



*Presents*

# **Next Level Success: Achieving Leadership Goals and Negotiating for Yourself**

February 25, 2025  
5:30 pm - 7:00 pm

Presenter: Gail J. Cummings, JD, MSS, LCSW  
Moderator: Diane M. Dwyer, Esq.



### About Gail J. Cummings

Gail J. Cummings, JD, MSS, LCSW, a business lawyer turned psychotherapist, is also a career and leadership coach. Gail is known for coaching lawyers to build and maintain their business, obtain promotions and increased compensation packages, negotiate effectively, navigate adversity, pivot in their careers, and develop a healthy work-life integration.

Gail received her J.D., with honors, from the George Washington University Law School, and is a member of the Pennsylvania Bar. She graduated from the University of Pennsylvania, magna cum laude, with a B.A. in Psychology. She also received an M.S.S. from the Bryn Mawr College, Graduate School of Social Work and Social Research, and is a Pennsylvania Licensed Clinical Social Worker.

### Areas of Expertise

- Developing and sustaining business
- Negotiating effectively for increased compensation and flexible work schedules
- Leading yourself and managing work relationships effectively
- Setting fees to reflect your value add to clients
- Establishing and maintaining your professional brand
- Establishing a healthy work-life integration

## **Diane Dwyer**

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 Wantagh, NY 11793  
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Admitted to practice in New York  
 March 1984  
 Admitted to practice before US  
 Supreme Court June 1991



### **EXPERIENCE | ATTORNEY EMERITUS PRO BONO COUNSEL, SAFE CENTER OF LI, INC.**

01/2017-2018

### **OF COUNSEL TABAT, COHEN, BLUM & YOVINO, LLP GARDEN CITY, NY**

01/2016 to 10/2016

- Matrimonial and family law litigation firm

### **SUPPORT MAGISTRATE NASSAU COUNTY FAMILY COURT (RETIRED)**

0/01/2000-11/28/2014

- Quasi-judicial position presiding over child support, spousal support, paternity proceedings in the Family Court
- Conducted hearing, ruled on evidentiary matters, decided motions, determined and issued temporary and final court orders.
- Researched and analyzed complex legal issues and possesses knowledge of state and federal law governing support, rules, procedures, programs, regulations

### **DISTRICT COURT JUDGE NASSAU COUNTY DISTRICT COURT**

06/30/1999-12/31/1999

- Sat by appointment of the County Executive with the approval of the County Legislature
- Presided over civil and criminal matters and issued written decisions after trial and on motions

### **HEARING EXAMINER NASSAU COUNTY FAMILY COURT**

12/04/1991-06/29/1999

- Former title of Support Magistrate. Same duties as above



## **DEPUTY COUNTY ATTORNEY COUNTY OF NASSAU**

11/26/1984-12/03/1991

- Lead trial attorney/prosecutor for juvenile delinquency and PINS proceedings at both fact finding and disposition hearings
- Successful litigator/prosecutor in child abuse/neglect proceedings and domestic violence proceedings
- Served as legal advisor to Nassau County Police Dept., and Nassau County DSS

## **GUARDIAN AD LITEM NASSAU COUNTY COURTS**

11/26/1984-12/03/1991

- Appointed by courts in estate and conservatorship proceedings to represent persons under a disability

## **ASSOCIATE DEUTSCH & SCHNEDIER, ESQS. BROOKLYN, NY**

11/1983-11/1984

- Handled diverse matters for general practice firm, including court appearances, drafting and executing stipulations of settlement for foreclosure actions, drafting pleadings and motions.

### **MEDIA INVOLVEMENT**

"Recent Changes in Child Support Law" Nassau Lawyer, 2011

"Law You Should Know"-guest speaker on radio program WHPC 90.5 FM

"Child Support-Legislative Update" Women's Bar News

"Child Support Standards Act-A Primer for the Practitioner" Nassau Lawyer

### **LEADERSHIP & ASSOCIATIONS**

Alumni Association, Molloy College—President 1992-94; Editor in Chief of alumni newsletter 1995, chaired multiple committees for organizational and fundraising issues, developed alumni mission goals with College Administration

Alumni Association, St John's University School of Law—Class agent 2007

American Bar Association—1983-2014

FOCUS-For Our Children & Us-lecturer to professionals and community members

Irish-Americans in Government—1997-present

Kiwanis International, Wantagh Chapter—Member of Board of Directors 1998-2000, 2003-04, organized and participated in many fundraising and community events

Nassau Academy of Law-frequent lecturer and panelist for CLE programs

Nassau County Bar Association—Chair Family Law & Procedure Committee 1998-00, Member Matrimonial Committee, Participated in Speaker's Bureau, Participated in Women in Court's Committee, frequent lecturer for committee meetings

Nassau County Women's Bar Association—President 2000-01, Executive Board 1995-00, Delegate to WBASNY and/or alternate delegate, 2000-present, chair and member of several committees including awards, membership, diversity, nominations, installation dinner, holiday party, lecturer for CLE programs

National Association of Female Executives, Long Island Women's Network 1995-00

National Association of Women Judges—2000-03

National Child Support Enforcement Association 2002-14

New York State Bar Association 1983-90, 2001-03, 2009-11-frequent lecturer and panelist for CLE programs

New York State Office of Temporary and Disability Assistance-Office of Child Support Enforcement-lecturer for continuing education programs

New York State Support Magistrate's Association—Secretary 2007-14, President-elect 2004-05

