

How to Hone Your Negotiation Skills

Litigation and Dispute Resolution





Looking to advance in your legal career? Then refresh your negotiation skills. As I reflect back on the past year, nothing helped me fit into my new job more than demonstrating an ability to negotiate favorable agreements quickly.

As in-house counsel, if you develop a reputation as a skilled negotiator, business people will seek your input on their issues. You will achieve better outcomes faster. This will make you an essential player in the problem-solving process, giving you the coveted seat at the table. It is worth the effort to enhance your negotiation style and ensure mastery of the basic techniques. So, dust off that negotiation book from law school. Or find a new one, with one of the recommendations below.

The benefits

As a skilled negotiator, you can bring immense value to your organization, as well as positive co-worker relationships. Help the company and sales leads meet their targets. Smooth out a knotty vendor agreement problem for your product team. Settle an expensive case favorably for your CFO. Streamline the contract management team's negotiation process.

Plus, negotiation skills will be an asset when negotiating to achieve personal goals, such as increasing your salary, adding a new hire, or assuming a new position.

Room for improvement

Even a skilled negotiator can use a refresher. News reports are replete with cases where professional negotiators could have done better. For example, the US government was shut down for more than a month, and the UK Brexit talks are at an impasse. Could the negotiators have used different approaches to avoid these extreme outcomes?

What you can do

Now, you already know the basics: Plan for your negotiation; listen to the other side; and give and take. However, you can go deeper.

Refine your style

Look for ways to improve your negotiation tactics, and adapt to how you or your business has changed. Will something work better now that you have more authority, or now that your business has grown? Learn to read the room better and adjust to the circumstances and the personalities involved.

For example, in *Secrets of Power Negotiating*, Roger Dawson describes four basic personality types and suggests different ways to interact with them:

- ***Pragmatic.*** *Focus on practical issues, time, and the bottom line;*
- ***Extrovert.*** *Take time to discuss their family and interests;*
- ***Amiable.*** *Demonstrate progress, show concern for the people involved in the situation; and*
- ***Analytical.*** *Focus on facts.*

Such different personality types regularly present themselves to in-house legal teams. An "analytical" international partner had been withholding payment over a form. We couldn't obtain the form during the government shutdown. My team resolved the issue by providing a declaration from our CFO verifying all the facts.

Be systematic

Negotiation planning is essential, so make sure you are covering all the bases. For example, when faced with a standstill, referring to a checklist of options for breaking a deadlock can help.

Ed Brodow's Negotiation Boot Camp makes these suggestions:

- *Change the negotiators;*
- *Change the level of the negotiation;*
- *Change the location;*
- *Change the structure of the agreement;*
- *Take a break;*
- *Introduce new information;*
- *Confront the obstacle;*
- *Offer alternatives (e.g., ask "what if we tried…?");*
- *Make minor concessions; and*
- *Switch from combative to cooperative problem-solving.*

During an impasse I faced recently, I tried everything, including handwritten letters. Nothing worked. I kept throwing out new ideas after reviewing the list — still, nothing worked. But I kept the conversation going, focusing on building the relationship. Fortunately, circumstances changed eventually. We won the deal because we were still around.

Expand your toolkit

Books like Dawson's and Brodow's have several lists of negotiation techniques. Some of Brodow's includes:

- ***Flinch.*** *Show an immediate reaction of dissatisfaction to the other side's offer;*
- ***Squeeze.*** *Make the other side deal with a competing offer;*
- ***Nibble.*** *Give small incremental concessions;*
- ***Escalation.*** *Refer to higher authority, such as the CEO or board of directors;*
- ***Straw demand.*** *Ask for something that you are willing to give up later; and*
- ***Humor.*** *Yes, it is on the list. Brodow explains that it lightens up the discussion, makes it easier for you to be tough, and allows you to redirect attention when faced with a challenging question.*

Find one you haven't used before and try it out.

Use a familiar technique in a different way

Michael Wheeler's *The Art of Negotiation: How to Improvise Agreement in a Chaotic World* is all about creative improvisation, and he suggests studying how others use techniques in different contexts:

> *"If you run a supply chain, for example, read the sports page to see how pro teams try to balance their payrolls as they negotiate with superstars and journeymen. Or if you're in sports, pay attention to the foreign news and watch how diplomats forge alliances."*

Wheeler also provides interesting case studies about how skilled negotiators improvise: the purchase of a New York City block (completely different approaches were taken for each parcel); the return of a kidnapped family member (made an initial offer of US$50,000 and ended up paying US$100,000, when US$1 million in funding was available); and finding compromise in international negotiations.

So, pick up and read one of these great negotiation books from a best-of-list. It doesn't matter too much which one — I read three in the past year. Although I found it a bit repetitive, I listened to them as audiobooks before important negotiation meetings. Case studies like Wheeler's were inspirational, and helped motivate me and set the right mindset — like an all-star's entrance song as he walks up to the plate during the playoffs.

Then after you've had your refresher, pass it on to your company's contract management team so they can benefit as well. I'm confident you and your team will see much better outcomes.

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Noah Webster is chief legal & compliance officer for Everbridge, a global software company that empowers enterprises and government organizations to anticipate, mitigate, respond to, and recover stronger from critical events. In today’s unpredictable world, resilient organizations minimize impact to people and operations, absorb stress, and return to productivity faster when deploying critical event management (CEM) technology. Everbridge digitizes organizational resilience by combining intelligent automation with the industry’s most comprehensive risk data to Keep People Safe and Organizations Running.