

SPEAK UP

# Who shares wins

Stuart Dodds, director of global pricing and legal project management at Baker McKenzie, says there don't always have to be winners and losers in legal business life



**Y**ou've been negotiating ever since you were old enough to disagree with your parents about eating your green vegetables. We all negotiate every day – with colleagues, partners, children, friends and acquaintances. Negotiation really is an everyday event. It's also a skill that can easily be learned. Fortunately, a number of law firms are focusing on more training in this increasingly critical area.

For those with a pessimistic view of negotiation (and there are a few, admit it), the process is often imagined to be one or more of the following:

- A personal attack on the value one party brings to the other
- A way for one party to exert more control
- A form of rejection
- A block to developing stronger relationships.

However, in today's cost-conscious legal environment negotiation is merely a natural part of the legal buying process. It can also be a chance to make firm-client relationships more commercial and rewarding through better trust.

For those in the legal world it boils down to two different stances. The first is referred to as 'positional negotiation', where one party wins and the other loses (assuming there are only two parties in the negotiation). The second is 'collaborative negotiation', where both parties feel they've won – or at least gained something – from the agreement.

Collaborative negotiation is the more trusting,

tolerant and cooperative. It's typically more informal, and is often referred to as a 'win-win' negotiation. These discussions are all about creating value and claiming it. This is exactly the type of negotiation law firms should look to adopt where they can.

Here are three other quick observations I've picked up to help you along the negotiation path:

**1** Don't confuse negotiation with selling. These are distinct processes and skillsets. When selling, you focus on the 'value' of your offering, and how this helps your client achieve their business objectives. Negotiation, on the other hand, is around the process of planning, questioning, listening to the other party and then making a proposal.

**2** Studies have shown that skilled negotiators ask twice as many questions as poor negotiators. Why? It helps them to understand what's important and of value to the other party so they can adjust their proposals accordingly.

**3** Recognise the difference between someone's 'interest' and their 'position'. Interests often aren't explicitly shared, but they drive people's stated positions as part of any negotiation. The most effective way to address issues is to determine each party's interests by asking some very simple questions.

So, remember that collaborative negotiation is always better. It focuses on creating more value for all. And never refuse to eat your greens! They're good for you, too. ▴

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