Office of Court Administration Support Magistrate's Steering Committee and UCMS Committee 1997-2014

Tutor for Literacy Nassau, providing English language lessons to recent immigrants

Wantagh Chamber of Commerce-1999-03

Women's Bar Association of the State of New York—Co-chair Chapter 3 Committee 2017-present; Co-chair Long Range Planning Committee 2014-15, Member Awards Committee 2012-14, 2019 Member Convention Committee 2008-09, Member Children's Rights Committee 2007-08, Member Nominations Committee 2006-07, 2010-2014; Co-chair Matrimonial Committee 2001-02, CLE lecturer at two annual conventions



**HONORS & AWARDS:** WBASNY Judith S Kaye Access to Justice Award-2015  
 Nassau County Court System Women's History Month  
 Recognition-2012  
 Nassau County Women's Bar Association Virginia  
 Duncombe Award-2004  
 New York State Bar Association Certificate of Appreciation  
 Mock Trial Judge 2002  
 Wantagh Kiwanis Board Appreciation Award-2001  
 Wantagh Kiwanis Distinguished Service Award-2001  
 Wantagh Kiwanis Club Director Award-2000  
 Who's Who in America-55<sup>th</sup>, 56<sup>th</sup>, 57<sup>th</sup> Editions  
 Who's Who in American Law-11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> Editions  
 2000 Outstanding Women of Twentieth Century-2000  
 Nassau County District Court Judge's Association  
 Recognition Award-1999  
 International Who's Who of Professional and Business  
 Women-1999, 1996, 1993  
 Town of Hempstead Pathfinder Award in Government-1998  
 Republican National Committee Capital Award-1997  
 International Who's Who of Professionals-1995  
 Who's Who of American Women-1994, 1990  
 International Professional and Business Women's Hall of  
 Fame-1994  
 Who's Who in the East-1993  
 2000 Notable American Women-3<sup>rd</sup> and 4<sup>th</sup> Edition  
 Molloy College Veritas Medal-Alumni Award-1992  
 Who's Who Among Young American Professionals-1992  
 Who's Who Among Rising Young Americans-1991  
 Who's Who of Emerging Leaders of America-1991  
 Who's Who in Practicing Attorneys-1989  
 Outstanding Young Woman of America-1986

## **EDUCATION**

**ST JOHN'S UNIVERSITY JAMAICA NY**  
 J.D.1983

Dean's List, Moot Court Junior Bar, Criminal Law Institute, Activities  
 Scholarship for serving as Secretary/Treasurer of Student Bar  
 Association

**MOLLOY COLLEGE ROCKVILLE CENTRE NY**  
 B.A. BUSINESS MANAGEMENT 1980

Dean's List, Member of three honor societies, Intercollegiate Public  
 Relations Coordinator, Departmental Honors in Business  
 Management

## MATERIALS

### ATTACHED MATERIAL:

1. Negotiation Worksheet
2. "The Art of Negotiation" Leadership Skills Required for Negotiation in Time of Crisis – ScienceDirect.
3. Mastering the Art of Negotiation: Strategies, Techniques, and Real-World Applications – Life with the Love

### TED TALKS:

1. Talks to help you negotiate  
[https://www.ted.com/playlists/422/talks\\_to\\_help\\_you\\_negotiate](https://www.ted.com/playlists/422/talks_to_help_you_negotiate)
2. "Why You Should Know How Much Your Coworkers get Paid" by David Burkus  
[https://www.ted.com/talks/david\\_burkus\\_why\\_you\\_should\\_know\\_how\\_much\\_your\\_coworkers\\_get\\_paid?referrer=playlist-talks\\_to\\_help\\_you\\_negotiate&autoplay=true&subtitle=en](https://www.ted.com/talks/david_burkus_why_you_should_know_how_much_your_coworkers_get_paid?referrer=playlist-talks_to_help_you_negotiate&autoplay=true&subtitle=en)

### ALSO SEE:

- Babcock, Linda & Laschever, Sara. 2007. *Women Don't Ask*. New York: Bantam Dell
- Fisher, Roger & Ury, William. 2011. *Getting to Yes: How to Negotiate Without Giving In*. New York: Simon & Schuster.
- Gilligan, Carol. 1982. *In a Different Voice*. New York: Morrow.
- Neff, Kristin. 2011. *Self-Compassion: Stop Beating Yourself Up and Leave Insecurity Behind*. New York: William Morrow.
- Rimm, Sylvia. 1999. *See Jane Win*. New York: Crown Publishers.
- Rubin, Gretchen. 2015. *Better Than Before: What I Learned about Making and Breaking Habits*. Penguin Random House.
- Voss, Chris. 2016. *Never Split the Difference: Negotiating As if Your Life Depended On It*. New York: Harper Business

**GAIL J. CUMMINGS**

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## NEGOTIATION WORKSHEET

Consider:

1. A time when you negotiated on behalf of a client.
2. A time when you negotiated on behalf of yourself.

Questions:

1. What were the challenges, and how did you handle them?
2. How were you a different negotiator for your client than for yourself?



## EMOTIONAL BANK ACCOUNT WORKSHEET

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Record your accomplishments on a daily/weekly basis.

Use small, medium and big wins to remind yourself of your value.

## Keys to Successful Negotiating

1. Share your “value add” – both qualitatively and quantitatively
2. Know your environment.
3. Be mindful of the timing – ask early
4. Be ready for pushback.
5. Step into the room.
6. Notice, honor and manage your emotions.





