
Research Digest

Thinking Inside the Box

One of the recommendations of the seminal *Getting to Yes* is “invent options for mutual gain.” The discouraging news from Jennifer Mueller, Shimul Melwani, and Jack A. Goncalo is that the next edition of that classic book may need this addendum: “but be prepared for disappointment.” People claim they want creative ideas, but when presented with ideas that are both novel and useful, they are often rejected.

The authors devised procedures to assess explicit and implicit attitudes toward creative ideas. They found a greater bias against creativity relative to practicality, and that this bias deters people’s ability to recognize creative ideas. Regardless of how open-minded people may be, they still have a preference for the *status quo* or for familiar ideas. They do not see novelty and practicality as attributes that go hand in hand. Novelty increases perceptions of risk and failure.

If people hold an implicit bias against creativity, it is likely that organizations will react in the same manner, despite a call for creative, “out-of-box” ideas. The authors suggest shifting the focus from generating creative ideas to identifying how to help individuals and institutions recognize and accept creativity.

Source: Mueller, J., S. Melwani, and J. Goncalo. 2011. The bias against creativity: Why people desire but reject creative ideas. *Cornell University ILR School Articles and Chapters*. Paper 450.

I’ll Give You My Answer in the Morning

Many key principles of negotiation theory derive from microeconomics and decision analysis. But for all the power of rational choice models, the human brain has other ways of formulating choices and making decisions, especially complex ones. In a recently published article, Maarten Bos, Ap Dijksterhuis, and Rick van Baaren suggest that putting some kinds of decisions aside and “sleeping on them” actually may lead to better outcomes. For negotiators the moral may be: get to yes . . . but not too quickly.

This study involved three experiments in which participants chose between two cars: one with few “fun” attributes (such extras as multiple cup holders) but many “quality” attributes (such as high safety rating and reliability), the other with lots of extras but few quality attributes. Participants had to either decide which car they wanted immediately or were given a distracter task then asked to decide. The results showed the distracted thinkers had a stronger preference for quality cars than did the immediate decision makers, and support the idea that unconscious thought

leads to automatic weighting and that unconscious thought is an active process that contributes to decision making.

Source: Bos, M. W., A. Dijksterhuis, and R. van Baaren. 2011. The benefits of “sleeping on things”: Unconscious thought leads to automatic weighting. *Journal of Consumer Psychology* 21: 4–8.

Novel Approach for Malpractice Claims

Reportedly more than 90 percent of filed legal claims never go to trial. But as a recent study by Dwight Golann indicates, even if that is true, it does not mean that all the rest are negotiated. Indeed, according to Golann’s analyses of medical malpractice claims, more than half (58.6 percent) were simply abandoned by plaintiffs.

Golann uncovered many different reasons that plaintiffs abandon claims, including their frustration with the length of the process, their discovery after obtaining more information that their claim is weaker than they thought, and unforeseeable events that occur while the claim is pending, including events related to the patient’s medical condition. One thing dropped claims have in common? They still imposed costs on patients, attorneys, providers, insurers, and the medical system as a whole.

This article suggests ways to avoid claims that will eventually be dropped. One is to create a more efficient process in which insurers and plaintiffs would exchange information more candidly. No such program currently exists, but Golann describes efforts by the University of Michigan Health System to aggressively investigate claims and quickly resolve those that had merit, and vigorously defend the ones that did not, while communicating more effectively with patients and learning from medical mistakes. This novel approach has greatly reduced the number of cases that system has had to litigate.

Source: Golann, D. 2011. Dropped medical malpractice claims: Their surprising frequency, apparent causes, and potential remedies. *Health Affairs* 30(7): 1–8.

A Change of View

In a recent essay, Ran Kuttner reviews recent mediation literature and finds a shift away from Western, individualistic assumptions to a more relational framework that reflects Eastern perspectives. He examines the relational foundations of the transformative approach to mediation and elaborates on the philosophical tenets of the mindfulness-based practices that are advocated by mediation scholars and practitioners who seek to integrate mediation with a Buddhist worldview.

Kuttner finds that Buddhist philosophy encourages a reexamination of deep-rooted philosophical assumptions and mental constructs, and may offer new emphasis, skills, and techniques to help parties overcome deeply rooted beliefs when in conflict.

Source: Kuttner, R., 2010. From adversity to relationality: A Buddhist-oriented relational view of integrative negotiation and mediation. *Ohio State Journal on Dispute Resolution* 25: 931-974.