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## Mastering The Triple Play: Skills For Negotiators And Leaders

*The Editor interviews Jeffrey Hugh Newman, Partner, Sills Cummis & Gross P.C.*

**Editor:** Please tell us about your background and practice.

**Newman:** I lead the real estate practice at Sills Cummis. I practice as a transactional lawyer, a litigator and a counselor, and my education credentials include a law degree and an LLM in taxation, both from NYU. I worked on Wall Street as a securities analyst before joining Sills Cummis in the seventies, initially practicing law in the corporate department and then transitioning to the real estate group, which I developed into a robust national practice recognized by *Chambers USA* both locally and nationally.

During years of professional development, I learned the value of collecting powerful skills – in my case in the areas of law, business and tax – but also of becoming an expert in one area, the value of which I characterize as a halo effect that clients certainly recognize. So I selected real estate and sought to develop a “razor sharp” practice. This led to the development of a full service real estate department, from development, finance and leasing to zoning, as well as a solid integration with the firm’s litigation experts.

**Editor:** What prompted you to become an author?

**Newman:** This is a poignant question because I didn’t really become an author as much as the author in me decided to come out. Starting in the 1980s, I established a reputation as a negotiator, which led to national and international speaking engagements geared to all levels of audience, up to Fortune 500 companies and institutes for continuing legal education.

In developing the content of these presentations, it seemed the right idea was to offer it to a broader audience, which led to the idea of writing a book.

After some strong but very good advice from a well-known author – she scoffed when I told her I needed to take sabbatical in order to write – I resolved to find time in my daily life for writing. And a process soon developed: when the words came to me, I wrote them longhand, so I could embrace them in every way. And so it happened that I handwrote my first book.

**Editor:** Please give us a topical overview of your books.

**Newman:** As the first book, *Mastering the Art and Skill of Listening, A Guide to Negotiation*, took shape, I soon realized that it wasn’t primarily about negotiation but more about fundamental interpersonal skills that also happen to make you a great negotiator. Just as a good negotiator would never “wing it,” an author should not approach his or her topic unprepared, so I read scores of psychology books, including some focused on selling, negotiating and marketing techniques. Invariably, these books involved single-thesis concepts, such as the use of notes and lists when calling on a sales prospect. This seemed anathema to the diverse fundamentals of negotiation, so I decided to write about every single technique known to me.

After the first book, more ideas came to mind, so I decided to write about how to be an effective leader. Leadership starts with good listening skills, so this topic



**Jeffrey Hugh  
Newman**

was a natural jump from the interpersonal and negotiation skills from the first book. Having observed and worked with many leaders over the years, some of them well-known, I’ve certainly had experience with the good, the bad and the ugly. My second book, *The Leadership Matrix*, came very naturally.

**Editor:** Tell us about some of the leadership or negotiation techniques you write about and how they apply to the corporate counsel role.

**Newman:** Corporate counsel wear many hats. They are legal advisors, parents, leaders and priests or rabbis. They also serve as the conduit between the company’s business/legal staff and outside lawyers. So they are well served in learning about the various techniques and helpful concepts from my books, all of which were designed to be read on a three-hour plane ride.

Some examples of typical interactions include those between the corporate counsel and the CEO or between in-house and outside counsel, which present different seniority dynamics. These various contexts present the many definitions of a “client” within the corporate organization. Some individuals may be more important than others, but they’re all clients. And so it’s a constantly changing professional matrix.

Now let’s talk about what techniques can help an individual manage her personal business in the midst of professional challenges. Ms. Counsel wakes up, has an argument with her husband, and finds out that her 13-year-old daughter has a boyfriend who is 18. Not a good start to the day. When she gets to work late, she will need to compartmentalize and recognize that she can’t resolve the morning’s

*Please email the interviewee at [jnewman@sillscummis.com](mailto:jnewman@sillscummis.com) with questions about this interview.*

personal issues until after work. The two techniques required here involve exercising the “focus muscle” and the “stress muscle.”

There is no such thing as multitasking. Successful people do one thing at a time. Hence, the essential connection to the focus muscle. Ms. Counsel also needs to exercise the stress muscle because she started her day behind the eight ball and now has to get everything done in less time. The techniques I write about encourage her to let herself be stressed, assume she can get the job done and effectively forge ahead. And exercising the stress muscle also allows her to be more focused. They work together.

What this means in real terms is giving each task its due attention and taking unplanned interruptions in stride. A conversation with outside counsel in which she listens perfunctorily because of other distractions is a waste of time. Now add in the possibility that someone interrupts her with a true emergency situation, let's say when she's under deadline to complete a memo. This interruption legitimately needs her attention, so the sooner she resolves to take the time and focus, and embrace the stress and participate fully in resolving the crisis, the sooner she can get back to her memo ... which now has to be done in even less time.