International conference "Education, Reflection, Development", ERD 2015, 3-4 July 2015,  
Cluj-Napoca, Romania

## "The art of negotiation" Leadership skills required for negotiation in time of crisis

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### Abstract

Leadership skills required for negotiation in time of crisis, to reach a successful conclusion, are particularly critical in international conflicts. Negotiation skills are important to achieve agreements in business. Yet the importance effective negotiation is not limited to international treaties or crises. The ability to negotiate is valuable to business managers because the skills developed through practicing negotiation skills develop critical thinking aptitudes and effective communication skills (McClendon, 2009). This article deals with definition of negotiation, conflict situation, strategies and tactics (Ertel, 1999). The most important question is what skills are required to lead the process of effective negotiations.

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### 1. What is Negotiation?

Negotiation, a way to resolve conflicts or disagreements or divide resources among two or more parties, carried out willingly by free choice. The two sides make contact for suggestions and counter suggestions and in this manner,

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communication takes place between the parties. Each side employs its own tactics in an effort to reach maximum results. Negotiations can be conducted on all topics, except ethics and religion. Negotiations take place daily, whether on a conscious or subconscious level. The stages in negotiation are: preparation, presentation and justification, bargaining, offers and counter-offers, using various tactics, and in conclusion – choosing an option or agreement. The risk in conducting negotiations is that there is no guarantee of successful results and often the hopes of the parties influence their tactics and the outcome of the negotiations.

### *1.1 Negotiations – Types and Models*

(1) One time negotiation: a single, unprecedented occurrence, which offers maximum success in minimum time and yields predictable result in which one or the other party wins and the other loses. There are no expectations for further implications on relations in the future and total attention is focused on successful resolution of the issue at hand. (2) Continuous negotiations are conducted in the framework of ongoing relationship, such as partners, supplier-client, etc. This type of negotiation is characterized by bearing the influence of experience and the nature of former relationship between the parties. Additionally, it carries each side's expectations for the future, replete with emotional involvement accumulated over the years, which could lead to more conciliatory behavior on the part of both sides. Even in the case where no agreement is reached, there is an opening for a possible chance in the future, when both parties have deep enough motivation, which might enable them to reach a resolution, satisfactory to all. It is desirable to conclude in a win/win situation; otherwise, the disappointed party will often find ways to violate the agreement, or worse, take measures to inflict hurt on the other party. (3) Direct Negotiation whereby continuous personal and direct contact between the involved parties exists. The advantage in this case is also the disadvantage: in other words, the two parties meet with one another directly and see the others' behavior. (4) Indirect negotiation takes place in the presence of representatives or mediators. The problem here lies in the vested interests of the mediators, which might be different from those of the party they are representing. Another problem might be the communication difficulties between the mediators and between parties. There are different acceptable attitudes towards the accepted negotiation style. Cultural differences are reflected in negotiating styles, for instance, direct, egalitarian authoritarian or blunt (Lebaron, 2003). Approach to the time dimension may differ regarding such aspects as punctuality, adhering to schedules, and the way in which the negotiation is conducted. In principle, there are no fixed rules for conducting negotiations, or for reaching successful outcomes, since there is no negotiation that is identical to another. Intuition or experience is not sufficient, although experience can be helpful in leading the negotiations to a successful outcome.

## **2. Strategy and Tactics**

Strategy is the manner of conscious behavior, including long term planning in view of perceiving and evaluating conditions, the situation and the power of the opponent. There are two types of strategy: struggle and cooperation. Struggle strategy: One gains only from the other's loss. This strategy is less popular, albeit effective and gets sure results. Cooperation strategy: There is a theoretical possibility that both sides can reach their goal by way of compromise.

### *2.1 Negotiation Tactics*

Tactics are a specific way used in a particular situation. Tactics are meant for short-term use and constantly change depending on the specifics of the negotiation conditions. Tactics are practical and often help to reveal the opponent's hidden agenda and interests and one must be vigilant to collect this information. Tactics can be subdivided into five categories, and making use of more than one can improve one's chances of not being perceived as being stubborn. Hard tactics: (1) Threat – expression of readiness to inflict future damage; (2) Scare – taking offensive action that will cease only when other party concedes; (3) Attack – on the opponent's stance or a verbal attack; (4) Ultimatum – pushing the opponent into a corner by setting limits; (5) Cutting off ties – either temporarily or permanently. Time related tactics: (1) Delay - postponement until the other side becomes uncomfortable or gets used to the idea; (2) Setting a final date – natural or artificial; (3) Controlling schedule and setting the agenda – whoever decides



negotiation place and timing has a distinct advantage. Authority related tactics: (1) Limited authority – often prevents or eliminates pressure, allows consultation during negotiations or even appending additional demands after conclusion of negotiations; (2) Unauthorized negotiations – seemingly ineffective but offers some value in transferring messages or information without any obligation.

## 2.2 Persuasion Tactics

Convincing the other party to accept facts and accede to logical demands, persuading the other side that it is worth their while to agree with the demands, persuading the other side that there is no basis to their demands, persuading the other side that they should not abandon the negotiations at this late stage after having invested so much of time and energy. Soft tactics: (1) Revealing Information – sharing the problem with the other party; (2) Concessions, even small ones, in order to give the other side a positive feeling for further cooperation. It is recommended to open the discussions with maximum demands to ensure ample allowance for concessions, and still keep concessions to a minimal level. One can decide in advance one's own limits in conceding to the other party's demands, however, this could lead to a dangerous situation of reaching our "red line" too quickly. (4) Active listening – this is the most economical of all concessions – to hear the other side out. Usually the persuading side speaks more than it listens. The guidelines for active listening are acknowledgement and understanding of the other side's position, asking questions, raising doubts, and non-provocative attitudes and examining the understandings that develop via interim summaries. (5) Promises - exactly the reverse of threat: redness to reward in the future.

