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Be A Breakthrough Negotiator

Think about your last mediation. Did the mediator caucus with each side separately, probe each side's interests, and take the lead in developing an agreement that satisfies everyone's interests? Because mediators traditionally take the lead in the mediation process, establish ground rules and present proposals, the parties usually perceive them as authority figures. In some instances, this structure can result in parties having a passive mindset, causing them to feel powerless over their own fate.

By contrast, breakthrough negotiators don't view their negotiating situations as preordained or fixed. Instead of getting mired down in reacting to counterparts' moves, they shape their situations. Here are some breakthrough tips:

1. Mold the structure of the negotiation by involving the right people, which may include more than just the parties. Would an expert or third party help clarify some issues? Would a family member or trusted friend help keep a party grounded and focused? Are there others with potential exposure that need to hear the discussion?
2. Take control of the agenda, by determining which issues will be discussed and when.
3. Create linkages that bolster your negotiating power. Knowing your best alternative to a negotiated agreement (BATNA) can increase (or decrease) a negotiator's power at the bargaining table. Simple awareness of an alternative can influence negotiator behavior.
4. Manage the "negotiation tempo," the pace or speed at which a negotiation travels from its beginning to a formal agreement. Some negotiations move quickly and others move more slowly. Variations in the timing of responses may signal that certain offers or counteroffers are becoming more difficult to obtain, or that a party is reaching the end of its authority.
5. Give the parties responsibility. Instead of shuttle diplomacy, have a joint session with the mediator, where the parties and counsel work together to resolve their differences. Or, in certain cases, a face to face meeting with just the parties, under the watchful eye of the mediator, can help resolve their differences. Allow this only if you trust your mediator's instincts, and if all counsel agree to that format.

Be a breakthrough negotiator to enhance the results of your next negotiation.