

## Negotiation

- **Active listening**

– Inquire » Ask questions in order to learn more about their perspective and to test your assumptions

*“What, specifically, do you mean by...”*

*“Can you elaborate more on your client’s interest in being compensated for her additional expenses?”*

*“Please help me understand how what I said made you feel unappreciated....”*

– Paraphrase » Show them what you heard, as a means of checking your understanding

*“So, if I am hearing you correctly, the things that have most upset you are...”*

*“It sounds as if, first, Sally really wants a fair salary; second, she’s interested in kicking off a comeback; third....”*

*“The main issues for the teachers’ union, as I understand them, are...”*

– Acknowledge » Demonstrate an understanding of their perspective and their feelings

\* **Benefits:** Meet a key interest of theirs » To feel heard

Learn new information about them » Stories, feelings, interests

They’ll be more likely to listen to you

Their attitude (or yours) may change

Breaks the cycle of argument

\* **Empathy: demonstrating understanding**

You inquire – they respond – you paraphrase – you inquire and test your understanding

\* **Key times to listen actively:**

When emotions are running high

When you don’t understand their perspective or attitude

When they aren’t listening to you

\* **BUT how do you usually listen?**

Judging » *“Doing it your way won’t work, and anyway, your facts are wrong.”*

Preparing our response: – Defending: *“But this wasn’t my fault!”* – Problem-solving: *“It’s obvious that you need to . . .”* – Anticipating: *“Oh yeah, this is just like what happened to my brother....”*

Daydreaming » *“I wonder if I can get another sandwich when this plenary ends...”*

### **\* Active Listening: Assumptions**

Some Limiting Assumptions

*“Listening is for those who are weak”*

*“I won’t persuade them by listening – I need to make arguments”*

*“Listening conveys agreement, and I don’t agree with them”*

Some Helpful Assumptions

*“If I listen carefully, I may learn useful information”*

*“If I listen effectively I can satisfy their interest in being understood”*

*“If I demonstrate good listening, it makes it easier for them to listen to me”*

*“I can listen without agreeing”*

### **• Dealing with Common Difficult Tactics**

Extreme demands, small concessions

Take-it-or-leave-it offers

Commitment tactics (my hands are tied)

Personal attacks, insults, emotional pressure

BATNA bashing

Threats

Dirty tricks, bluffing, lying

### **\* We react. We see only a few options:**

Play their game (and escalate)

Surrender (and give in)

Quit the game (walk to our BATNA)

### **\* BUT respond with:**

1. Internal work

PREPARE – early and often!

– Before heading into a tough negotiation, consider: » *What might this person say that would knock me off balance?* » *What might I say in response?* » *If I do lose my cool, what will I do to regain my balance?*

DIAGNOSE – do not simply react!

## 2. External work

Be purposive, not reactive, about your response. Consider your old options:

- Surrender or bypass (for now)
- Play their game (hopefully better, or else you lose!)
- Quit the game

CHANGE THE GAME... » Reframe » Name the game » Change the players

*Change the Game: Reframing*

Reframe their position to interests:

- *"Why is this term important to you?"*

Reframe positions to options:

- *"That is one option. What are some others?"*

Reframe positions to standards/norms:

- *"Help me understand where that number comes from."*

Name the Game and (Re)Negotiate the Rules:

- Describe your experience of the dynamic.
- Inquire as to their experience or purposes.
- Listen.
- Joint problem-solve for a new approach.

*Change the Parties Add, subtract or substitute:* On your side On their side Add a third party

- **Conflict Styles**

Competitors

Accommodators

Avoiders

Problem-Solvers

- \* **Conflict Tendencies:**

### *Problems for Competitors*

Too focused on the bottom line

Neglect long-term durability of agreement

Extract every last penny, hurting the relationship

### *Possible Approaches*

Consider win-win

Use legitimate standards

Focus on relationship

Ask questions and listen for interests

Don't gloat about your leverage

### *Problems for Accommodators*

Try to buy the relationship

End up with deals at reservation value

Bid against self

### *Possible Approaches*

Develop a specific, realistic BATNA

And be willing to walk away, politely

Set higher goals

Avoid making your bottom line your goal

Use a "competitor" colleague or an agent to help you ask for

### *Problems for Avoiders*

Leave key points of disagreement left unaddressed

Contracts are too vague or ill-defined

Allow conflict to simmer

Productivity and energy tire all negotiators

Give false sense of congeniality that is misleading

### *Possible Approaches*

Stay in the game: disagreement  $\square$  disagreeability

Address conflict explicitly and productively

Remember

**\* Implications**

Diagnose and Understand Your Own Conflict Tendencies

Learn to Manage Yourself! Broaden Your Repertoire

Diagnose and Understand the Tendencies of your Counterpart

Respond to Your Counterpart in an Appropriate Way

NOTE that Empathy increases information exchange and understanding without agreement

Empathy reduces needless defensiveness and escalation

*Soar with Your Strengths Manage Your Weaknesses*

**Maria Exercise**

- **Questions for students to consider**

Write down two things that you did that worked well for you.

Write down two things that you would do differently next time.

Write down two things that your counterpart did that worked well for her/him.

Write down two things that you would suggest your counterpart do differently next time.

- **BATNA**

SALLY SOPRANO:

BATNA Keep looking

Reservation Value: \$0 (or close to it)

LYRIC OPERA:

BATNA Secondary at \$28K

Reservation Value \$45,000

**\* For Maria**

\$35,000 in salary to Sally?

OR

\$30,000 in salary to Sally plus \$5,000 in additional promotion focused on Sally's star qualities?

OR

\$20,000 in salary to Sally plus Sally-focused promotion plus % of the gate (over break-even)  
plus % of sales of CD and video plus future work as singing coach for students in the opera school?

**\* Keys to Value Creation:**

1. Interests

- Explore interests deeply.
- Distinguish and uncouple interests from positions.
- Recognize an interest in the relationship.

2. Options

- Foster the invention of options to meet interests.
- Separate generating from deciding.

3. Criteria

- Use objective criteria to assist in the resolution of distributive issues; to create the value of fairness.

**\* Interests:**

1. Maria

Making a come-back in opera

Proving to the opera world that she's still good enough

Enhancing her reputation

Renewing her relationship with the Lyric Opera

Establishing a precedent of a high salary

Receiving treatment appropriate to her past fame

Be part of a successful production

Get the TV special

2. Opera

Successful run of Norma

Establishing the precedent of always paying only the appropriate salary

Not being taken advantage of

Use of the best available opera singer

Good box office sales

Providing and receiving adequate publicity

Managing risk downward

Reputation

- **During the negotiation . . .**

Ask questions.

Listen actively.

Probe beneath statements of position.

**\* Dilemma: What Information to Disclose?**

Without Disclosure – Missed Opportunities to Enlarge the Pie

With Disclosure – Risk of Exploitation

**\* Advice**

During preparation, develop reasons for your offers

Consider your concession strategy