

BUDDLE FINDLAY

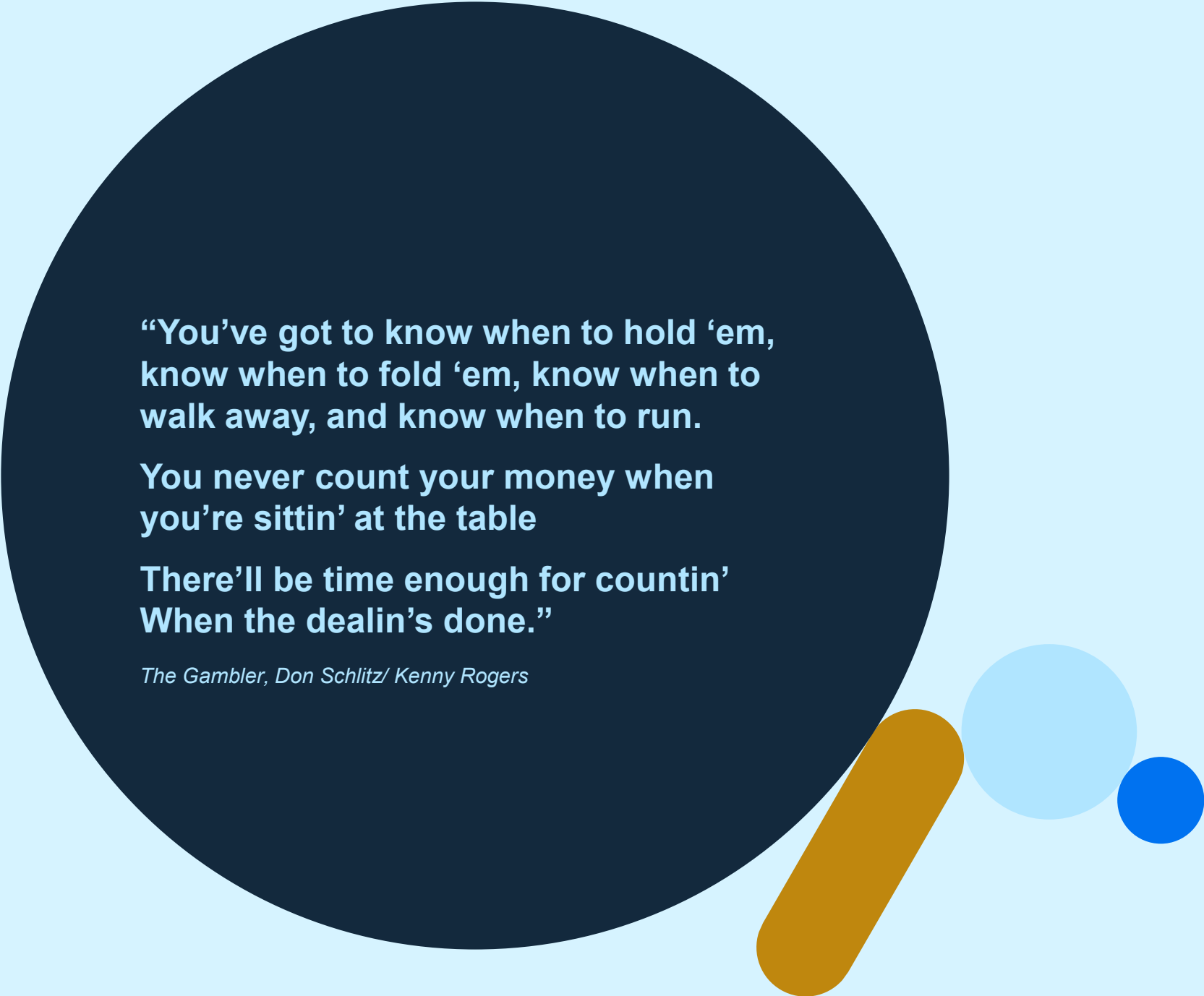
How to be a better negotiator

M2Woman

Jennifer Caldwell

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**“You’ve got to know when to hold ‘em,
know when to fold ‘em, know when to
walk away, and know when to run.**

**You never count your money when
you’re sittin’ at the table**

**There’ll be time enough for countin’
When the dealin’s done.”**

The Gambler, Don Schlitz/ Kenny Rogers

Introduction – why me?

- I'm a lawyer. Lawyers negotiate all day, right?
- I was trained to negotiate (BATNA!!)
- Career success surely requires great feats of negotiation amongst other acts of verbal virtuosity including:
 - Arguing, persuading, threatening, interrogating
- This is what my most recent negotiation looked like ...



"Fine, I'll get up and feed you! No need to get the lawyers involved."

Negotiation is a life, not a legal, skill

- Definition:

... a process in which two or more parties with some ability to influence each other, but without the ability to get their way unilaterally, communicate and interact with a view to making decisions on conflicts of interest or on problems which affect them.