What Influences our Choice of Tactics: In order to identify the tactics adopted by the other party, it is necessary to be alert and listen to what is happening around us. Only when we have identified which tactic the other side is using, can we know how to cope choose the appropriate response, which tactic we should use to counter or neutralize its effect.

Information, Place and Power factors are the most significant factors in management in general, and in negotiations management in particular, is information. Negotiating is a process, which takes place in a state of uncertainty in terms of the sides' interests, preferences, etc. Without information or alternately, with insufficient or partial information (the most common occurrence), the "unknown" becomes a central component in the negotiations and causes wild guesses, speculation and mistakes. Information that is presented in an emotional, descriptive and innovative fashion, remains etched in one's memory more so than information presented in an informative direct but boring manner.

## 3. The Model of "Negotiation in Nine Steps"

This model takes into account the proposed solution offers to both parties and thereby enables them to enter into negotiations (Druckman, 1997).

How are the approach and model chosen? The choice is not necessarily based on rational or matter-of-fact considerations. Sometimes it stems from worldviews developed in particular socialization processes.

*3.1 Beginning the Process* This section directs the leaders' attention to the lens through which the negotiation experience may be viewed, to the predictable patterns in the negotiation process, and to the rules for telling the truth without telling everything (McClendon, 2010).

### 3.1.1 Start from Where You Are

Perception frames reality. It is therefore imperative that a negotiator's perceptions and decision-making orientation are free from, or at least sensitive to, limiting factors such as inherent bias and pride. Emotions play a powerful role in both the capacity to perceive and express feelings and in the ability to engage in clear thinking. It is important for negotiators to appreciate the emotional vocabulary of interaction, to monitor emotional and to cultivate a wise emotional dialogue. Positive emotions enhance relationships, which greatly increases the potential for problem solving, so it is important to look for ways to reduce rather than enhance tensions during the session.

Negotiating style is an important element in the process and is manifest in three types: competitive, cooperative, and integrative. The objective of an adversarial style is to win a zero-sum game. This style requires a high degree of



determination coupled with well-tuned aggressiveness, decisiveness, the courage to allow risks, as well as the self-confidence to curb risk taking when those risks are unwise. In contrast, the objective of a cooperative style, values fairness and building relationships while seeking mutually satisfactory solutions through gathering and sharing information (Renee, 2007). This style requires determination and some aggressiveness in order to hold high aspirations and stay sufficiently focused to achieve them. An integrative style attempts to resolve the conflict by focusing on satisfying the interests of both parties and exercising problem-solving techniques. An appropriate combination of distinctive styles may enhance the negotiation strategy.

These negotiating styles are manifested in two distinct approaches to negotiation. Principled negotiation involves identifying the underlying interests and needs of the parties, creating a range of alternatives and options, and focusing on improving the working relationship between the parties. Sometimes the pie to be divided is enlarged, benefiting both parties. Positional negotiation, on the other hand, centers upon how much one party will win and the other will lose, and agreement is through a series of limited concessions offered by both parties. The pie is viewed as being only so big and incapable of being divided such that one person receives more without the other receiving less. Since no single style or approach works best in all negotiations, the successful negotiator should be able to use a variety of methods and know when to choose each. Competitive tactics early in the negotiation sometimes increase the prospects for successful use of cooperative or problem-solving tactics later in the negotiation.

Learning to control instinctive judgments and first impressions dramatically increases a person's power of knowing what to do in the first two seconds or in the "blink of an eye." It follows that just as negotiators can learn to think logically and deliberately, they also can learn to make quick, accurate, and intuitive decisions. Understanding principles for which one stands, as an individual is useful in evaluating the values of other individuals since contrasting values can influence a negotiation. The lenses a negotiator uses, as well as the particular style or approach the negotiator chooses, form patterns that are important to decipher and understand.

### *3.1.2 Recognize Patterns*

Examples of symmetry and uniform proportions, rooted in the timeless laws of mathematics, exist throughout the world. Similarly, patterns exist for life's experiences, as well, and this concept is no less true for negotiations. Practitioners can profit by contrasting negotiations in their own field of practice with those in other areas, and they can profit by reflecting about what pattern lies within the common core. Looking for recurring patterns allows a negotiator to predict and plan the progression of the session.

Further, the experiences of negotiators typically will fit into a pattern by which a particular sequence, when followed, always yields the best results. As a result, it is important to study and read broadly to create a store of ideas to enhance alternatives and ideas for solving negotiation problems. Equally important is the need to seek an understanding of the opponent's reasoning and the patterns that exist in that logic, to anticipate the next move. Finally, patterns also tend to emerge in the confrontation of moral issues and ethical dilemmas.

### *3.1.3 Component Three: Follow the Rules*

Practicing good ethical decision-making is characteristic of professionalism. Negotiation often involves inexact, disputed reconstruction of past events and perceptions as being a primary basis for decisions. Ethical philosophy, however, does have a place in negotiation ethics because the ideal of justice is real even if in practice, it may be unattainable, and the ideal of truth is real even if in practice, its realization is incomplete. Virtue, loyalty, courage, and other timeless values all remain worthy goals.

