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Explore Soft Leadership to Find the Fraud and Crack the Case

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Abstract

The purpose of this case study is to find the fraud and crack the case and resolve the property disputes and family conflicts amicably through soft leadership. It adopts the 11 C's of Professor M.S. Rao, the father of "soft leadership" — character, charisma, conscience, conviction, courage, communication, compassion, commitment, consistency, consideration and contribution. It provides a blueprint to resolve conflicts and disputes amicably. It emphasizes that family members and stakeholders must act according to the situation, with more emphasis on soft leadership for resolving property disputes to achieve a win-win outcome. It offers practical ideas and innovative tools and techniques to resolve property disputes and conflicts. It enlightens that conflicts cannot be eliminated in families and societies. They can only be minimized if stakeholders and family leaders adopt a proactive attitude. It concludes that parents must settle their property disputes amicably when things are good through open dialogue and discussion to ensure the healthy functioning of the family and set an example for their next generations.

Introduction

There are three things in the world that deserve no mercy, hypocrisy, fraud, and tyranny. — Frederick William Robertson

Stephen received confidential information from one of his close relatives that the share of a property from his mother Sarah was taken by his brother Wilson – illegally. He never believed in hearsay. Therefore, he checked the registered property documents online and was shocked to find that his share of the property was transferred by Wilson. He rechecked the registered documents and confirmed that his mother Sarah transferred his property share to Wilson. He found the images Sarah and Wilson with fingerprints and two witnesses. One of the witnesses was his nephew, Peter. He took the encumbrance certificate and printouts of all documents

to show as evidence. He could not digest because his brother betrayed him. He lived in Chennai in India with his wife and children to earn his livelihood. He visited his native place, Erode, in India, twice a year to see his aged mother who was 80 years old. Sarah had three daughters and two sons. Stephen was the older son and Wilson was the younger son. When his father, Dave, was on his deathbed, he expressed his final wish of giving away property equally to his two sons, Stephen and Wilson, in the presence of all family members. He asked his wife Sarah to execute his final wish since the property was registered in the name of Sarah. Dave discharged all the family responsibilities including spending money on the marriages of his three daughters. He decided to bequeath the leftover property of an old home to his two sons equally.

Stephen's mother wrote a Will in 2007 that the property would be given to two sons equally and the Will document was in Stephen's possession. Whenever Stephen visited his aged mother Sarah, she informed that the property was in the name of two sons equally and financial assistance from Stephen. Sarah instructed Stephen to give money to his sister Diane and Stephen acquiesced.

Stephen was unable to overcome the shock. It was a clear case of fraud and deceit in his family. He recalled his childhood and was hurt by the way familial relationships had deteriorated. He decided to discover the nature of the fraud and crack the case. He was hurt more about the betrayal by his brother than losing his property share. He had the following questions in his mind: Who was the main culprit perpetrating this deceit? He wanted to find out whether his mother Sarah was involved in these machinations and whether or not his sisters or brothers-in-law played a role.

Stephen visited his hometown and talked with his mother openly about the issue. He informed his mother that he had received confidential information that his half of the property share was transferred to his brother Wilson. Sarah avoided responding first and revealed that the property was in the name of two sons in equal shares. Sarah informed that she had given the property documents to her oldest daughter Sharon who kept them in her locker. Stephen felt that something was fishy somewhere. He was unable to find out whether the property was transferred with the cognizance of Sarah and Sharon. Several thoughts popped up in his mind. He was determined to find the fraudster and take action immediately.

Stephen invited two family elders, Marshall and Mark, the next day to his home to discuss the situation with Sarah. He asked his sister Diane to come as well to join the discussion with their mother as Sarah lived close by with her husband and daughter. She took care of mother Sarah. Marshall and Mark had inquired about the details of the property. Sarah informed them that the property was registered in her name only. They inquired further how the property would be divided. She explained that the property would be divided between two sons equally. They revealed to her that her younger son, Wilson, managed to get the entire property transferred in his name without her knowledge. She denied this explanation. To prove their point, they read aloud a copy of the land document received from the registrar's office. Instead of condemning the fraudulent transfer of the property by Wilson, Sarah accused Stephen of raising irrelevant and unpleasant issues from the past. When Marshall and Mark asked Sarah about the property documents, the latter revealed that the

property documents were in the possession of her eldest daughter, Sharon. Finally, they informed Sarah that the fraudulent transfer of the property by Wilson was illegal. They decided to confront both Wilson and Sharon to uncover the details of the suspicious transaction and to revoke the fraudulent transfer, thereby re-registering the property as per the wishes of Sarah. They added that they would discuss the situation with all family members and come to a final decision on how to divide the property in alignment with the family tradition. Stephen agreed to the resolution that the family elders would render.

