

How to Disagree Without Being Disagreeable: Tips for Effective Negotiation

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Negotiation was not part of the curriculum when I attended law school in the 1980s and having good negotiating skills was not really discussed as something a good lawyer needs in their repertoire. But after a few years as a transactional lawyer, it became obvious that if I was going to be a successful lawyer, I needed to be a good negotiator.

Whether you are in a boardroom or a new car showroom, everyone can benefit from strategies and tactics that might be useful in achieving a successful outcome in an upcoming or ongoing negotiation.

Here are some thoughts on various negotiation techniques, gleaned from decades of negotiating transactions on behalf of clients, observing skillful negotiators, and reading and speaking on the subject.

- **Be informed and realistic.**
 - Before you start any negotiations it's crucial to properly assess whether your goals are reasonable and understand what factors can be used to leverage the other side in negotiations.
 - Information can be obtained from public sources, parties involved in prior deals with your negotiating counterpart, the parties themselves – both through direct questioning and their reactions and responses during the negotiation.
 - Leverage shifts as developments occur and information is obtained. Reassess leverage constantly as negotiations progress.
- **Be credible.**
 - Credibility is often built before negotiations begin. You must be believable to be believed. Keep your commitments.
 - Reason and fair play win people over. Never lie.
- **Don't be disagreeable.**
 - Heard the phrase "you catch more flies with honey than vinegar"? Your demeanor goes a long way in negotiations, and you can disagree without being disagreeable. Be moderate, consistent, polite, confident and constructive in your approach. Avoid shouting and browbeating and don't invite competition by appearing too clever or conceited.
- **Have patience.**
 - Negotiations usually involve standoffs. Don't give in too soon. Timing is crucial in negotiations and patience is often required.

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- **Be skeptical.**
 - Don't be too trusting. Most of the time, your counterpart's statements don't reveal the whole story.

- **Make the first offer whenever possible.**
 - If you can support it with logical rationale, it's great to be first. Positive support is best; using negative alternatives to support an offer is risky.

- **Listen well when receiving an offer.**
 - Consider all aspects, remain calm and know that everything is negotiable.
 - On important issues, immediate negative reaction can be critical. Ask questions, take time to analyze and adjust before responding.
 - Counteroffer concessions should diminish in size and frequency.

- **Help your opponent understand how your proposal will achieve their goal.**
 - Goals and processes should be set before negotiations begin and considered as the transaction progresses, but for agreement to be reached, all parties must reach their goal, as self-interest is the primary motivator.

Mastering the art of negotiation is key to becoming a successful lawyer and can also help you achieve what you want in everyday situations. Successful negotiation comes with experience. The more you prepare and apply the proper techniques, the more likely you are to achieve your goal, or that of your client, in your next negotiation.