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Effectively Persuading Different Counterparts: **NEGOTIATION TIPS FOR LAWYERS**

By the SAB Negotiation Group

NEGOTIATION IS FUNDAMENTALLY PREMISED ON THE IDEA OF PERSUADING your counterpart to agree with you because they feel you are right or because they think you are right. The challenge, of course, is that—no matter how big or sophisticated the negotiation is—there is a human being on the other side of the table and different people may react differently to the same negotiation or persuasion strategy. Most of us are already pretty good at strategically preparing for a negotiation that involves finding out what your counterparty needs to hear to be persuaded—What are their interests? What risks are keeping them up at night? What options might they accept, and what will they

Negotiation Tips for Lawyers

reject out of hand? As important as these substantive factors are, there's something that many negotiators forget to take into account. Negotiating well isn't just about saying what the other person needs to hear, it's also how they need to hear it.

We've all had the experience of giving an argument or presentation to multiple people and seeing wildly different results. An explanation that leaves one person yawning will make another sit up and take notice; an argument may be a hit in one meeting and evaporate in another, making no particular impression one way or another. This may be the result of the content and diverse opinions about the merits of your position, but it could also be a problem of style. People simply respond differently to different styles of communication. Even if the content doesn't change, targeting the arguments and/or presentation to the audience can make a tremendous difference in how well it is received.

A SINGLE TARGET APPROACH

A classic negotiation trap is that most people structure their communication around a single audience: themselves. In other words, we tend to argue or negotiate with other people in the way we ourselves would want to be persuaded—by using the kinds of arguments that we find persuasive and interesting. One common approach in persuasion is the use of research and data to support a position. Whereas you might find scientific support for an argument very compelling, and tend to look for validation by experts when you hear a new proposal, others may be looking for other forms of evidence to be convinced. If you were talking to yourself, that would be a great strategy. When you're working with someone else, however, it's likely to fail unless they share your perspective on what is persuasive. Every person you interact with has their own set of preferences, and you need to match your commu-



Not every message is equally clear to every audience.

nication with those preferences to get the most persuasive value out of your work.

Understanding another person's style of communication is not always easy. In an ideal world, where we have unlimited time and access to information, the best way to craft an argument for our counterpart would be to really study the way they communicate and analyze the questions they ask and the answers they give. But inside a negotiation there's rarely enough time to really develop a de novo analysis like that. Therefore, communication experts have created a variety of different models to use to do that work for you. There are several groups that have

come up with ways to segment the personality profiles of your counterparts (eg, Myers-Brigg, DISC, and the like), but not all have them are useful in the negotiation context. The three-part model we use at SAB is designed to give people a more sophisticated set of tools specific to the negotiation and persuasion context but without unnecessary complexity.

Regardless of the model you choose to use to categorize your counterparts quickly and accurately, it is best to focus on a few axes to try and pin down how the other person likes to be persuaded, such as:

- ◆ Are they focused on **past success** or **future results**?
- ◆ Do they make decisions based on **emotional** appeal (how they feel) or **logical** arguments (what they think)?
- ◆ Do they care more about a solution **that's easy to implement** or the **specific details** of how the proposal will be structured?



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◆ Do they care about **what others have done** in similar situations, or are they focused mostly on **their own situation**?

Answering questions like these makes it easier to figure out how to structure a presentation or argument to be as persuasive as possible, independent of the content, by tailoring it to match the other side's communication priorities. If you don't know the answer to one or more of the above questions, then a properly prepared negotiator comes to a meeting with an argument designed for every perspective. It feels like more work in the beginning but, as you get better at it, you will find that it flows much more naturally and gives you a lot more control over negotiations.

A BROADER APPROACH

While it's easier to carefully tailor communication when you're working with

a single counterpart, you will often find yourself dealing with more challenging scenarios—both because it's hard to pin down a person's style that exactly and because most negotiations involve multiple people on the other side of the table. Understanding the axes that drive differences in communication styles makes it easier to plan for diverse audiences as well as for individuals whose styles are unclear. Consider the questions we posed above. Should you focus on the big picture or details? Emotions or logic? The past, present, or future? When communicating to more than one person (especially a larger group), you will likely need to do all of the above. As much as possible, make an argument that appeals to each persuasion profile along the way, so that no matter how the other side likes to communicate, they'll find something persuasive in what you're saying. If you're working with a large group, you want the big pic-

ture thinkers and the detail people to each think you're talking to them. A structural model makes this easier by giving you targeted messages to send to each profile within the group.

We tend to negotiate with other people as if we were talking to ourselves. Understanding and applying the persuasion profiles described above allows us to control the dynamic so that the other side of the table hears our message as if they were speaking it themselves such that they are most likely to be persuaded. ■

The SAB Negotiation Group is a specialized negotiation training and consulting firm founded by alumni of Harvard Law School which has consulted on over \$160 billion worth of transactions across six continents and 44 countries. They will be providing negotiation training at the Connecticut Legal Conference.



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