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## **What Are They Thinking?**

It takes creativity to avoid a negotiation deadlock when parties refuse to budge from a position. To understand why they keep saying no, the late Harvard Law School Professor Roger Fisher suggests we ask ourselves: What is the primary decision those on the other side see themselves as facing? How do the pros and cons of that decision appear to them? Analyze the existing situation as it appears to them today, by building on what we know and what we can guess.

First, identify which decision maker you are trying to influence. Is it the obvious leader whom you have been framing as the adversary, or might there be another individual or small decision making group to persuade?

Second, identify the decision that the party thinks he or she is being asked to make. Typically, there is more than one specific decision being sought, and usually several different ways of formulating each of them. What are they being asked to say yes to?

Third, try to estimate the consequences of possible importance to the person you are trying to influence by running through a short checklist, phrased from the decision maker's point of view. The sample checklist of questions below may help you identify such consequences:

### **For my company**

Will we lose future bargaining leverage?

Will it affect other deals or litigation?

What is the financial impact?

How will it affect our reputation in the press and industry?

### **For me personally**

Will I lose power? Face?

Will I be criticized?

Will I be able to explain and justify the decision easily?

How will it affect my reputation?

### **For my Board and colleagues**

Will they support me?

Will they like the decision?

### **As a matter of policy**

Is the decision consistent with our principles?

Is it the right thing to do?

Will it set a good precedent? A bad one?

**Other options?**

Is this a fading opportunity?

What do we lose by waiting?

Can we make the decision and keep other options open?