

White Paper

Negotiating for Excellent Results

*Have you got what it takes to be a **great** negotiator?*

How to get the best deal in all your business transactions

A practical guide to becoming an excellent negotiator

By Justin Patten
Negotiator, mediator and employment law specialist

This paper provides detailed information on the skills and abilities needed to undertake successful business negotiations. Drawing on fourteen years experience as a lawyer and mediator Justin Patten details a **10-step plan** for effective negotiations together with advice on the skills you need to get optimum results when you negotiate

After reading this report you will be able to:

- Recognise when to try and negotiate
- Negotiate with power and persuasion
- Understand when you might be better asking someone else to negotiate on your behalf

This paper will help you:

- Plan for and execute effective business negotiations
 - Use a systematic approach and achieve win-win results
 - Identify areas for personal development
-



Human Law Mediation
911 Green Lanes
London, N21 2 QP
Tel: 0844 800 3249
www.human-law.co.uk

Contents

	PAGE
WHAT IS NEGOTIATION & WHY IS NEGOTIATING CRUCIAL IN BUSINESS?	3
THE SKILLS OF NEGOTIATION:	5
BASIC NEGOTIATING SKILLS	5
YOUR NEGOTIATION SKILLS	6
NEGOTIATION TIPS FROM THE EXPERTS	7
ADVANCED NEGOTIATING SKILLS	8
THE BEST NEGOTIATORS AND HOW THEY SUCCEED	9
HOW TO NEGOTIATE - 10 STEP PLAN FOR EFFECTIVE NEGOTIATIONS	11
WHAT TO AVOID WHEN NEGOTIATING	15
A WORD ON WRITTEN NEGOTIATION	16
HOW YOU BECOME AN EXCELLENT NEGOTIATOR	17
ACTION PLAN	19
WHAT WILL YOU DO TO BECOME A BETTER MEDIATOR?	
NEXT STEPS	21

What is negotiation and why is negotiating crucial in business?

“A victorious army wins its victories
before seeking battle”
Sun Tsu – the Art of war

Negotiation is something that we do all the time, we use it in our social lives in deciding where to go on holiday or what time the children will go to bed. We use it to make sure we don't pay over the odds when haggling in a Turkish bazaar or agreeing a price to part-exchange our car. And we use it in business to get the best result for our companies and organisations.

Negotiation usually involves a discussion and compromise to settle an argument or issue.

Negotiation may involve just two parties or a group of parties; it may be between individuals or organisations, or in the case of political negotiations, between whole nations.

Negotiations can be carried out face-to-face, over the telephone or in writing. The most immediate being face-to-face. The majority of the comment in this White Paper refers to face-to-face negotiations, although the principles discussed apply in much the same way for written negotiations too.

WARNING!

Negotiation is NOT...
... a fight or battle to the death
... about winners and losers
... for the faint hearted or ill prepared

Why negotiate?

This is a crucial question at this stage in the White Paper. Our premise is that by negotiating you can achieve the result you want. Some might say that in the case of a business dispute you could achieve the result you want by taking the case to Court – but of course there are no guarantees the outcome will be in your favour or that the costs involved can be fully recouped.

In the case of a business disagreement or situation where you want to get a better deal from a supplier or customer negotiation should at least be considered as a first step and often will be the only step needed.

When to negotiate

Negotiate when...

... you need a customer to accept a higher price, later delivery date or poorer quality of service than they were expecting

... you are struggling with cash flow and need to keep both the bank manager and your suppliers happy

... you need two employees who don't get along to work together on an important project

... your team members all decide they want to take holiday at Christmas and you need someone to cover the office

... your print supplier has just put up costs by 20% and you need to reprint all your stationery

... your cleaning company has not been doing a good job yet they keep sending you monthly bills

A word about mediation

Mediation is a form of negotiation which enables parties to settle cases without having to go to Court.

Effectively the mediator acts as a catalyst between the parties to enable settlement.

It is a very quick inexpensive and private way of settling any dispute from one worth many millions of pounds to one worth a few hundred. It can be used between persons or corporations in any country or countries, within and across international boundaries. It is particularly appropriate when the parties wish to have an ongoing business relationship in the future.

