

How to Negotiate Better in Three Steps Part Three

August 4, 2011

This is the conclusion of our three part series of articles on negotiating better. To any new readers, you may wish to begin by reading part one and part two. Links to the previous two parts are located in the Articles page of the website. To the returning readers, thank you for reading and I hope you found our negotiation series helpful and interesting.

Step three in our steps to negotiating better is collaborative brainstorming. We begin by looking at what is meant by the term brainstorming. Brainstorming is the process where the participants in the negotiation actively try to develop possible resolutions. Brainstorming is directly tied to step two – information gathering. It is essentially the process where you use the information you gathered and attempt to craft a solution from that information.

Brainstorming is sometimes used in connection with creative thinking or the cliché “thinking outside of the box”. While every attempt at brainstorming does not have to include unusual or outlandish ideas, remaining open to different ideas can move many negotiations towards resolution, especially if those different ideas grew out of extensive information gathering. Slightly changing the previously used automobile example, consider this scenario. You wish to purchase a car from a neighbor. The neighbor offers to sell the car for \$7,500 but you can only afford \$5,000. There are two common options available to the buyer: You can haggle over the price or you can purchase the car from someone else. However, it may be beneficial to consider other more unusual options. Perhaps through information gathering you discover that his daughter is interested in learning how to play the piano and perhaps your husband teaches piano in his spare time. Now you and the seller can consider a new option: he sells the car for \$5,000 and your husband gives \$2,500 worth of piano lessons to the seller’s daughter. The seller receives the value he desires and the buyer receives the price she can afford. Of course not every negotiation can work out this perfectly, but until you engage in information gathering and brainstorming you never know.

The negotiation participants can attempt to develop solutions individually, but the best use of brainstorming involves a non-isolationist approach. To fully utilize brainstorming, the participants should work together and attempt to create an atmosphere conducive to generating ideas. This collaborative approach may be counter-intuitive to many people more familiar with the traditional approach to negotiation. Traditionally, negotiation is considered a combative affair where each side uses the tools in his or her arsenal to beat the other side into submission while conceding as little as possible. However, the most common result of this approach is that both participants are mentally and emotionally bloody from the fight and neither is satisfied with the end result. Unfortunately, many people feel fighting is their only option. They say: “Adam, I agree that working together would be better, but it will not work with my situation”. In some cases that may be correct, but taking a collaborative approach regardless of the attitude of the other participant and using the proper brainstorming tools during the negotiation can often manage even the hottest conflicts.

It is important to personally commit to cooperative brainstorming regardless of the attitude of the other negotiation participant. It takes two to fight. If you refuse to participate in the fight even when the other side acts in an inflammatory manner, you essentially pour water on his or her fire. Therefore, it is helpful to have a good poker face and to not react when prodded. Even if the other side began highly combative, your calm demeanor will often calm them down.

Other brainstorming tactics commonly used in mediation will help as well. Many mediators will facilitate cooperative brainstorming by building on commonalities between the participants and emphasize any negotiation success. By focusing on what the parties do agree on, you build a sense of successful progression and foster future cooperation. Many mediators will also facilitate brainstorming by outright asking each side to brainstorm together. However, many negotiation participants are reluctant to freely express ideas because they are concerned the other side will latch on to any idea listed. Therefore, it is very important to stress that no one is committing to these ideas. Once all of the ideas are discussed and evaluated, the parties may then decide what they are willing to commit to. This process works effectively with or without a mediator. The negotiation only needs one participant willing to act as facilitator and focus on building cooperation.

This concludes our three part series on how to negotiate better. The steps discussed here are extrapolations of Interest Based Negotiation, a process developed by the Harvard School of Law Negotiation Project. If you would like to learn more about IBN, I encourage you to read *Getting to Yes* by Fisher, Ury, and Patton and you are of course welcome to contact me at The Sutton law Office with any questions, concerns, or feedback.

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Adam M. Sutton, Esq.