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At the roulette wheel a few months ago, I asked a few players why they didn't slow down, put chips on fewer spots rather than all at once, and thus expose the chips to a greater number of wheel spins.

As the late-night losses mounted, these high rollers would place the bulk of their chips against one spin. They would lose, buy more chips, repeat the one-spin approach, and typically walk away from the table empty handed.

A couple of roulette players disagreed with me adamantly. They insisted, contrary to *my unsolicited commentary*, that they were actually increasing their odds of winning by playing 10 different spots on the table against one wheel spin.

My point in this illustration is how easy it is to focus on reducing the pain of uncertainty, with the result of a rushed, irrational approach to a situation. I tie this point to litigation and controversies further below.

Back to roulette, and for example, playing 10 numbers against one spin guarantees that you will lose 9 of the 10 spots, and most likely 10 of 10.

By contrast, placing fewer chips against a greater number of spins gives you a better chance that you might, for example, win the first 3 of 4 spins. With each spin you can assess whether you are up or down and whether you wish to continue or walk away. This is potentially more fruitful than walking away empty-handed on one spin.

I am not suggesting a more-spin approach gives you a better mathematical probability.<sup>1</sup> Rather, a more-spin approach gives you the opportunity to consider a greater number of options in assessing your wins and losses, and allows you to walk away while still holding chips, if you prefer.

Similarly in litigation and other controversies many individuals greatly shortchange themselves by elevating the reduction of uncertainty as the primary focus. The price for quick relief of uncertainty in many of these cases is greatly detrimental to a more favorable outcome.

This focus is frequently demonstrated by wishful statements, such as "I just want this to end" or "Can't we just tell them our position and they will understand?" or "Can't we just stop this?" or "This is so unfair and I don't care what happens" or "I find it unbelievable that they (the other side) are doing this", etc.

By contrast, effectively dealing with disputes requires a tolerance for the uncertainty, coupled with patience. Taking one strategic step at a time, contemplating the risk and reward of each step as part of an overall strategy, and focusing on winning the war, not merely ending the war.

Now, speaking of war, the best approach is a goal of avoiding litigation and controversies, especially by having in place preventive measures, planning, etc. But, if the only viable

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<sup>1</sup> The odds for roulette are not 50/50. They are worse. The double-zero roulette wheel (used in most casinos) gives the casino 55.25 odds of winning on every wager.

## The Roulette Wheel

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alternative ends up being litigation or some other controversy, clients need to be aware of the understandable tendency to focus on eliminating the pain of uncertainty.

As to winning the war, here are some of my favorite excerpts from the 2000 year-old treatise, called *The Art of War*, still applicable to most any dispute or controversy one might face:

There is no instance of a country having benefited from prolonged warfare. It is only one who is thoroughly acquainted with the evils of war that can thoroughly understand the profitable way of carrying it on.

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He will win who knows when to fight and when not to fight.

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The spot where we intend to fight must not be made known; for then the enemy will have to prepare against a possible attack at several different points; and his forces being thus distributed in many directions, the numbers we shall have to face at any given point will be proportionately few.

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Rouse him, and learn the principle of his activity or inactivity. Force him to reveal himself, so as to find out his vulnerable spots.

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Hence, when able to attack, we must seem unable; when using our forces, we must seem inactive; when we are near, we must make the enemy believe we are far away; when far away, we must make him believe we are near.

Excerpts from Sun Tzu, *The Art of War and other Laws of Power* (MobileReference. Kindle Edition).

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