It works well however many there are in the dispute and whatever the dispute is about.

Generally it is a more cost effective way of resolving disputes than litigation and succeeds in more than 70% of cases.

The Skills of Negotiation

Basic negotiation skills

All of us have access to a skill set which includes the ability to negotiate – it's just that some of us have honed our skills more carefully than others.

What are the key skills of a good negotiator?

1. **Planning** – you will only get the 'right' result from a negotiation if you have a detailed plan as to how you will conduct the negotiation, and that includes a thorough understanding of what's non-negotiable and what you are willing to settle on.
2. **Listening** – to be able to hear what the other side really wants and where they might be willing to give way. This involves not just finding out what the other party wants but *why* they want it.
3. **Persuasion** – getting others to see your point of view – good verbal communication skills will certainly help.
4. **Empathy** – great negotiating isn't about winning – it's about getting a good result for both parties. Look at the situation from the other party's point of view. Don't overlook differences, simply negotiate them. What are the other side's goals? What are their issues? What are their constraints?
5. **Patience** – trying to push too soon for a result could leave the negotiation in trouble. There is a time to push hard and there is a time to bide your time. The effective negotiators particularly understand that you cannot just jump in and ask for everything that you want.
6. **Confidence** – or maybe this should be courage in your own convictions. The good negotiators do not shirk from what they want. As they have prepared they have the know-how to get the desired result.
7. **Preparation** - Master the substance of the matter. One of the biggest flaws of negotiators is not poor preparation but no preparation.

Your negotiation skills

Think about the list of basic negotiation skills and rate your own performance for each one. Then think about activities you might undertake to improve that particular skill for example:

When you feel annoyed with your children and want to snap at them, can you stop yourself blowing up?

When you look to purchase a car, can you plan how to make an offer? Can you think at which point you will make that offer?

When you have a problem with an employee under your supervision, can you listen carefully prior to making a response?

When you have to challenge someone can you keep your emotions in check?

Skill area	Current skill level Rate 1 – 10	Action to improve
Planning		
Listening		
Persuasion		
Empathy		
Patience		
Confidence		
Preparation		

Negotiation Tips from the Experts

People who negotiate for a living use a whole series of skills and techniques – some of which are very easy to emulate. But they do take practice.

Here are the Human Law Mediation top 3 tips:

When you negotiate listen more

Listening is not passive. One can control the negotiation process by simply listening well. When we listen well, we gain the trust and confidence of others. When people are encouraged to talk, they tell us their needs, their wants, their dreams, and their plan of action; in short, they give us information.

When we truly listen to people, we make them feel important, particularly if we are making good eye contact while listening. The problem is that most of us don't truly listen when others talk. We just can't remain silent long enough to really hear them. Chances are we are just marking time until we can jump in and start talking. In the negotiation context every time we do talk, we open ourselves to being vulnerable.

The 10-second strategy

Silence makes most of us uncomfortable. In today's world, there is noise all around us, from the cell phones ringing, to the iPod in our ear, to chats around the water cooler. We are conditioned to noise, not being silent.

Try this test:

The next time you are negotiating with another party, and they say something like "well, that's my offer," don't utter a word for 10 seconds. It's practically guaranteed they will jump in with another offer or more information, anything to break the silence. When you get comfortable with 10 seconds, bump it up to 20 seconds. The silence will hang like lead and drive 'em crazy!

Ask questions

A good way to learn silence is to ask questions, another secret weapon of successful negotiators. The person asking the questions controls the conversation. While you can get information from the person answering the question, generally if you have done your homework, you should already know the answer before you ask.

Lawyers are taught to never ask a question without already knowing the answer; good advice.

What you are really doing here is getting the other person to talk, perhaps to verify your information, but really to feel more comfortable working with you, and therefore to trust you.

Advanced negotiation skills

The expert negotiator seems to have an innate knack of knowing just when to add pressure and when to back off. They are the one's who can spot buying signals, who recognise impending entrenchment before it actually happens and who can switch roles from opponent to advocate seamlessly.

Great negotiators include skilled mediators and lawyers.

