

7 KEY TAKEAWAYS

Tough Negotiations – Social Science and Practical Strategies for Being More Effective

An effective negotiation strategy is a must for every situation, but even more so as businesses experience the financial impacts and consequences of COVID-19. Difficult opponents, hard bargaining tactics, and communication breakdowns can complicate our efforts to get the result or the terms we need. Social science-based approaches and an understanding of basic human tendencies can enhance our ability to negotiate effectively, even with unpleasant or unduly aggressive counterparts. In a recent seminar on “**Tough Negotiations – Social Science and Practical Strategies for Being More Effective**” for the Association of Corporate Counsel’s Charlotte Chapter, [Kilpatrick Townsend’s Joe Dowdy](#) covered some essential strategies for being a stronger negotiator. Here are seven key takeaways to assist you with your next negotiation:

1

Assess the Terrain: A good negotiator knows the context of her negotiation. Each side’s needs for assertiveness and cooperativeness influence whether that side is really competing, collaborating, compromising, avoiding, or accommodating. Effective negotiators determine in advance what factors might influence a different approach.

2

Prepare for the People Involved: A good negotiator must account for the values, beliefs, characteristics, and neurological programming filters of the people across the proverbial table. A specialized plan might be necessary for difficult opponents (such as unduly aggressive or passive people). It is important to be an emotionally intelligent, confident leader, with a personalized approach for each opposing decision-maker.

3

Plan for Hard Bargaining Tactics: We are all familiar with the usual suspects of negotiations, such as making insignificant moves and providing “take it or leave it” offers. The best way to overcome these tactics often involves advance planning, knowing one’s best alternative to a negotiated agreement, and labeling the tactic.

4

Use a Negotiating Process that Wins Others Over: The negotiation process requires maintaining control while building or maintaining a relationship with one’s opponent. The best negotiators force movement without simply disagreeing by questions that make her adversary question his position and appreciate her. One must have multiple contingency plans and ensure that time does not kill any deal one makes.

5

Communicate Effectively: The essential skill for negotiating is having good interpersonal communications. That often requires respectfulness, active listening, seeking to understand your adversary, working to keep the conversation going, and avoiding tactics that shut down further dialogue.

6

Know the Personalities Involved: Your opponents have personality types and you have one also. The more you calibrate your approach to address the other person’s mindset, the more effective you will be with that person.

7

Recognize the Games People Play: People are often stuck in patterns of behavior that lead to familiar (and unpleasant) outcomes for the rest of us. Recognize the games others play, label them, and use knowledge of transactional analysis to exit the games or change their dynamics.

Negotiations can be tough, but so can you if you are ready. For more tips and strategies you can use in your next negotiation, be on the lookout for the next KT negotiation seminar later this summer or contact Joe Dowdy at jdowdy@kilpatricktownsend.com.