Marshall and Mark met Sharon personally and informed her about the fraud. Instead of condemning the act, Sharon informed them not to interfere with the issue. She did not show the documents given by Sarah to safeguard. She also informed them not to disturb Sarah. They insisted that Sharon must meet Sarah and inform her clearly about the fraudulent transfer because the latter was old and suffering from age-related ailments. Since Sharon was the eldest member of the family, she must take initiative to resolve the issue amicably. But Sharon refused to act. Marshall and Mark suspected further problems because Sharon did not take initiative and tried to close the issue without further action. She also informed Marshall and Mark to keep their distance. Marshall and Mark informed Stephen about the developments and expressed their intention to stay away from the issue. Now, what should Stephen do to resolve the issue amicably and claim his share of the property?

Uncovering the Fraud

I can't do no literary work for the rest of this year because I'm meditating another lawsuit and looking around for a defendant. — Mark Twain

Here are the questions from this case study:

- Was Wilson the fraudster?
- Were there other persons involved either directly or indirectly in this family betrayal?
- Who masterminded the fraud? Was Sharon involved?
- Was there either direct or indirect involvement of the other two sisters, Diane and Terri?

Twists and Turns in the Case

The fraudster's greatest liability is the certainty that the fraud is too clever to be detected. — Louis J. Freeh

The following detail some possible twists and turns in this case study:

- Wilson might pressure mother Sarah that the latter registered the property to the former at her will to clear his name from the fraud.
- Sarah, Sharon, and Wilson can close the issue easily by informing the family elders that Sarah registered the property on the name of Wilson as he was taking care of her. She can claim that she forgets things easily because of her old age. So, she forgot to tell the family elders when they came first to inform the fraud.

- Wilson and Terri might have been involved in this fraud as Terri's son Peter was one of the witnesses in the registered document.

Cracking the Case

If you love your country, you must be willing to defend it from fraud, bigotry, and recklessness – even from a president. – DaShanne Stokes

Undoubtedly, Wilson was the fraudster. Sharon was most likely involved in this fraud because she kept the documents given by her mother Sarah hidden. She must have checked the documents before secreting them. So, she had knowledge of the fraudulent deed and kept silent. She failed to take any initiative to resolve it. On the other hand, she hindered Marshall and Mark and asked them to stay away from the situation entirely.

When the documents were examined, one of the witnesses was Terri's elder son, Peter. He was of age and signed in testament. So, he was also aware of this fraud and must have informed her mother Terri and father Chris. His involvement in the fraud as a witness was evident.

When the family heads read the registered documents, Sarah did not accuse Wilson despite being cheated. Instead, she began to blame Stephen, indicating her culpability in so doing. At that same time, Diane was shocked to hear of the deceptive transaction, and her body language was unrevealing. Thus, she might have been unaware of this fraud.

Strategies

A lean compromise is better than a fat lawsuit. – George Herbert

The best leadership strategy is to use all available tools to achieve the desired outcome in this scenario. Several tailored solutions are as follows:

- Stephen must talk to his elder sister, Sharon, and younger brother, Wilson. Unfortunately, Sharon avoids family issues and Wilson evades direct confrontation. Therefore, Stephen must cooperate with family elders Marshall and Mark and other family members to achieve a mutually agreeable outcome.
- All stakeholders and family elders must have a dialogue and discussion to uncover the controversy and work to remediate it. If Wilson doesn't abide by the solutions offered by family members and elders, Stephen must file a legal complaint to rescind the transfer immediately. This must be done with the support of his mother Sarah to work together to create a partition of the property. Since the property was already taken by Wilson, Stephen must negotiate with Wilson to pay money as per the prevailing price for his share to exit civilly from this property dispute forever. It avoids legal hassles, spending money on lawsuits, and wasting precious time.
- The last option for Stephen is to forgive his brother Wilson for betraying him and sacrifice the entire property for his brother.

True Leaders Devise Blueprints to Resolve Conflicts Amicably

To put the world in order, we must first put the nation in order; to put the nation in order, we must first put the family in order; to put the family in order, we must first cultivate our personal life; we must first set our hearts right. — Confucius

Don't avoid conflicts. Resolve them amicably and earnestly. If you postpone conflicts, they become crises later which will be difficult to manage. At the same time, ensure that conflicts don't become chronic. Here is a blueprint to resolve conflicts amicably.