The expert negotiator displays exceptional abilities in the following areas:

- **Advanced questioning skills** – by asking just the right question, at just the right time an expert negotiator can uncover the real barriers to settling a dispute, and once they are out in the open they are far easier to address
- **Rapport building** – being able to get along with people is a true skill of the best negotiators. If you are the kind of person who can see things from another's perspective you have a good grounding to be a great negotiator
- **Openness and honesty** – although you might argue that a great negotiator doesn't necessarily have to show all their cards they do need to be seen to be open and honest, to build trust with the other side.
- **Avoid making quick and unconditional concessions** – Once each party has made an initial offer it is time to take measured steps towards a mutually acceptable agreement.
- **Focus on the other side's best alternative to a negotiated agreement (BATNA)** - try to avoid just dealing with your position. Ask yourself, "What will they do without me?" In asking that you can pay attention to what value you can bring to the other party.

The best negotiators - and how they succeed

We can learn by observing some of the world's most successful negotiators at work. These examples from history each demonstrate how the skills and approach of the negotiator won through.

A triumph for patience in Northern Ireland

Patience is a skill which both good [mediators](#) and negotiators have.

George Mitchell won admiration from across the political divide in Northern Ireland for his work in the late 1990s to boost the peace process.

The former United States senator received almost unanimous praise for his skill and patience in chairing the Northern Ireland peace talks that led to the *Good Friday Agreement*.

Following the failure to set up devolved power in the province, Senator Mitchell acted as a facilitator in the review of the deadlocked process, helping to find a way to implement an inclusive power-sharing executive and the decommissioning of paramilitary weapons.

His efforts were rewarded in November 1999 when Sinn Fein and the Ulster Unionists made statements expressing support for these twin aims. The IRA followed this by saying it would appoint a middleman to discuss handing over its weapons soon after the executive had been set up, and the Ulster Unionist council also backed the Mitchell plan.

In the Good Friday negotiations, Senator Mitchell had been patient when talks were bogged down in endless arguments about procedures and agendas.

He remained intensely involved in the talks process, at some considerable personal cost, away from home at a time of family bereavement and when his wife was pregnant. His patience was not always admired. Some critics say he gave too much latitude to participants in the talks who were over-fond of their own opinions.

But after a final 36 hours of non-stop negotiations, he led the parties to an agreement on 10 April 1998.

A negotiator who shows patience and determination will see results.

A willingness to take risks in the early days of the United States

On occasions great negotiators do take risks but they do so on a sound footing.

In 1803 James Monroe and Robert Livingston were sent to France from the USA with authority to buy the port of New Orleans and Florida from Napoleon I and authorized to pay up to \$2,000,000.

Instead, the French offered to sell them all of Louisiana or nothing on April 11, 1803. They had an agreement to buy the whole 800,000 square miles at 3 cents an acre by the end of the month. The negotiations settled the purchase price, the payment terms and interest rate and the transfer of liability for outstanding claims by U.S. citizens against France to the United States.

The negotiators also established American and French due diligence arrangements and produced a twelve year tariff agreement on the importation of French and Spanish goods and the usage of ports in the Louisiana territory.

Monroe and Livingston had the courage to exceed their \$2 million limit in order to get a great deal. They could not contact the home office quickly for instructions in those days so they took the risk.

They agreed to pay \$15 million and doubled the size of the United States land area overnight. Now, that is courage at the negotiating table. They also helped to sell the deal in the U.S. and get the agreement approved by the Senate and signed by President Jefferson.

A lesson learned: negotiation disasters

Entrenched positions can result in lose-lose situations

As a lawyer I am used to seeing entrenched positions within individual parties and if a settlement is not reached there can be adverse consequences for both parties.

One example of a disastrous negotiation resulting in losses for both parties occurred in 1990s involving two movie executives.

When Jeffrey Katzenberg left Disney in 1995, he claimed millions due in bonuses from overseeing successful feature and animation properties.

Michael Eisner, Disney CEO, flatly refused to pay. Katzenberg, who had formed Dreamworks with Steven Spielberg and David Geffen, sued Disney. In 1994, Katzenberg estimated \$40 to \$80 million in further bonuses.