The most serious ethical failing is not attempting to affirm such timeless values. Integrity should be a crucial value to a negotiator. Integrity involves discerning right from wrong and requires action based upon what is distinguished as right and wrong even in the face of adversity. Integrity requires a degree of moral reflection; moreover, a person of integrity is steadfast, trustworthy, and honors commitments.

In sum, it is important to review one's moral maps before starting a negotiation, to use them as a guide, and to accept the principle that good ethics is good business. A negotiator also should practice anticipating and resolving morally complex issues before they arise and avoid unethical misrepresentation. In addition to a sound ethical grounding, the ability to decipher patterns, and to follow ethical rules, the successful negotiator must possess relevant skills.

*Becoming More Skilled:* This section emphasizes four critical components of effective negotiating: Active listening



with four ears; strategic planning; tactical maneuvers; and the use of open-ended questions, which is also utilized in mediation, as a negotiation tactic.

#### 3.1.4 *Listening with Four Ears*

A failure to listen effectively can derail every other negotiating skill developed, including the best strategies, the sharpest tactics, and the most honed mediation techniques. What a negotiator often encounters is not a problem to be solved, but rather an idea to be heard, a different view to be understood, or a new person with whom to become acquainted. Negotiating, like the process of teaching and learning, involves an encounter with the unexpected, along with the elements of suspense and surprise. When listening, a negotiator must wait patiently for insight to emerge and must trust in the outcome of the process. Few individuals are good conversationalists because they think about what they intend to say, rather than about what the other person is saying. Therefore, the focus of a good conversationalist, as well as a good negotiator, should be not just to hear, but also to listen. Hearing is mostly physical; listening is mostly psychological. The key to improving listening skills can be accomplished in four steps: (1) Listen to What Is Clearly Being Said - The first ear involves listening actively (participating, concentrating) to gain insight into the thoughts, needs, and feelings of others. By listening actively and not mentally preparing an immediate reply, one is less likely to convey unintended nonverbal signals. Remember, one hears only the sounds to which one listens. Further, feelings and motives are critical to listening effectively, as is demonstrated by the fact that when they are absent in electronic communication, much of what otherwise would be clearly understood is lost. People are not computers, programmed to respond to impulses from others. Human beings have feelings generated by the negotiation process feelings of mistrust, fear, and anger. In addition, it is sometimes the very smallest of subtleties, repeated repeatedly, which form a predictable pattern and send a clear message. Active listening is a process of thoroughly hearing what the other person has said, and responding with a reflective statement that mirrors what has been heard.

Active listening requires expertise in discussing and conferring with, as opposed to bargaining against, in order to hear what the other person is really saying. The negotiator must listen to understand rather than attempt to achieve an agreement or produce some kind of change in the other person. (2) Listen for What Obviously Is Not Being Said - The second ear involves recognizing what speech conceals and what silence reveals. "Listening is the ability to hear what people are saying or not saying as distinguished from the words they enunciate". If one listens between the words, one will be able to discern a message and hear more than just the words. It is important to look not only for the reaction that the other person has to what you have just said, but also for what the other person obviously is not voicing. A reluctance to discuss one aspect of the problem is, in a sense, a hidden offer to discuss another one should package conclusions by giving reasons first and proposals second, to help the other person to listen effectively. The negotiator should use small talk to warm up, should tune into the other person's communicative manner (fast/slow, loud/soft); and should communicate through those senses (seeing, listening, feeling, touching, reasoning) to which the other is more apt to respond. It is unwise to attempt to negotiate with someone who is angry, as that emotion may shape his or her perception of information. Instead, acknowledge feelings of anger first and allow emotional dialogue to precede intellectual discussion so that both parties may listen effectively. Other practical tips for affirming the listening process included using your opponent's name as you make eye contact; focusing on issues on which you already agree to build momentum; using the word yes for unity, not dichotomy of thought; and speaking only for oneself, thereby acknowledging the other person, his or her authority, and his or her competence. (3) Listen for What the Other Person Really Wants to Say, But Does not - The third ear involves listening for the essence of things. A useful reminder is to use the "e" and "a" and "r" of "ear": explore what is not clear, acknowledge what is understood, then respond.

A useful listening tool is to capitalize on pauses to enhance communication. Pauses can provide a better idea of what other people are planning to do but are hesitant to express. The negotiator should encourage the expression of what the speaker is hesitant to articulate. Such encouragement is beneficial in two aspects:

- a. Logically, the negotiator gains a better insight to what the opponent is expressing
- b. Emotionally, the negotiator posts a friendly gesture even before the intellectual analysis begins, which usually leads to an agreeable discussion.

Further, often what a person states is usually an imperfect representation of what that person is thinking or trying to



articulate. As a result, one listens to what is said, and then makes inferences about what that person is thinking in order to penetrate the thought process behind the words.

Communications in negotiations need to cover all-important concerns, reveal all issues and interests, and explore likely avenues of mutual gain.

Therefore, negotiators must skillfully translate what is being said into what the speaker intends to say.

*Listen to What You Are Saying to Yourself* - The fourth ear involves perhaps the most important part of listening: listening to one's perceptions and the voices from within oneself, the soul's ear. This process often involves subconscious concentration with one's informed intuition acting as a coach. Asking questions results in opening an inner space to receive the reply.

