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## Negotiating Away The Fears

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*Editor's Note: This article is an edited excerpt from Hear With Your Heart: Mastering the Art and Skill of Listening.*

Learning concepts and principles to become a better negotiator is not enough. When I was a young attorney, I had to drive about an hour to attend a negotiation that was going to take place at another attorney's office. The other attorney was a very well-known and successful lawyer many years my senior.

As I drove to my destination, I became increasingly anxious. I knew with certainty that the itchy neck indicated anxiety, and probably the sweaty palms did, too. It was psychological; I needed to overcome some fear.

"What am I afraid of?" I repeated to myself, out loud. "What is making me anxious?"

I repeated these questions until the answer dawned on me: I was afraid of the

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unknown. I was simply afraid of the other attorney. He was older than I and much more experienced. He might embarrass me, I thought, in front of my client!

As it turned out, that thought process was the basis of my preparation. It was both psychological and substantive. True preparation! I spent the balance of the car ride thinking about what I was going to say, how the other attorney might reply, and what my responses, in turn, would be. I considered the other side's potential moves and tested them against my potential responses, much the way a chess player contemplates the board from both his side and his opponent's point of view. The more I reflected, the more I was able, through this mental preparation, to internalize the issues. My confidence rose and I became comfortable with what I needed to accomplish. I knew there would be times in the meeting when I might be forced to say "I can't agree" or "I don't understand," but I had prepared myself to

be able to say them, if needed, without undue discomfort and without ego, and with a follow-up move in mind.

The deal went well. Preparation and internalization are critical to successful negotiations.

It's a good idea to analyze the deal points and rank their relative importance. By doing this, you will be able to trade some points for others. Sometimes there are few actual deal points, in which case you may have to literally create them. By developing a thorough understanding of the deal, you can bring issues into play that could be relevant, but about which your client does not care.

For example, in a deal involving installment payments, there may be an issue of creditworthiness. While your client has told you he will accept, say, the buyer's signature for the balance due, you might nevertheless ask for a third-party guaranty. Perhaps also a letter of credit. By introducing the concepts of a guaranty and a letter of credit, you have introduced deal points that don't really exist. In so doing, you have created potential give-aways simply by thinking through the deal and realizing it is reasonable to request a guaranty or letter of credit, even though your client does not expect it.

Now, let's discuss confrontation. Negotiations always involve confrontation. The only issue is at what level and for how long. Few of us enjoy confrontation. It's much more fun, and easier, to say yes than to say no. However, confrontation can be a wonderful device to create tension and improve your leverage. You might introduce additional deal points that you may not need to obtain and initially fight hard for each one. Confrontation, properly created, exerts a gentle pressure that often leads to getting more of a yes than would otherwise be the

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case.

Remember, if you don't ask for something, it's unlikely it will be offered. Simply requesting something does create a sense of confrontation, but do not be afraid to ask if you can justify the request. Remember, even a firm no may eventually soften into a yes, either for the point you requested or a different one.

The key to becoming a better negotiator is to act like a better person. How? By developing your ability to concern yourself with the needs, wants, and desires of someone other than yourself. By becoming more sensitive to others, you will become a better negotiator. By listening – hearing with your heart.

As soon as you realize you are not perfect, you can start to work to like yourself more, accept yourself more. That is when you become more real. Easier said than done, but “getting real” is a journey worth taking. Now you can better accept the foibles of others and allow their trespasses to roll off. Don't let your egotude get in the way. Everyone came to the meeting to do the deal. Perhaps some are having a bad day or a bad week or a bad month. Perhaps they will be surly or disdainful. Ignore the trespasses so you can better listen to and understand the needs of others and more effectively work to create a solution.

Remember, we are all trespassed upon more often than we like. Yet, it's only a smudge on our exterior. It's never an injury to our heart or our essence. If you think of a trespass as someone stepping on your shoes and leaving a scuff mark, you know that a good shoeshine will make your shoes look new again. An insult is only a dirt mark or scuff on your outside. It will vanish as soon as you take your psychological shower and let the insult wash off your back. Most of all, no one can trespass on your heart. Your essence is safe from harm. In fact, the only person who looks small is the trespasser.

