

Let's Make a Deal: Helpful Tips for Negotiating

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Don't Set Yourself Up for Deal Fatigue



Negotiation is a tough nut to crack. Do it right and you'll seal a deal with a lucrative client. Do it wrong and it could be the kiss of death.

Thankfully, most lawyers seem to naturally perform well in negotiations. You probably even have a trick or two that can help you gain the upperhand.

But, how do you act when negotiations break down, or when something careless just slips out?

If you feel this is an area where you can improve, **here are some tips on what NOT to say while negotiating.**

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1. "Between."

The word between tends to be tantamount to a concession, and any savvy negotiators with whom you deal will most certainly zero-in on the cheaper price or later deadline.

Ranges and ballpark figures are for the birds. Give the other party a number and stick to it.

2. "I think we're close."

The problem with arriving at this crossroads, and announcing you're there, is that you have just indicated that you value simply reaching an agreement over getting what you actually want. And a skilled negotiator on the other side may well use this moment as an opportunity to stall, and thus to negotiate further concessions.

Create a situation in which your counterpart is as eager to finalize the negotiation than you are.

3. "Why don't you throw out a number?"

There are differing schools of thought on this, and many people believe you should never be the first person in a negotiation to quote a price. Let the other side start the bidding, the thinking goes, and they will be forced to show their hands, which will provide you with an advantage. But some research has indicated that the result of a negotiation is often closer to what the first mover proposed than to the number the other party had in mind; **the first number uttered in a negotiation has the effect of "anchoring the conversation."**

4. "I'm the final decision maker."

At the beginning of many negotiations, someone will typically ask, "Who are the key stakeholders on your side, and is everyone needed to make the decision in the room?" For most attorneys, the answer, of course, is yes. Who besides you is *ever* needed to make a decision? Yet in negotiations this can be a trap.

You almost always want to establish at the beginning of a negotiation that there is some higher authority with whom you must speak prior to saying yes. The point is, while you will almost certainly be making the decision yourself, you do not want the opposing negotiators to know that you are the final decision maker, just in case you get cornered as the conversation develops.

5. Expletives.

Whenever you negotiate, remember that it pays to stay calm, to never show that a absurdly low counter-offer or an annoying stalling tactic has upset you. Use your equanimity to unnerve the

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person who is negotiating with you. And if he or she becomes angry or peeved, don't take the bait to strike back. **Cooler heads always prevail.**

Adapted from article [5 Things You Should Never Say While Negotiating](#) by Mike Hofman.

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