### 3.1.5 Plan Strategy

Planning strategy involves focusing on a specific goal as the negotiator uses the power of purpose to prepare, plan, and practice. All three endeavors involve a great paradox. On one hand, they are highly rational and capable of study; yet, on the other hand, all three are driven by non-rational dynamics.

In preparing, planning, and practicing, a negotiator should use imagination to anticipate and predict what is needed and set justifiable, yet optimistic, aspirations regarding the outcome. People are usually far more concerned with what is likely to happen in the near and distant future than with what is actually happening in the present. To this end, the negotiator must exclude some alternatives in advance or run the risk of becoming overwhelmed with possibilities. Although planning for the negotiation requires research, it is the process of creating the plan that often is more important than the actual plan. Creating the plan prepares the negotiator to expect the unexpected and to look for patterns in the process. While preparing a strategy involves programming one's set of inner signals and prioritizing goals, certain characteristics of effective preparation and practice for negotiation are universal.

1. A key element in planning strategy is to assess the balance of power. This assessment involves not only the actual balance of power between the parties, but, more importantly, each party's perception of that power balance.
2. The element of surprise, while effective in warfare, is not always a good technique in a negotiation. It is important for the other side to recognize a rational pattern to the negotiator's offers and talking points. While it is advisable to have an alternative strategy that will unleash an unexpected fact or higher/lower than anticipated offer on the opposing team, a negotiator's main ally is a reputation for being reasonable.
3. All information, internal or external, should, whenever possible, be verified. Beware of selective perception or the tendency to evaluate information in a way that supports one's own beliefs, assumptions, and self-image. It also is tempting to discount what is not known in favor of what is known, leading to an optimistic overconfidence in one's chances for success.
4. Overvaluing things that are certain, while undervaluing probable or speculative outcomes, can be dangerous. As an information gatherer, the negotiator's focus should be to get the facts straight.
5. Avoid attacking the opponent's position; instead, try presenting differing interests. An opponent's confidence is largely determined by that opponent's own perception of tolerance for risk. Faced with this situation, one's first response tends to be to adopt a position. However, an opponent may feel less threatened, if the conflict is not identity based. Moreover, an opponent wants to feel capable of influencing behavior and is therefore more likely to make concessions when feeling competent. By acknowledging an opponent as being a tough and worthy negotiator, perhaps by coordinating a few concessions on relatively minor issues, it may become possible to induce even greater concessions.
6. Never rush the process. Unskilled negotiators place a dysfunctional premium on speed and harbor a psychological uneasiness about wasting time. Certainly, **time is valuable**, and sometimes it is necessary to trade money against time.

### 3.1.6 Anticipate Tactics

Just as strategy deals with the overall plan of the negotiation, tactics focus on the details, and implement the strategy. The same ingredients are present: time, power, information, and credibility. Experienced negotiators use



tactics to explore the possible existence of, and move toward, a mutually beneficial settlement that all can accept. Negotiations have a sequence: before, beginning, during, closing, and after. Different tactics are suitable for these separate stages. Use tactics to explore the possible existence of, and move toward, a mutually beneficial settlement that all can accept.

Negotiations have a sequence: before, beginning, during, closing, and after. Different tactics are suitable for these separate stages. Finding mission in which bits and pieces of information are exchanged casually. The beginning is the time to listen and observe, and not the time for debate; a well-worded question is probably the most effective tool at this stage. It is also important to clarify the capacity of one person to act on behalf of another at the beginning and to discuss each other's perceptions explicitly in a frank, honest manner. Communicating convincingly and willingly assertions, which the adversary would like to hear, can be one of the best tactics available. As the negotiation matures, identify areas less critical and use these issues to begin making concessions. During the negotiation, one moves with more focus. While the beginning phase involves sparring for advantage and the closing is heavily influenced by time pressures, this middle phase is a time primarily for measured movement, exploring interests behind positions, and developing a reasoned approach. Package concessions with good reasons first so that the opponent will listen carefully, and avoid sizeable concessions early in the negotiation as such a maneuver might falsely raise an opponent's expectations. Listen carefully for offers and hints of offers. Emotions are very effective in negotiating, but keep them under control. Remember also that patience creates a calming, cooperative environment for the resolution of differences and the emergence of successful conclusions. Patience is not a sign of weakness; rather it is leverage that can be used to think critically about the adversary's position and gain insight into the best resolution for both sides. Toward the close of the negotiation is the appropriate time to give alternatives, set deadlines for offers to expire, and make the last concession small and conditioned upon agreement. Be conscious of the end of the negotiation approaching because there is less time to correct mistakes.

Consider referring to outside criteria to determine amounts, and continue to focus on covering all the details. A negotiator should give reasons for the final offer, be specific, and condition it on settlement. In addition, proficient negotiators provide adversaries with sufficiently generous terms in order to insure a sincere acceptance of those terms and a commitment to honor them, since they are cognizant of the natural tendency for persons to experience buyer's remorse, about a major decision just after committing it. After the negotiation process, it is wise to reflect and to plan how to proceed differently next time. For example, the negotiator should review what factors were most influencing during the negotiation, what were the surprises, what the opponents did that enhanced or weakened their position, and what induced the parties to reach an agreement. The negotiator should contemplate how the little things, repeated over time, form a pattern and make a difference. The debriefing process is a catalyst to accelerate learning and gives the negotiator an opportunity to transform undesirable experiences into a successful educational process. It is also important to recognize that in reality, settlement is less a climatic end to conflict, but rather part of a continuing process in which the agreement must be implemented.

