

Making Opposites Agree



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DISPUTE RESOLUTION = NEGOTIATION

Negotiation is a process of joint decision making about issues of common concern over which parties to the decision making process may disagree.

Strategies

- Information Gathering
 - Discover True Objections and Concerns
- Encourage Discovery of Options
- Facilitate Assessment of Options
- Establish Priorities
- Facilitate Discussion of Potential Results
- Manage Discussion and Fine Tune Details

Not a Win-Lose for Parties

Stages of Discussion

1. Exchange of Information – determine what the problem truly is
2. Empathy/Understanding – the parties must understand what the other is experiencing.
3. Support each view without agreeing with either party.
4. Distinguish Interest from Positions

Stages continued

5. BATNA – Best Alternative to Negotiated Agreement i.e.: What happens if we don't work this out?
6. Review Options
7. Discuss Options
8. Determine Choices

Keep Basic Communications Skills in Mind

LISTENING

- Quiet your mind
- Close your mouth
- Maintain eye contact
- Give them your attention
- Watch for non-verbal cues
- Clarify
- Avoid assumptions

More Basic Skills

SUMMARIZING

- Be concise
- Omit blame
- Choose your words carefully
- Ask for buy-in, i.e.: “Did I get that right?”
- Be cautious in paraphrasing

More Basic Skills

DEALING WITH EMOTIONS

- Stay Calm
- Lower your voice
- Acknowledge the emotions
- Allow for venting
- Do NOT allow abusive or violent behaviors
- Normalize their emotions
- Offer comfort
- Do NOT lose neutrality

More Basic Skills

EFFECTIVE QUESTIONING

- Neutralizing (Sincere Curiosity)
- Reframing (Negative to Positive, Past to Future)

Face to Face Meetings

Note* These meetings are rarely encouraged between buyers and sellers but are often helpful among agents, brokers, lenders, etc.

Face to Face vs. Telephone

- Body Language
- Distractions
- Breathing
- Focus
- Engagement
- Personal Space

Stay on Track

- Civil if not friendly greetings
- Each party states their 'case'
- Facilitator asks questions, clarifies, generates conversation about the issue and possible remedies
- Identify issues
- Cross-talk: parties gradually begin to communicate and negotiate
- Private meetings with Facilitator may be necessary but not always

Staying on Track continued

- Build the agreement
- Close – Restate: In some cases, a written agreement may be necessary. The Facilitator will write what the parties have agreed to.
 - Written agreement should be written in a language common to both parties, include specifics and focus on positive action.

Good Faith

- There is a presumption of good faith when problem solving. If either party is acting in bad faith success is not likely. The Facilitator may be better served to explain BATNA and end discussions or at least postpone.
- If parties are violent or aggressive, stop meeting (or discussion) immediately. Be firm and polite but end the situation.

Tips

- Stay Calm
- The louder they speak, the lower you speak.
- Build rapport. Look for common ground among yourself and the parties.
- Mirror their positive and neutral behaviors.
- Present Ideas and Options as hypothetical.
- Repeat common ground points.
- Get them to brainstorm with you.

Tips Continued

- Ask questions that lead rather than giving them the answer
- Encourage positive behaviors
- Shut up – be quiet and listen, make them fill the void.
- Don't share personal anecdotes. Rarely does this have a positive affect.
- Staying at the table without breaks usually forces the resolution, however there are times when parties are so stressed that a break is called for. Always a SHORT break.

Tips Continued

- Sincerity and sometimes a well timed apology
- Scripting – helping the parties to phrase options, apologies and other communication
- Identify new information
- When the parties are stuck on a point, shift the discussion to another point. You can go back later to pick up any necessary points.
- Break the problem down into distinct, separate pieces and deal with them individually

Tips Continued

- Pull back when they hit walls, redirect
- Keep working. It's not over if the parties are still there.
- Keep them humanized. Don't let them see each other as an entity.
- Comic Relief – don't make fun of either party. You can make fun of the small stuff.
- Trade – trade on issues of differing importance.

Tips Continued

- Mea Culpa – the Facilitator should take responsibility for misunderstandings. This diffuses the tension.

**Thanks for
Participating!**



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