“No one can make you feel inferior without your consent,” remarked Eleanor Roosevelt, first lady of the FDR White House. Without your participation, no one can make a fool of you no matter what they say, no matter what they do. You are the only person who can make a fool of you – by what you say or what you do. Do not respond in kind. Use a soft voice to disarm the screamer. Take the high road. Don't allow anyone to

edge goodness out of you, even for a moment.

Consider another approach to win the moment. Consider silence. In the silence that follows the other's outburst, the foolishness of that outburst, not the words themselves, reverberates in the room and in the heads of everyone present.

Silence can be more effective than any other response. Consider the use of silence in calm situations, too. After a question is posed or a response made, silence can be the catalyst for a revelation. If your adversary feels awkward and uncomfortable in the ensuing silence, it is probably because he perceives it to reflect his weakness. Don't say a word! This is the moment when that person will start to speak – to alleviate his own discomfort – and what pours forth may be a revelation. Good journalists know that the best interviews often come when they lead their subjects to leap into a gap of silence.

Since childhood, we have all been told that silence is golden. Since inflation has increased the value of gold, why not use it more often? Use it to underscore a point you just made, to question a point another has just made, to show respect for a point just made, or to jiggle loose a telling add-on comment.

Silence has many uses, many voices. It can be as piercing as a cannon blast, or it can whisper, “Tell me everything.”

Silence is a miracle concept. You can compliment someone by simply not speaking. For example, how often have you said something you thought was very important, yet, as soon as you stopped speaking, the other person immediately began to talk about an entirely different or contrary point or just jumped on your point to add his own thoughts. I'll bet you felt the other person had dismissed what you said as unimportant, or that he wasn't even listening. You must have felt a bit insulted. You are right! You know you are right because you have done it to others. You have done it when you thought what they were saying was boring, irrelevant, or trivial. You have done it when you thought what you had to say was much more important. We intuitively understand that if another responds a nanosecond after we stop speaking, the other person probably didn't hear what we said, at least not all of it. Our thought processes operate at a multiple of our hearing absorption. Instead of listening, our brains are either filling in the blanks,

or getting ready to make the next move, already developing our next sentence. Hence, the noise in our mind drowns out what the other is saying. What is worse, the speaker probably realizes it. Far from a compliment!

So listen for the punctuation at the end of the speaker's last sentence. Always “listen for the silent period.” Allow silence to reign for two or three seconds. Then respond. In so doing, you telegraph to the other person that what they said was important enough for you to reflect on it for a few moments before responding – a clear compliment to the person who has just finished speaking. If you cut off his last words in your rush to take your turn and make your point, it will have the opposite effect.

Let's assume you are the boss and your employee has just finished a report lasting 3–4 minutes. Let's further assume you did not find the information and ideas presented to be of value. Yet, something your employee said triggered a new idea. How will you respond? Will you telegraph you are dismissing the report by immediately moving to the idea just triggered in your mind? Will you probe the report to make sure you extracted everything of use to you? Will you remain silent for a few seconds as you ponder the report, regardless of whether you felt it was worthwhile? How will you direct the conversation to your new idea without appearing to dismiss or otherwise demean the report?

Good leaders instill a sense of value and partnership in their employees. Great leaders take the next step and also drill out all the information buried within the employee in order to analyze the situation with all the available facts. Poor leaders cut off and demean (intentionally or unintentionally) their employees. By doing so, they leave themselves vulnerable to a leadership failure. I refer to that failure as the why-didn't-you-tell-me-that syndrome.

“Why didn't you tell me that?” There are few worse questions for a leader to either say or think. It represents after-the-fact failure – when information, if known in time, could have prevented a bad situation or enhanced a neutral or positive one.

Every encounter is a negotiation, even when it's with our subordinate and we have all the leverage.