*Being Persuasive* - This section focuses on the last two components: the subtlety of signals in communication, the classical art of persuasion, and on timeless values, the key ingredients of professionalism.

### 3.1.7 *Communicate Through Signals*

People see themselves primarily in the light of their intentions, which are invisible to others; on the other hand, they see others mainly in the light of their actions, which are visible, creating a situation in which misunderstanding is the order of the day. Signals sent to other people within the first seven seconds of meeting them often reveal one's hidden agenda. The first two or three minutes of negotiating sets the tone, and gives initial clues to the other side about not only where the negotiator plans to go, but also the way in which the negotiator plans to get there. Remember also that much of communication is nonverbal, and nonverbal mannerisms contribute the impression a person makes. For example, nervousness may indicate the person is not secure in what is being said or that the person is hiding something.

Finally, a timeline with an impending deadline is one of the most powerful forces in negotiations. It sends a signal that the force of time and the expectation of a beneficial outcome are in tension. If the negotiation is not time critical, consider trying to reach a mutual agreement to establish an artificial deadline.



### 3.1.8 Adopt the Art of Persuasion

Establishing trust at the beginning of a negotiation builds a relationship, which is critical because it is difficult to negotiate without trust, and trust is essential to successful persuasion. The developing of relationships is critical to the art of persuasion in negotiating. That development requires that adversaries be treated with respect, not as an object to be pushed, but rather as a person to be persuaded. To this end, a negotiator should use a story-telling technique that depends on facts and careful organization, not judgments and opinions; grouping key facts into a series of verbal pictures allows a negotiator to persuade by showing rather than by telling. In employing tactics of persuasion, negotiators are wise to consider that reactions to negative and positive consequences are not always equal. People will risk more to avoid loss than to achieve gain. This loss aversion concept explains why people tend to disfavor a loss more than they favor an equivalent gain. People are often unwilling to gamble for an extra margin of safety but demanded huge sums to accept added risk, a behavioral pattern that is not necessarily rational. The art of persuasion often involves more than shaping the other person's perceptions; it also involves shaping a perception of the available alternatives, for example, with respect to wins and losses. In other words, "Diplomacy is the art of letting someone else have your way".

### C. Component Nine: Affirm Timeless Values

The last component of effective negotiating supports all prior components and is the critical ingredient found in professionalism: timeless values. These values include courage, loyalty, fair play, tolerance, truthfulness, persistence, and integrity. Timeless values in negotiations determine relationships; create power; and form the very basis for the most important quality, which is trust. This last component of effective negotiating requires the affirmation of timeless values, a critical ingredient needed to withstand successfully professional challenges. As President Obama declared, "our challenges may be new. The instruments with which we meet them may be new. But those values upon which our success depends honesty and hard work, courage and fair play, tolerance and curiosity, loyalty and patriotism these things are old. These things are true."

## 4. Conclusion

In the midst of the Cold War President Kennedy suggested that negotiation, not confrontation, was a wise course and that civil resolution was not a sign of weakness, but must be characterized by sincerity of effort, that is, by professionalism. President Obama in his inaugural address admonished that timeless values be treasured and kept sacred. Negotiation, a routine method of reaching settlement of disputes, can be simulated in undergraduate and graduate law courses to teach ethical practices and principles.

Negotiation exercises also develop a deeper level of understanding of the actual law involved in the conflict and introduce students to a set of life skills, which can be employed in countless business and personal situations.

This article presents an instructional module for leaders and managers to understanding the negotiation process. It describes effective negotiation as the coalescence of two forces. One force is focused upon a disciplined toughness, a determined will and a skill set that permits the negotiator to assess the situation and to outthink the adversary. The other force is focused on the timeless values of integrity, civility, loyalty, truthfulness, and compassion. Together these forces illustrate the dynamic tension that exists between the ethical force of professionalism and the competitive force of the negotiator mindset.

In time of crisis leaders of Organizations, states and governments should relate to the skills of negotiating as a "strategic calculus" (Puscas, 2010) especially by open communication and a formal process to searching the best solution to mitigate the effects of the crisis and to get an effective solution.

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# Mastering the Art of Negotiation: Strategies, Techniques, and Real-World Applications

By **Life with the Love** • September 13, 2024 • 6 min read

Negotiation is an essential skill in both personal and professional settings. Whether you're closing a business deal, resolving a conflict, or simply navigating daily interactions, the ability to negotiate effectively can determine the outcome of various situations. This article explores the art of negotiation, offering insights into key strategies, techniques, and real-world applications. Drawing from recent research, expert interviews, and statistical data, this comprehensive guide aims to equip you with the tools needed to become a master negotiator.

## Contents

### Defining Negotiation

**Definition:** Negotiation is a dialogue between two or more parties aimed at reaching a mutual agreement or resolving a conflict. It involves the exchange of ideas, proposals, and concessions to achieve a desired outcome. Negotiation is not about winning or losing but rather finding a solution that satisfies all parties involved.

### The Importance of Negotiation Skills

#### Building Relationships

- Effective negotiation fosters trust and cooperation, leading to stronger relationships. Whether in business or personal life, negotiation helps create win-win situations, which are crucial for long-term partnerships.

#### Conflict Resolution

- Negotiation is a key tool in resolving conflicts. By addressing the interests and concerns of all parties, negotiation helps prevent disputes from escalating and promotes harmony.

#### Career Advancement

- Professionals with strong negotiation skills are often more successful in their careers. Whether negotiating a salary, a promotion, or a new project, these skills can lead to better opportunities and outcomes.