- Consult experts in the area of conflict when in doubt because everybody doesn't know everything.
- Communicate clearly. Shannon L. Alder once remarked, "The most important thing in communication is hearing what isn't being said. The art of reading between the lines is a lifelong quest of the wise." Ensure that all stakeholders are respected and treated with dignity and honor.
- Be a good listener. Avoid preconceived notions. Have an open mind to look at the conflicts to resolve them amicably.
- Maintain a positive body language. Observe the body language cues of others to identify their inner motives and intentions.
- Be cool and composed. Maintain a cheerful note throughout the discussion.
- Keep the doors of negotiation always open, if the negotiators do not reach an understanding.
- Focus on your strengths and overcome your weaknesses to do better in the negotiation.
- Find out the motives behind the conflict.
- Don't react. Act.
- Take breaks to recharge yourself and view the conflict with a new perspective.
- If the conflict is overwhelming, break it down into smaller pieces and address them bit by bit. However, ensure that you don't lose sight of the big picture.
- Be flexible and at the same time restate your points clearly and assertively.
- Stick to facts, not opinions.
- Observe the hidden reasons behind the conflicts to address them.
- Attack the issue, not the individuals.
- Emphasize similarities, not differences.
- Empathize with others.
- Strive for mutual success. Give concessions, if possible. Show a graceful exit to your opponent, if proven to be at fault.
- Close the issue and avoid boasting about your victory to avoid further complications.

Adopt Soft Leadership to Resolve Conflicts Amicably

We win by tenderness. We conquer by forgiveness. — Frederick William Robertson

Leaders adopt various leadership styles and tools to resolve organizational conflicts. They can adopt a soft leadership style to achieve the desired outcomes without adversely affecting the relations. Soft leadership believes in applying pressure to get things done. It doesn't believe in using force and violence. It believes in cooperation

and collaboration, not competition and compromise. It emphasizes persuasion, negotiation, discussion, and dialogue to resolve conflicts with people-orientation without compromising task-orientation. Soft leaders search for synergy and collaboration. They avoid aggressive posture towards conflicts. They explore various options to make the outcome a win-win result through persuasion and negotiation.

Professor M.S. Rao's 11 Cs and Soft Leadership

Leadership depends on three aspects – how you communicate with others; how you make decisions; and how you take action. When you can execute these three activities effectively you become a successful leader. However, to evolve as a soft leader, you must communicate with an emphasis on soft skills; make decisions by blending your head, heart, and gut; and take action keeping the ground realities and goals in your view without compromising task-orientation. There are 11 Cs that constitute soft leadership. They are character, charisma, conscience, conviction, courage, communication, compassion, commitment, consistency, consideration, and contribution. It is highly challenging for people to cultivate these 11 characteristics. However, if any person is able to acquire more than 6 of these traits, they get into the fold of soft leadership. *Figure 1* connects 11 Cs that collectively constitute soft leadership.

