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Schmooze It

In the rough-and-tumble world of litigation, animosity can sometimes develop among warring lawyers (or company principals), caused by an offensive comment (sometimes intentional), or a sharp tactic that creates mistrust. When that animosity is brought to the negotiating table, it can affect the dynamics of resolving the underlying legal dispute at issue. In contrast, negotiators who take the time to build a good working relationship can use that rapport and trust to reach a strong agreement.

“Schmoozing” is one of the best ways to build rapport. An experiment conducted by Professor Janice Nadler (Northwestern Law School) showed that negotiators who engage in small talk before they start bargaining felt more cooperative toward their counterparts, shared and reciprocated more information, made fewer threats, and developed more respect and trust than those who skipped small talk. Small talk created rapport before bargaining even began. In fact, the “small talk” negotiators were four times more likely to reach agreement than their “no small talk” counterparts.

Informal chats provide an opportunity to establish common ground, and reveal your personality and interests, even if the conversation topics are relatively trivial (such as sports, travel, movies, etc.). We are more likely to say yes to people we like, such as those we perceive as sharing similar values and interests.

Don’t overlook the opportunity to increase rapport, and the likelihood of achieving the most beneficial agreement possible.