

A photograph of a conference room with a long, light-colored table and several black chairs arranged around it. The room is brightly lit, and the background is a large window showing a blue sky with scattered white clouds. The text is overlaid on the left side of the image.

Mediation Strategies and Powerful Negotiation Tactics

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Taking the pain out of the process

- ▶ **Setting the table:**
 - ▶ Right deal strategy at the right time
 - ▶ Strategic settlement moves
 - ▶ Essentials for maximizing your advantage
- ▶ **Impediments to Successful Outcomes**
 - ▶ Five most powerful persuasive negotiation skills
 - ▶ Problem solving breakdowns: Traps & Tricks
 - ▶ Pre-negotiation strategies that work
 - ▶ Harness the power of diagnostic questions
- ▶ **Negotiate From a Position of Strength**
 - ▶ Essentials for gaining and using optimal leverage
 - ▶ Satisfying your bargaining partners' true needs
 - ▶ Hard bargaining techniques that work



Setting the Mediation Table

- ▶ Right parties
- ▶ Right time
- ▶ Right interests
- ▶ Right sequence



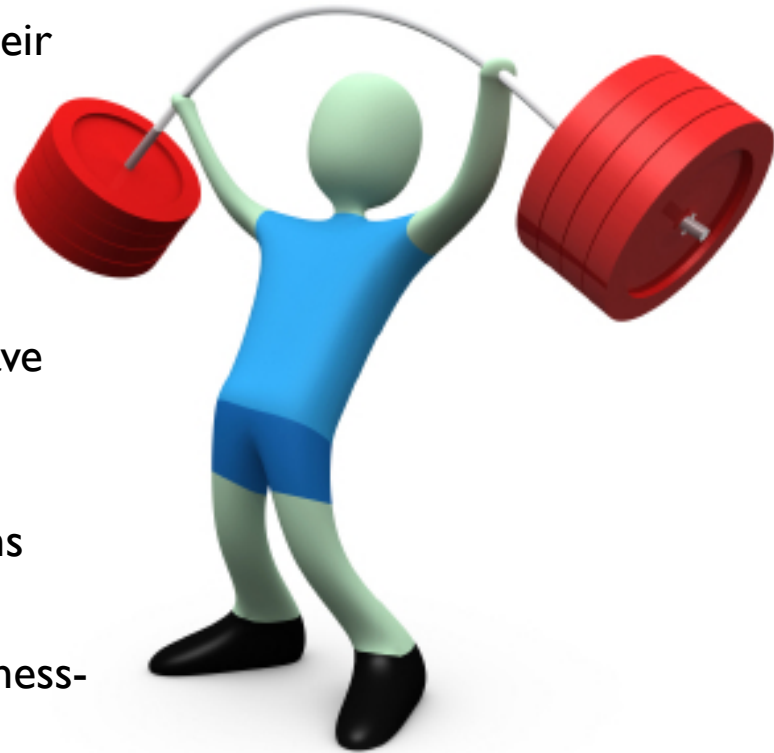
Strategic Settlement Moves



- ▶ The other guy's decision cycle
- ▶ Hanging the meat low enough for the dog to smell it
 - ▶ Anchoring
 - ▶ Framing
- ▶ Reciprocity and concessions
- ▶ Log rolling

Negotiating from a Position of Weakness

- ▶ Don't Reveal that You Are Weak
- ▶ Overcome Your Weakness by Leveraging Their Weakness
- ▶ Identify and Leverage Your Distinct Value Proposition
- ▶ If Your Position is Very Weak, Consider Relinquishing What Little Power You Do Have Strategize on the Basis of Your Entire Negotiation Portfolio
- ▶ Increase Your Strength by Building Coalitions with Other Weak Parties
- ▶ Leverage the Power of Your Extreme Weakness- They May Need You to Survive
- ▶ Understand -- and Attack -- the Source of Their Power



Five Most Powerful Persuasive Tools

- ▶ Diagnostic questions
- ▶ Reason giving
- ▶ Reciprocity
- ▶ Listening
- ▶ Silence



Problem solving breakdowns



- ▶ **Cognitive biases**
 - ▶ Confirmation bias
 - ▶ Reactive devaluation
 - ▶ Fundamental Attribution Error
 - ▶ Clustering illusion
- ▶ **Overlapping bottom lines**
 - ▶ Bracketing
 - ▶ Mediators' proposals

Pre-negotiation strategies

- ▶ Research, research, research
- ▶ Prepare your client
- ▶ Insure all stakeholders present
- ▶ Anchor yourself to your own bottom line
- ▶ Plan concessions
- ▶ Consider contingent offers
- ▶ Consider non-monetary compensation



The Power of Diagnostic Questions



- ▶ Only 7% of all negotiators ask them when to do so would dramatically improve outcome
- ▶ Who, what, where, when, why, how
- ▶ Directed to *interests* to be served by compensation

Hard Competitive Bargaining

- ▶ Start at the high end of the range of reason
- ▶ Keep your aspirations high
- ▶ Reveal little
- ▶ Make small concessions
- ▶ Demand reciprocity
- ▶ Demand a reason for every number
- ▶ Bracketing to narrow the bargaining range
- ▶ Contingent concessions to manage uncertainty



