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Framing the art of the deal

Business Courier of Cincinnati - by Karen Bells, Senior Editor

There's nothing wrong with apologizing to a man during negotiations - as long as you've just stepped on his foot.

Other than that, said Lee E. Miller, never say you're sorry, because anytime you apologize it weakens your position. As a principal in New Jersey-based consultancy NegotiationPlus, the Harvard-trained attorney offers negotiation, mediation and arbitration services to individual and business clients and trains people around the country in the complex skill of negotiation.

"The No. 1 most common mistake women make is not seeing situations as an opportunity to negotiate," Miller said. "Women tend to see it just as a decision between A and B."

He wrote "A Woman's Guide to Successful Negotiating: How to Convince, Collaborate and Create Your Way to Agreement" with his daughter Jessica Miller, a vice president at Arlington, Va.-based Grubb & Ellis, to address what they both saw as a major need. (See box) Negotiating is a learned skill that boys more often seem to attain while growing up, he said. Once women learn the nuts and bolts, though, they tend to be at least as strong at negotiation as men.

And practice makes perfect with this essential skill, said Debbie Brenneman, a partner in the labor and employment practice of downtown-based law firm Thompson Hine LLP.

"It becomes absolutely easier with time," Brenneman said. "You've done the dance before and have a better sense of the puffery that goes on."

The ability to read the other party is critical and develops the more you practice, said Brenneman, who gave a presentation on formal mediation and arbitration at Thompson Hine's fall event, "The Art of Negotiating: Taking off the Gloves," part of the firm's Spotlight on Women series. (See box)

Jennifer Wolfe - principal of Blue Ash-based the Wolfe Practice, which is Ohio's largest woman-owned law firm - said one of the most valuable negotiating skills she's learned over the years is patience. Without it, she said, it's easy to rush forward in zeal without taking enough time for research.

And research is the lifeblood of a good negotiation. Wolfe recommends knowing "everything you possibly can" about the other side; do your homework, analyze all your options and study the situation. She does this whether negotiating on behalf of her clients or on behalf of her own firm as she tries to land work.

That advice is shared by Brenneman and Lisa May Evans, who serves as of counsel in Thompson Hine's labor and employment practice and spoke at the "Taking off the Gloves" event. Both women call preparation their No. 1, No. 2 and No. 3 negotiating hints.

As for the fourth-spot tip? Said Evans: "Keep your eyes on the prize. Things can happen that you cannot predict. If you take your eyes off the prize, you will lose and not be able to recover."

Women can be particularly vulnerable to this, she said, because they have a "hot button" that can be hit intentionally or unintentionally by a sexist comment. As an African-American woman, she said, she has two hot-button issues. The trick is to be aware of the risk and stay focused.

"You want to react, but you will lose the battle," she said. "Ask, 'What am I here to achieve?' and deal with the other stuff later."

Only a rare few people can afford to let personal things get in the way or fly off the handle, said Wolfe.

“The Donald Trumps of the world just get up and walk out of the room. That works if you’re Donald Trump,” she said.

For most people, though, it’s important not only to know exactly what you want during a negotiation but also to be creative in thinking of alternatives. Always ask yourself what your next-best alternative solution is, said Wolfe, and don’t go into a negotiation without having thought about it. It’s also crucial to try to determine the other side’s goals and hopes and look for ways to create value for all sides, she said.

Brenneman recommended getting creative to come up with alternative, sometimes nonmonetary solutions to a negotiation. The topic might be about the sale price of a business or an employee’s salary, but what else can be offered to satisfy them? In her experience, men tend to say, “I want this, this and this,” while women tend to ask, “Why do you want that?” and delve into the emotion behind the request.

Miller counsels negotiators to employ the “you perspective.” Rather than approaching it as convincing the other side that you’re right and they’re wrong, it’s a whole lot easier to convince them that what you’re suggesting supports something they already believe and care about.

Sometimes women who are skilled negotiators when representing their company lose that edge when it comes time to act on their own behalf, said Miller. He urges them to ask themselves how they would handle it if they were negotiating on behalf of their daughter or sister.

And, while women negotiators should definitely use their strengths in collaboration, Brenneman cautioned against the risk of overbonding and letting your guard down. It can be easy to forget that it is, after all, a negotiation.

As for keeping up the kind of confidence and mind-set that will help you succeed, Wolfe said she loves to work out as a source of power before a key negotiation and listen to inspiring music such as the soundtrack to the movie “Rudy.”

And when the spirit lags a little during prolonged negotiations, the optimist reminds herself: “Sometimes you wonder how many times do I have to ask? You have to keep asking until you get it.”

Learn more

“A Woman’s Guide to Successful Negotiating: How to Convince, Collaborate and Create Your Way to Agreement,” by Lee E. Miller and his daughter Jessica Miller is available at negotiationplus.com. His latest book, with new insight on negotiating, is called “UP: Influence, Power and the U Perspective - The Art of Getting What You Want.”

For more information about women’s initiative programs at Thompson Hine, visit thompsonhine.com/about/women/.

Jennifer Wolfe recommends several books to improve negotiating skills, including “Beyond Winning: Negotiating to Create Value in Deals and Disputes” by Robert Mnookin and “Getting to Yes: Negotiating Agreement Without Giving In” by Roger Fisher and William Ury.