By 1999, that figure had escalated to over \$500 million. Disney finally conceded it owed \$140 million. Geffen, negotiating on Katzenberg's behalf, and Disney board member, Stanley Gold, reached an undisclosed settlement, rumored to be close to \$250 million.

Both were damaged in PR terms with Katzenberg was called pathological beyond belief by Eisner and portrayed by the press as greedy.

In a field built on the ability to make deals, two deal-makers were seen as deal-breakers and had their characters severely damaged.

10 step plan for an effective negotiation

Based on our experience of negotiating both as lawyers and mediators here's the Human Law Mediation 10-step plan you can follow to ensure successful negotiations every time.

This 10 step approach provides a framework for experienced and novice negotiators alike.

“I always thought that the best way to prepare for negotiation is to master the brief cold. That way you are in control of the substance when you are in the negotiation room.”
Senator Bill Bradley

Step 1 - Research

Get all the facts together, speak in advance to any other parties involved, be armed with information,

Before entering into any negotiation you need to gather the facts – but one crucial fact that is often neglected is the level of legal and other costs incurred. This is essential in helping to put a value on the case and bring a sense of perspective to the situation. In mediation the mediator will almost always get the parties to think about the level of legal costs incurred on the case, as a way of assisting a party in valuing a case.

When putting a value on the case it's important to consider the intangible consequences, such as loss of business opportunities that inevitably accompany the process of going to court.

Step 2 - Prepare

By considering the following points you can make sure you are prepared for an effective negotiation:

Goals: what do you want to get out of the negotiation? What do you think the other person wants?

Evaluate the Zone Of Potential Agreement (ZOPA) – The ZOPA is the set of all possible deals that would be acceptable to all parties. As a consequence it is crucial to research the other side's position.

Negotiating points: What do you and the other person have that you can trade? What do you each have that the other wants? What are you comfortable giving away?

Options: if you don't reach agreement with the other person, what alternatives do you have? Are these good or bad? How much does it matter if you do not reach agreement? And what alternatives might the other person have?

Relationships: what is the history of the relationship? Will there be any hidden issues that may influence the negotiation? How will you handle these?

The consequences: what are the consequences for you of winning or losing this negotiation? What are the consequences for the other person?

Power: who has what power in the relationship? Who stands to lose the most if agreement isn't reached?

Possible solutions: based on all of the considerations, what possible compromises might there be?

Bring the right people: only those who have confidence in the process or adequate knowledge of the dispute are useful. Anyone else could harm your chances of getting the deal done.

Keep reviewing the strength of your case: Whilst you are at the mediation or negotiation, keep assessing the strength of your case and seeing how the interaction is going.

Step 3 - Plan your approach and manage the process

Managing the negotiation process is the most difficult skill to master, according to 237 participants in mediation training

Whilst the negotiation is going on you must be looking to manage the process from the start to the finish.

Typically this will involve initially looking at the strength and weaknesses of your case and seeing how that plays out.

Thereafter what you are trying to manage are the concessions that need to be made during the negotiation and then ultimately reach the point which you would have hoped to reach.

Prior to going into a negotiation you will have made assumptions. Do not necessarily assume that they are correct. Test them by asking questions to ensure that your plan is on course and there will be no nasty surprises.

Step 4 - Set your optimum and fall back positions

Assess the strengths and weaknesses in the case. Your position in the negotiation will be advanced if you have an understanding of your best alternative to a negotiated agreement (BATNA). This represents what you will do if an agreement is not reached in a negotiation. Consider consequences of a failed mediation or negotiation. No matter how good the person negotiating on your behalf is or how effective a

negotiator you are yourself, there is always the risk of a failed negotiation. If you have considered your bottom line with thought, you can walk away without regrets.

Case analysis or what can be termed risk analysis is very important in a negotiation as it provides a framework within which one can negotiate a case.

Without good case analysis, the negotiator does not have a compass and he or she will be ineffective. This is where legal skills can come to the fore and having a lawyer present is very useful.