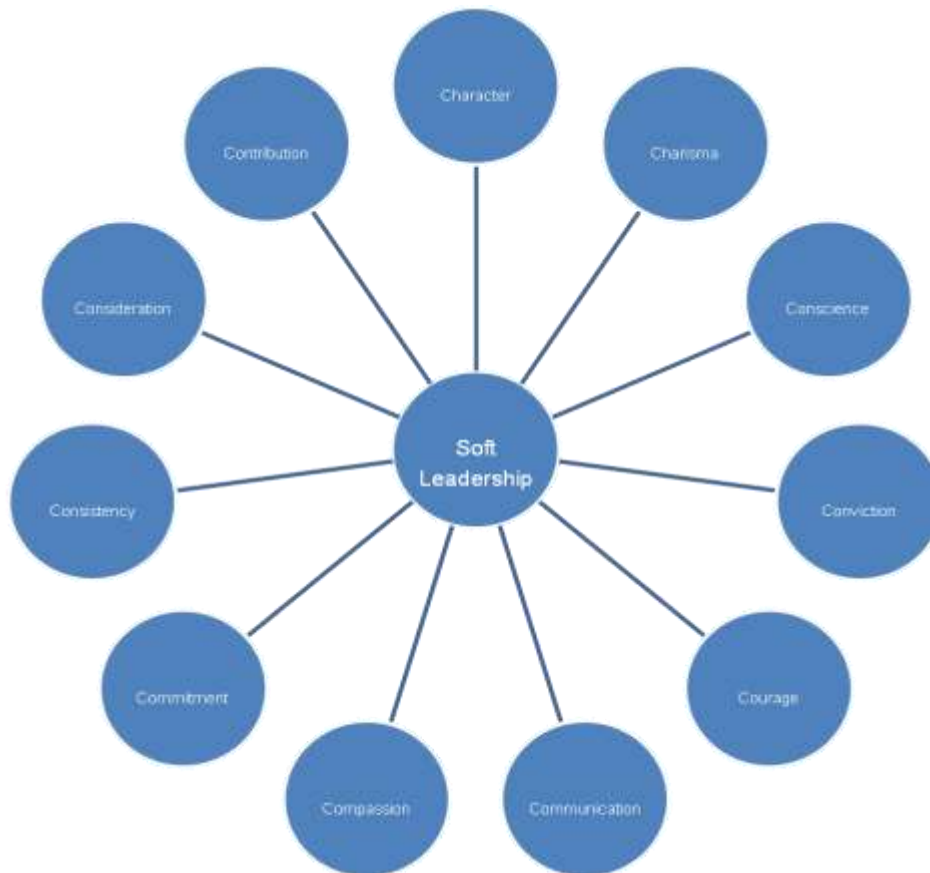


Figure 1: The Eleven Cs of Soft Leadership

Soft leadership is a blend of courageous leadership, thought leadership, servant leadership, and inspirational leadership. It suggests a soft approach rather than a hard approach. It believes in a transformational rather than transactional approach. It appreciates people-orientation rather than task-orientation. It underscores partnership rather than the so-called traditional command-and-control approach. It is the need of the hour for the new generation especially Gen Y who are eager to apply it to unlock their potential to contribute their best to organizations. It stresses soft skills rather than hard skills. It emphasizes personality, attitude, and behavior rather than technical competency or domain knowledge which can be acquired when people possess the right attitude and behavior. Succinctly, soft leadership can be defined as the process of setting goals; influencing people through persuasion; building strong teams; negotiating them with a win-win attitude; respecting their failures; handholding them; motivating them constantly; aligning their energies and efforts; recognizing and appreciating their contribution in accomplishing the organizational objectives with an emphasis on soft skills. It is based on the right mindset, skillset, and toolset.

Settling the Dispute

I was never ruined but twice: once when I lost a lawsuit, and once when I won one.
—Voltaire

After listening to Marshall and Mark, Stephen sensed that his elder sister Sharon was involved in this fraud indirectly. He decided to talk with Sharon to take initiative and be fair in the issue as she was the oldest member of the family. He tried calling her over the phone several times but Sharon did not pick up his call. He telephoned his mother Sarah in an attempt to better understand the situation. Sarah informed Stephen that she had registered the entire property in the name of Wilson. Stephen was shocked. He questioned his mother and her previous statements that both sons were equal and the property would be divided equally between them. Sarah informed Stephen that she had been lying to him for all these years. Stephen felt that he was cheated by his mother and other siblings. Finally, he approached a local political leader, Bob, who was not related to them and informed that he was cheated by his brother and siblings. Bob took the initiative and called Stephen, Wilson, and Sarah in for discussion and listened to them carefully. He chastised them and ordered them to give 40 percent of the share to Stephen and close the issue amicably and the remaining 60 percent to Wilson because Wilson was caring for his aged mother Sarah.

Summary

Rather fail with honor than succeed by fraud. —Sophocles

When Stephen talked with his mother, he recorded the conversation on his smartphone clandestinely. He also secretly recorded the conversation of his mother Sarah when family elders Marshall and Mark revealed the fraudulent transaction. They served as witnesses for all stakeholders to resolve the matter. Though research in this case revealed this act was committed at the behest of Chris and Sharon. To conclude, Wilson was the fraudster and Chris and Sharon were the abettors. It was a

clear case of betrayal and breach of trust. Hence, Wilson, Chris, and Sharon must be punished legally. Stephen was the hero who brought everything into the limelight with his intelligence and abilities and exposed the culprits. Bravo Stephen! He must take care of his aged mother Sarah.

It is obvious from this case study that truth cannot be hidden for too long. The truth will come out one day. It was not the money that mattered to Stephen but what bothered him was the betrayal of his brother and siblings. To conclude, parents must settle their property disputes amicably when things are calm and steady through open dialogue and discussion to ensure the healthy functioning of the family and set an example for their next generations.

Whoever commits a fraud is guilty not only of the particular injury to him who he deceives but of the diminution of that confidence which constitutes not only the ease but the existence of society. – Samuel Johnson

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