

DR PETER SPILLER

Decision Writing: LOPP FLOPP Method and Addressing the Cellophane Man

In the show "Chicago", the character Mr Cellophane Man laments that he is treated as being invisible and inconsequential. Unfortunately recipients of some adverse decisions and judgments feel the same. This occurs where the decision-maker does not expressly address the losing party's argument and point out what is wrong with that argument. The losing party is the party most interested in the reasons for the decision. The American formula for decision-writing is LOPP (setting out the Losing Party's Position) followed by FLOPP (setting out the Flaw in the Losing Party's Position). If the decision-maker follows this path, the loser will then have a better sense of having been visible and consequential. Natural justice requires that parties are given the opportunity to be heard, and that this process is seen to be done.