- Features:

- Parties promote their rights and interests
- Parties adjust their positions and views in a common effort to achieve agreement
- Parties mutually determine what will transpire in the unfolding of each negotiation

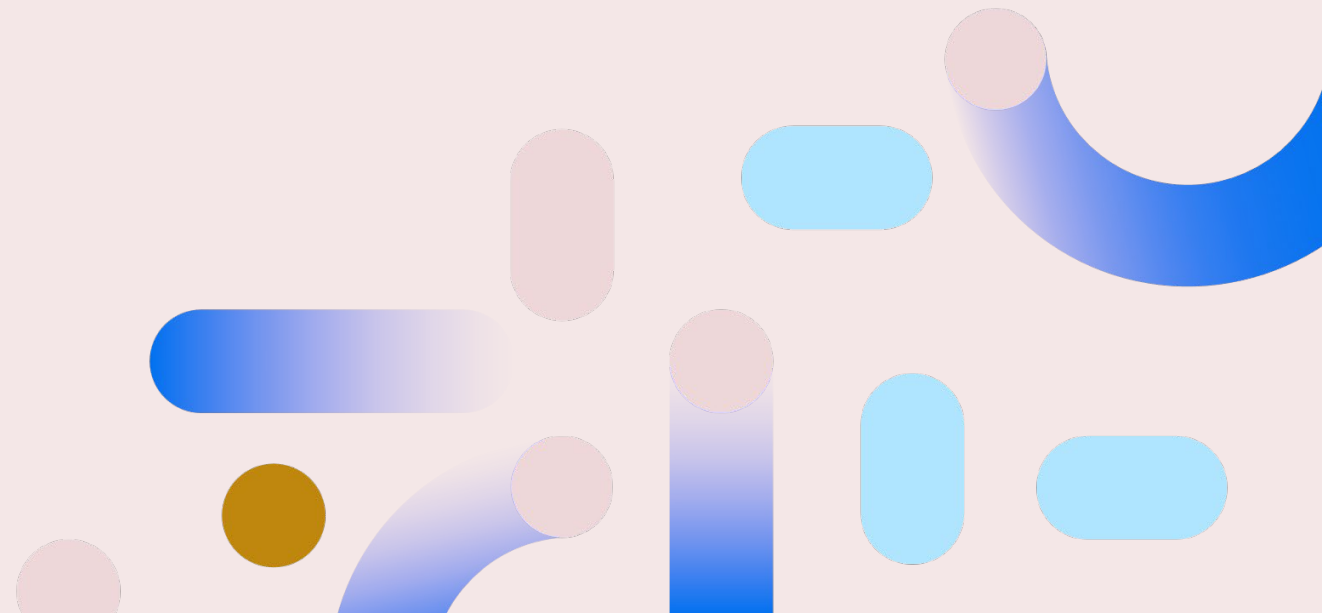
Source: Boulle: Mediation Principles, Process, Practice, 2nd Edition, 2005

In real life ...

- Parents negotiate with children
 - access to TV, devices, FOOD!, bedtime, curfew, study etc
- Employers negotiate with employees
 - salary, bonuses, promotions, deadlines, workloads etc
- Spouses/partners negotiate with each other
 - money/expenditure, household tasks, parenting, holidays etc
- Individuals negotiate. Companies negotiate. Governments negotiate.
- Negotiation provides a flexible and dynamic framework within which we can work with others to achieve our needs and wants.
- We can't avoid it, and we can learn to be better at it.

**The global environment is
currently awash with
examples of poor
negotiation skills.**

#whatnottodo





Real life negotiations

- History is built from both successful and failed negotiations
 - Treaty of Versailles to end WW1 (short term success, sowed seeds for WW2)
 - Israel/Palestine – over many decades (failure)
 - US-Israel-Iraq – 2026 (failure to date)
 - Northern Ireland Peace Accord – Good Friday Agreement 1998 (success)
 - Microsoft's bid for Yahoo! 2008 (failure)
 - Russia v Ukraine (failure to date)
 - Brexit!

What the experts say

- Prepare
 - What do you know?
 - What do you want to achieve?
 - Priorities & bottom lines – where are you willing to compromise? Or not?
- Get the listening/speaking ratio right
- Start with common ground
- Be courteous and respectful – it creates credibility and trust
- Know when to move on, and when to walk away



What I've learned

- It's possible for everyone to get **something** they want
 - Sometimes it costs you very little to make someone happy
- A good negotiated outcome is usually one where everyone is **slightly uncomfortable**
- Know your strengths and weaknesses - **self awareness** goes a long way
- Remain focused on the **big picture**
 - Don't burn bridges, especially if the relationship is important
- Remain **calm and positive**
 - bullying, over-confidence, arrogance, passive aggressive behaviour and personal attacks are pointless and destructive if you genuinely want to achieve an outcome
- If you can, **be open about your concerns** and why some proposals don't work for you – it's possible others can find solutions you haven't thought of

Great feats of negotiation!

- Airport to Botany Bus Rapid Transit Project
 - Five designations, 14km corridor through heart of Manukau City, @3,000 affected properties
 - 13 appeals to the Environment Court
 - Resolved through direct discussions and negotiations with appellant parties, and negotiated side agreements
 - No Environment Court hearings required
- The vanquishing of Southern Cross Pet Insurance – a personal tale

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Any questions?