#### Financial Benefits

- In business, effective negotiation can lead to significant financial gains. Whether negotiating contracts, pricing, or terms of service, skilled negotiators can secure better deals and increase profitability.

## **Key Strategies for Effective Negotiation**

### **Preparation is Key**

- Research and preparation are fundamental to successful negotiation. Understand the needs, interests, and potential concessions of all parties involved. This includes gathering data, setting clear objectives, and anticipating counterarguments.

### **Active Listening**

- Listening is a critical component of negotiation. By actively listening to the other party's concerns and needs, you can better understand their position and identify common ground.

### **BATNA (Best Alternative to a Negotiated Agreement)**

- Knowing your BATNA is crucial. It refers to the best outcome you can achieve if the negotiation fails. Understanding your alternatives gives you leverage and prevents you from accepting unfavorable terms.

### **Building Rapport**

- Establishing a positive relationship with the other party can facilitate smoother negotiations. Building rapport fosters trust, making it easier to reach a mutually beneficial agreement.

### **Flexibility and Creativity**

- Flexibility in negotiation allows you to adapt to changing circumstances and explore creative solutions. Being open to different approaches can lead to innovative outcomes that satisfy all parties.

## **Techniques for Successful Negotiation**

### **The Anchoring Effect**

- The anchoring effect is a cognitive bias where the first piece of information presented (the anchor) heavily influences subsequent decisions. In negotiation, setting the initial offer can anchor the discussion in your favor.

### **The Power of Silence**

- Silence can be a powerful tool in negotiation. It creates space for the other party to reveal more information or reconsider their position. Silence can also convey confidence and control.

### **Use of Concessions**

- Concessions are an integral part of negotiation. Strategically offering concessions can encourage the other party to reciprocate, leading to a more favorable outcome. However, it's important to ensure that concessions do not undermine your objectives.



## **Framing the Proposal**

- How you present your proposal can significantly impact its acceptance. Framing involves highlighting the benefits and minimizing the drawbacks of your offer. A well-framed proposal is more likely to resonate with the other party.

## **Closing Techniques**

- Effective closing techniques are essential to sealing the deal. Techniques such as the "assumptive close" (assuming the agreement is already made) or the "summary close" (recapping the key points) can help finalize the negotiation.

## **Expert Insights and Real-World Applications**

### **Interview with Dr. John Smith, Negotiation Expert:**

- Dr. John Smith, a renowned expert in negotiation, emphasizes the importance of empathy in negotiation. "Understanding the emotions and motivations of the other party is key to finding a resolution that works for everyone. Empathy allows you to connect on a deeper level and create solutions that are genuinely beneficial."

### **Case Study: Apple and Samsung Patent Dispute:**

- The prolonged patent dispute between Apple and Samsung is a prime example of complex negotiation. Despite years of litigation, both companies eventually reached a settlement, demonstrating the importance of negotiation even in highly contentious situations.

### **Statistical Insight:**

- According to a study published in the *Harvard Business Review*, negotiators who prepare thoroughly are 30% more likely to achieve favorable outcomes compared to those who do not. This statistic underscores the critical role of preparation in negotiation.

## **Common Pitfalls in Negotiation and How to Avoid Them**

### **Failing to Prepare**

- Lack of preparation is one of the most common pitfalls in negotiation. Without adequate research and planning, you may miss opportunities or make concessions that are not in your best interest. To avoid this, dedicate time to gather relevant information and develop a clear strategy.

### **Overconfidence**

- While confidence is important, overconfidence can be detrimental. It may lead to unrealistic expectations or an unwillingness to compromise. Stay grounded and open to different perspectives to avoid this trap.

### **Emotional Involvement**

- Allowing emotions to dictate your decisions can cloud judgment and lead to poor outcomes. Practice emotional intelligence by staying calm and focused during negotiations.

### **Ignoring the Other Party's Needs**

- Successful negotiation requires a mutual understanding of each party's needs and interests. Ignoring the other party's perspective can result in a breakdown of communication and failure to reach an agreement.

### **Conceding Too Quickly**

- Making concessions too early in the negotiation process can weaken your position. Hold off on concessions until you have a clear understanding of the other party's position and potential areas of compromise.

## **Practical Tips for Improving Negotiation Skills**

### **Practice Active Listening**

- Improve your active listening skills by focusing on the speaker, avoiding interruptions, and reflecting on what is being said. This not only builds rapport but also provides valuable insights into the other party's position.

### **Role-Playing**

- Engage in role-playing exercises to simulate negotiation scenarios. This practice helps you refine your strategies, anticipate challenges, and build confidence.

### **Seek Feedback**

- After each negotiation, seek feedback from colleagues or mentors to identify areas for improvement. Constructive criticism can help you hone your skills and avoid repeating mistakes.

### **Continuous Learning**

- Stay updated on negotiation techniques and strategies by attending workshops, reading books, and following industry experts. Continuous learning ensures that your skills remain sharp and relevant.

### **Reflect on Past Negotiations**

- Analyze previous negotiations to understand what worked and what didn't. Reflecting on past experiences allows you to learn from both successes and failures.



## Conclusion

Mastering the art of negotiation is a valuable skill that can significantly impact your personal and professional life. By understanding the principles of negotiation, employing effective strategies and techniques, and continuously honing your skills, you can navigate negotiations with confidence and achieve favorable outcomes. Whether you're a seasoned professional or a novice, the insights and tips provided in this article will help you become a more effective negotiator.

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