**Editor: Is corporate counsel your targeted readership?**

**Newman:** I originally thought my target audience was lawyers but soon realized that the skills and techniques required to become an effective leader, both interpersonally and as a negotiator, apply in all contexts: spouse to spouse, parent to child, colleague to colleague, adversary to adversary.

And these skills apply whether you're the CEO or any manager in a corporation, whether you're an associate or a partner in a law firm, whether you're a surgeon or anything else. Leadership transcends all walks of life, and these books are meant to provide information that enhances your ability to conduct yourself with grace, in a way that makes us more effective in all aspects of interpersonal relations.

**Editor: Tell us about the negotiation process in today's environment. Is this an evolving art?**

**Newman:** Frankly, everything repeats itself, and human nature never changes.

The big game-changer in today's negotiations involves the types of available information and the speed with which they can be accessed. For instance, people fail to realize the damage that can be caused by using email inappropriately or by not living in the present.

Emails live forever; therefore, very few should be written, and their substance should be limited to simple administrative functions. Emails often contain jargon and colloquialisms that never serve you well and won't be perceived as intended by the sender if the recipient can't see your face or hear your voice. And, reliance on the Internet is equally fatal. People who play with their mobile devices during a negotiation are communicating that they are bored, and by not living in the moment, they are undermining their powers of observation and level of commitment.

Remember that while it's difficult to pay attention during a long and grueling negotiation, the best stuff comes out when you least expect it and in the most innocent ways. Three techniques are effective. First, always ask people to repeat the questions they ask you. Questions are seldom repeated the same way, and when they are rephrased the changes can give important clues for better answers. Second, if that doesn't work, don't say anything. This will draw the questioner into a vacuum of silence, where everyone gets uncomfortable. Now he will elucidate. Third, ask questions of your own, but make sure you've done your homework, such as knowing the price of cocoa when negotiating for a chain of chocolate stores or knowing about the Barclays “junk” bond index when engaged in financing negotiations.

**Editor: Has the litigation process become more oriented toward settlement? How does the negotiation process fit in?**

**Newman:** I never lose focus of one prime element: the cost-benefit analysis. Litigation is little more than negotiation by other and more costly means, and going to trial is usually a fool's game in virtually every instance. Settlement means nothing until it is weighed in context of the percentage odds of victory vs. litigation cost vs. the cost of reaching a better settlement, an ever-changing cost-benefit matrix that I continually analyze in every case.

So it's not about getting the result you want but about getting the most cost-effective result. Commercial litigation should never be based on principle but rather on a

calculated assessment of your options. If I sue for one million dollars and am offered a quarter of a million to settle, my first step is to determine what litigation will cost and whether the net amount I stand to gain is worth the risk of additional litigation expense. Of course, the ensuing negotiations and litigation moves constantly evolve (or devolve), so I am always recalculating the expense-reward ratio.

Further, you have to assess whether it's simply best to move on with life. Consider that: (1) litigation expends a lot of effort for the sake of looking backwards; (2) you never know for certain what the fully litigated result will be; and (3) litigation is a distraction that takes everyone's eye off the ball, present and future.

Also, it's important to remember that there are three parties in litigation: two adversaries and a third-party determiner, and the real goal is to convince a judge or arbitrator that you should win. So the analysis expands yet again, and for me, it involves picturing the judge sitting at breakfast and talking only about the facts of the case with his or her spouse. Forget the law: focus on what's fair and ask yourself which side the spouse would pick.

Similarly, my hardest job as a litigator is to put myself in the shoes of an adversary. Litigators get an F in my book when they take the arrogant approach of extolling the virtues of their case without explaining the merits of an adversary's case. Never dismiss the capabilities and intelligence of your adversaries; in fact, assume they are smarter, better informed and armed with a great theory you haven't thought of.

**Editor: Is it fair to say that your roles as an author and a lawyer are enriching to one another? Tell us about book three.**

**Newman:** Book three is not about baseball, even though it's entitled *The Triple Play*. I thought about the concepts and principles from the first two books and realized they transcend leadership and negotiation. So it seemed a natural adjunct to write a third book about a third activity: self-marketing and self-branding. Put simply, the concepts and techniques in my books apply to all three activities, so by mastering any area, you can avail yourself of a triple play.

I'm a lucky man in being able to integrate these different spheres and create a synthesis of fundamental approaches to life, and I think I am living proof they work.