instinct to defend can reinforce the concern. Taking a moment to acknowledge the question and adjust your response demonstrates control, preparation, and credibility.

### Say the thing

There is always a moment in these conversations where the real issue becomes clear, and it is also the moment most likely to be softened, delayed, or avoided. It is telling a client that their case carries more risk than they are willing to accept. It is telling opposing counsel that their position is not supported in a way that advances the discussion. It is acknowledging in mediation that the barrier to resolution is not about numbers, but about something else entirely.

The lawyers who are most effective are not the ones who avoid that moment. They are the ones who handle it with clarity. That does not mean being blunt or harsh, and it certainly does not mean being dismissive. It means being direct in a way that allows the conversation to move forward. Clarity builds trust, even when the message is difficult. Avoidance, on the other hand, tends to create more complicated conversations later, often at a time when the stakes are higher and the room for adjustment is smaller.

### And then there is the ethical piece

Difficult conversations have a way of bringing ethical considerations into

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sharper focus, often in ways that feel subtle in the moment. A client may want reassurance that goes beyond what the facts support, and it can be tempting to provide it simply to ease the conversation. Opposing counsel may suggest a path that feels efficient but questionable, and it can be tempting to go along to keep things moving. These are not dramatic decisions when they happen. They feel practical, even reasonable.

But they are also the moments where credibility is either reinforced or compromised. Clients remember whether you were honest with them, particularly when the information was not what they wanted to hear. Judges remember whether your representations were accurate and consistent. Opposing counsel remembers whether your word can be relied upon. These interactions are not separate from your professional reputation. They are the foundation of it, and difficult conversations are often where that foundation is tested.

## Takeaways: It's how we handle the moment

At PowerHouse, our neutrals spend a lot of time in the middle of difficult

conversations. Mediations, negotiations, client dynamics, and multi-party disputes are not interruptions to the work. They are the work. Over time, we have learned that these moments are rarely about having the perfect words. They are about having a consistent approach that allows you to stay grounded, maintain control, and move the conversation forward even when it becomes uncomfortable.

Here are a few of the principles we rely on when conversations start to turn:

1. If you are avoiding it, it probably matters. The conversations that feel the most uncomfortable are often the ones that are most necessary. Avoiding them does not make them easier. It usually makes them more complicated and more entrenched. Addressing them early creates options, while waiting tends to eliminate them.

2. Slow the conversation down before it speeds up. Most difficult exchanges escalate because they accelerate. People react quickly, respond emotionally, and move past the point of productive discussion. A deliberate pause, a reframing question, or even a reset of the discussion can bring the conversation back to a place where progress is possible.

3. Focus on what is driving the reaction, not just what is being said. Frustration, fear, uncertainty, and lack of control often sit underneath the words

you are hearing. When you respond only to the surface statement, you miss the opportunity to address what is causing the tension. When you identify the driver, the conversation becomes easier to guide.

4. Do not match tone. Reset it. One of the most effective ways to regain control in a difficult interaction is to refuse to mirror escalation. A steady, professional tone, especially when it is not being returned, has a way of shifting the dynamic without directly confronting it.

5. Move the conversation toward risk and reality. Positions tend to harden conversations, while reality tends to move them. Whether you are working with a client or opposing counsel, bringing the focus back to outcomes, risks, and what happens next often changes both the tone and the direction of the discussion.

6. Say what needs to be said, clearly and professionally. The most effective lawyers are not the ones who avoid hard truths. They are the ones who deliver them in a way that can be heard. Clarity, delivered with professionalism, builds trust and keeps the conversation moving.

7. Protect your credibility at all times. Every difficult conversation is also a credibility moment. Clients, judges, and opposing counsel are all forming impressions about your judgment and reliability. The way you handle pressure is often what defines those impressions.

## Let it rain

April does not wait for you to be ready, and neither do the moments in practice that require difficult conversations. The advantage does not come from avoiding those moments or wishing they were easier. It comes from recognizing them for what they are and stepping into them with purpose. When handled well, these conversations do more than resolve immediate issues. They build trust, establish credibility, and create momentum in situations where it matters most.

So, when the conversation starts to turn, resist the instinct to step back or delay. Step in, address what needs to be addressed, and move it forward. Because the lawyers who are willing to stand in the rain are the ones who ultimately guide the outcome.

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