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## **Go Below The Line**

In competitive negotiations, people usually come to the table to talk about their issues (concerns) and positions (how they want to divide the value in dispute). Less obvious in a negotiation are the *interests* that lie underneath the stated issues and positions. By focusing on interests, instead of positions, you go “below the line,” to discover the underlying reasons that are driving the parties’ conflicting positions.

Interests are as varied as the people who bring them. A substantive interest relates to the issues of the negotiation and the positions taken. A defendant’s interest to extend payments over time may be due to an interest in the security of knowing there will be enough funds to both cover the settlement and meet the company’s monthly payroll. A relationship interest involves a desire by one or both parties to maintain a future business relationship. An undisclosed interest of a grieving parent may be, more than just receiving settlement money, that her child be acknowledged and remembered for the wonderful person she was while alive. A CEO may have a face-saving interest in being able to demonstrate to his Board of Directors that a settlement does not compromise the company’s business principles.

Go below the line and discover the interests that motivate the conflict. Finding them can provide additional resources to achieve settlement.