Step 5 - Be open minded and listen

The way that you interact with the other side will impact how they interact with you. Remember the greatest impediment to settlement is the view that the case will not settle. Instead try to develop well-thought out proposals which can lead to an agreement. Skilled negotiators do a lot of planning but have flexibility once the negotiation evolves.

Step 6 - Be clear and concise

If you are dealing with a third party such as a mediator it is important that you use the opportunities to communicate with the other side effectively. As a consequence when making points be succinct and clear to avoid any lack of understanding and to keep the agenda of the negotiation on your terms.

Step 7 - Make first offers where applicable

There has been a fair amount of discussion on this but in my experience a party who makes a strong but realistic first offer is in a better position than one who does not. An aggressive first offer can work in your favour as one of the most effective ways of getting the most from your opponent. The main advantage is that it allows you to offer concessions and still reach an agreement that you are happy with. When you do make a first offer provide a justification for it.

Step 8 - Listen and respond to objections carefully

There is a strong temptation when an objection is made to get emotional and/or dismiss the objection. Alternatively one moves to the next stage of the negotiation process such as making a counter-offer without really thinking. When objections are made try to probe further asking why the objection is raised. One of the biggest errors a negotiator can make is to deal with just the demands of each party. The negotiator needs to focus on the underlying interests of the parties.

Step 9 - Don't give in when you are weak

Two of the savviest negotiators around Deepak Malhotra and Max Bazerman in their tremendously practical book *Negotiation Genius* have devoted an entire chapter to this problem called, not surprisingly, *Negotiating from a Position of Weakness*. Their recommended strategies include the following:

Don't reveal that you are weak

If you possess a weak negotiation, do not advertise the fact as this will severely weaken your position.

Overcome your weakness by leveraging their weakness

If the other side has a weak BATNA that means you can bring a lot a value to the deal or you have leverage to apply against them.

Identify and leverage your distinct value proposition

It is possible that you do bring something to the table that distinguishes you from your competitors. This is your *distinct value proposition (DVP)*, and it need not be a lower price. As a consequence use whatever you have in your possession.

If your position is very weak, consider relinquishing what little power you do have

If you can't out muscle the other side in a negotiation, you may want to stop flexing your muscles and, instead, simply ask them to help you. Sometimes some humility can go a long way.

Increase your strength by building coalitions with other weak parties

In the realm of international relations, a vivid example of the power of coalitions surfaced during the 2003 World Trade Organization negotiations in Cancun, Mexico. Disgruntled by the continued lack of attention paid to the issues of concern to developing nations twenty-one "weak" countries banded together to create the Group of 21. This group is now in a much stronger position to negotiate for the interests of its members than any member nation would have been on its own.

Leverage the power of your extreme weakness - they may need you to survive

It is often useful to tell the negotiation "bully" that an overly strong show of force can be counterproductive: "If you push me too hard, you'll destroy me - and lose a value-creating partner."

Weakness doesn't mean failure but acknowledging your weak position, at least to yourself, will mean you are better prepared and able to negotiate more successfully.

Step 10 - Confirm what's been agreed verbally at the meeting in writing

Once you have reached agreement in any negotiation you need to confirm what precisely has been agreed. Without this confirmation there's a danger of misunderstanding at best and intentional 'misremembering' at worst.

Ideally have the wording of the written agreement produced at the meeting, so that there's no possibility of one of the parties going back. To make it formal have each party sign and date the agreement to create a form of contract.

What to avoid when negotiating

Don't treat a negotiation like a Court case

This applies especially to lawyers.

“Managing the process itself is by far the most challenging part of the negotiation because it has to be adjustable.”
Ambassador Dennis Ross

One of the biggest criticisms levelled at lawyers during any negotiation is they often focus just on the law and they neglect the other dynamics of the situation. Whilst the law is important a point not to neglect is that you are attempting to reach a deal with another party not convince a 3rd party (namely a judge) of the merits of your case. In a negotiation you need to bring in empathy with the other party, consider reasonableness and bear in mind that you are looking for a win, win solution, not a win, lose one.

Don't be aggressive

Especially when using your negotiation skills in a conflict situation, whether between you and another party or between two independent parties the temptation to take an aggressive stance can sometimes be too great for some people.

The nature of the English legal system encourages an adversarial approach. Whilst it's important to be firm in one's position, do not be so aggressive that you upset the other side and jeopardize the chances of a deal being reached. All too often the reason a negotiation fails is that the parties are far too macho, they want to be right or score points, which all serves to wind the other side up and reduce the likelihood of an agreement being reached.

Understand when to reach agreement

One of the key issues to determine within a negotiation is the point at which one should reach agreement. If you try to negotiate too soon you may not have adequate information and cannot consider the value of your position.

Exerting pressure is an interesting point and there are different schools of thought: In *mediation*, *Kenneth Feinberg*, Special Master of the 9/11 Victims Fund says, it is "ill advised ever to say: 'this is my final offer. Take it or leave it'"

But in sports negotiations, *Leigh Steinberg* says, "It is often not until there is true pressure that people reveal their final positions."

As a consequence it is always a balancing act. Experience really counts.

A word on written negotiation

The rise of email and its speed has increased the amount of negotiation conducted in this way.

Written negotiation has use if you want to record your thoughts in writing and give the other party time to think rather than seeking an instantaneous answer. So it's good from a planning and being level headed point of view. But it has its draw backs too.

You especially need to be careful if the correspondence starts becoming acrimonious.

Of course the other thing to consider is that once it's in writing there is no going back.

Here is some basic advice on putting things in writing when involved in a dispute or trying to negotiate:

1. Make effective judgements about when to email. The most important strategy, is to know when to use email, and when to pick up the phone or arrange a face to face negotiation. Email negotiating can be very powerful when you work with someone who can relate and communicate effectively via email, and it can be a disaster if the other party isn't comfortable with this medium. Also, if your email negotiating even begins to get a hint of negativity, or that you feel that you're being misunderstood or you can't understand the end outcome of the person you're negotiating with, by all means, pick up the phone, and break email silence by calling them.
2. Consider the age range of who you are negotiating with. People who are between 20 to 40 years old, will generally embrace and use email negotiating as par for the normal business day course, whereas older people may be less comfortable with the medium.
3. Be succinct and clear. The nature of email communication which is generally less formal than say writing letters means the onus is in us to be professional and think carefully about content before pressing the 'send' button.
4. Watch your emotions. A very good tip that I was once given it that is better to sleep on a letter prior to sending it. The danger of email is that when one receives a provocative email or communication, one is tempted to respond immediately. As a consequence there is something to be said for just not responding immediately and being calm about what you say when you do.
5. Use complementary forms of communication. If things do start getting emotional you may want to start using the telephone to calm things down or just to clarify points being made.

In any event the 10 steps detailed earlier remain valid and should be followed if you want to be effective in your written negotiations.

How YOU can become an excellent negotiator

“I am highly substantive - high on substance and low on drama. I am not a dramatic negotiator; I don't pound on tables and I don't make threats. My style is substantive. I want to win the argument.”

Ambassador Charlene Barshefsky, Former USTR

Here are the Human Law Mediation top tips for becoming a *great* negotiator:

Pick your battles carefully

There really is no point negotiating over absolutely everything – and if every time you come to place a new order with a supplier you try and knock them down chances are they'll introduce a new inflated price as they get used to your way of working.

Using the research stage of our 10 step approach you will be able to identify the circumstances when you should go all out to negotiate.

Prepare, prepare, prepare

If you are going to negotiate do it properly – and that means spending time and effort in the preparation and planning stage. Gathering your materials, thinking about all the options, considering which strategy to use, pondering what style to adopt given what you know about the other parties. The more time you spend in preparation the better. As a rule of thumb you should certainly spend around three times longer preparing than you do in the actual negotiation meeting itself.

Identify the skills you need to develop and seek training to improve them

Consider the list of basic and advanced negotiation skills on pages 6 and 8. Which one's do you need to work on, are you a great listener but lack confidence when it comes to putting your own point of view forward? Do you prefer to 'wing it' than prepare carefully for important discussions?

Knowing your own failings will help you appreciate your likelihood of success when it comes to negotiating, and might be an indicator that maybe you are not the best person to undertake the negotiations.

Practice your negotiation skills regularly

Great negotiators do it all the time, almost without thinking. Practice your negotiation skills on a regular basis, and in all areas of your life. It's a great skill to practice with children or your partner – but do so following the 10 step approach and you might be surprised at how different the results are.

Know when to get professional help to negotiate

It's a fact of life that not everyone is cut out for negotiation. If you lack confidence or find it difficult to get your point across concisely and with conviction you are unlikely to be a great negotiator.

Even people who feel capable of negotiating on the smaller matters in business sometimes prefer to get professional help when it comes to significant contracts or

major business or employee disputes. And even the most level headed and experienced negotiator can have a blind spot in a dispute in which they are emotionally involved, whether that's because they feel let down by a previously trusted member of staff or customer they have gone out of their way to help over the years is simply refusing to pay.

At this point the decision is who can help you negotiate. Certainly checking their skill level and experience against the criteria laid out in this White Paper will help.

Lawyers and mediators are trained in negotiation skills, although mediators are more likely to take the kind of approach advocated in this White Paper as they seek to encourage win/win settlements.

Lawyers sometimes take an over adversarial approach and may lack preparation assuming that it is simply not necessary to prepare. The excellent lawyer negotiator will spend as much time preparing for a negotiation as they would for a Court case.

Mediators may lack the partisan experience which lawyers have which can make them inexperienced in the thrust of battle. Mediators who have advocated for themselves or clients can make excellent people to ask for help.

Action Plan

What will you do to become a better negotiator?

List below each of the actions you plan to take this week, this month and this year to improve your skills in the particular areas or practice the techniques you have learned about.

Listening

This week

This month

This year

Planning & Preparing

This week

This month

This year

10 second strategy

This week

This month

This year

Curb your aggression

This week

This month

This year

Ask for help

This week

This month

This year

And finally ...

Check out your negotiation style

For a bit of fun you can always find out whether in negotiations you are a donkey, a sheep, a fox or an owl in this [online test from Edinburgh Business School](#).

Next Steps

Not everyone is cut out to be a great negotiator and hopefully through this White Paper we have helped you identify the skills required and circumstances when you can negotiate.

If you are at all nervous about negotiating a significant contract or difficult dispute do seek expert advice.

Negotiating out of a dispute

Human Law Mediation has developed a 30-minute “dispute assessment” which we conduct over the telephone with you and any relevant members of your team. What we accomplish in this no-nonsense session is:

- How to assess your case
- Your key negotiating points
- The most cost effective approach to resolving your dispute

The ‘dispute assessment’ is conducted by [Human Law Mediation](#) principal, Justin Patten, who as well as being a fully trained and qualified mediator is also an experienced solicitor. With over 12 years legal and mediation experience he has been involved in resolving disputes involving Tesco’s, Penguin books, Habitat and International Charities over the years, as well as many smaller disagreements for SME clients. His experience of conflict resolution spans the world of copyright infringement, employee disputes, divorce negotiations, senior management conflict as well as all manner of commercial disputes involving customers and suppliers.

At the end of the 30-minute “dispute assessment” you will have an action plan to address your dispute.

To secure a time for a consultation with Justin email Justin@human-law.co.uk stating the nature of your dispute, providing as much detail as possible so that we can maximise our time during the telephone consultation.

About the Author:

Justin Patten is a solicitor, mediator and expert negotiator. Justin has been getting win-win settlements for clients for the last ten years. He brings his core negotiation skills to the fore whether it be in the Court room or at the mediation table.

Justin is happy to discuss your own particular negotiation challenges and offers a free telephone surgery once a month for this purpose. Contact Justin by email justin@human-law.co.uk with details of your particular mediation challenge.

[Subscribe now](#) to the free Human Law Mediation monthly ezine in which we regularly share tips and advice for better negotiations and how to handle employee, customer and supplier disputes.

White Paper produced by:

Human Law Mediation
911 Green Lanes,
London, N21 2 QP
Tel: 0844 800 3249
www.human-law.co.uk

You can download articles and our very popular '[Guide to Keeping Disputes out of Court](#)' from www.human-law.co.uk.

Subscribe to the Human Law Mediation [monthly ezine here](#).