

Perfecting Negotiating Techniques**

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Persuading others to act in the library's best interest doesn't really require the invocation of magical powers. Instead, law librarians can polish their persuasive communication skills to overcome barriers and to realize institutional and personal goals.

¶1 Given a choice, would law library managers turn down a genie's offer of three magic wishes for their library and their career? Probably not.

¶2 But the odds are good that if law librarians presented with this choice felt confident of their negotiation skills, the need for relying on magic wishes would diminish. What's more, persuading others to act in the library's best interest doesn't really require the invocation of magical powers. Instead, librarians can polish their persuasive communication skills to overcome barriers and to realize institutional and personal goals.

¶3 Although perceived by many as a special skill reserved for making major deals or resolving international disputes, negotiation actually has become a way of life for effective professionals in all types of work environments. The principles of negotiation theory have undergone a shift over the past half-century.¹ The hard bargaining, "win at all costs" aggressive posture has given way to negotiation practices that identify benefits for all the parties and lead to arrangements that take into account the full lifeline of the agreement.

¶4 Because negotiation plays such a central role in the corporate world, articles about negotiation appear in general management literature resources on a regular basis.² Information abounds about the steps of the negotiation process and the skills needed to implement the process. The shelves of your local bookstore and

* *Editor's Note:* "Managing by the Book" is a regular feature of *Law Library Journal*. In each article, author Jean Holcomb highlights a book outside the field of librarianship that has a message about management topics that will resonate with law librarians.

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1. James K. Sebenius, *Six Habits of Merely Effective Negotiators*, HARV. BUS. REV., Apr. 2001, at 87, 89.
2. For examples of recent treatments of the negotiation process, see Ron S. Fortang, David A. Lax & James K. Sebenius, *Negotiating the Spirit of the Deal*, HARV. BUS. REV., Feb. 2003, at 66; David A. Lax & James K. Sebenius, *3-D Negotiation*, HARV. BUS. REV., Nov. 2003, at 64; Danny Ertel, *Getting Past Yes*, HARV. BUS. REV., Nov. 2004, at 60.

your e-book vendor contain a wide variety of titles that translate business literature principles for use in life and work outside the corporate environment.³

¶5 Keep in mind, however, that there is no one formula for the perfect negotiation technique that will fit all librarians. Reviewing titles that catch your fancy will help you identify negotiation tools that match your own management style. One starting point in an investigation of negotiating techniques could be *The Power of a Positive No: How to Say No and Still Get to Yes*.⁴ In this recent book, author William Ury, a leading expert in negotiation theory, offers a new twist on the negotiation process.⁵

¶6 A book centered around the word No would at first glance seem to run counter to the reigning negotiation theme of ensuring that everyone wins. Yet Ury's carefully laid out methodology supports his thesis that agreements that result in Yes may be less than satisfactory if the parties have not first addressed critical underlying issues.⁶ He describes his thinking in the following manner:

I slowly came to appreciate that the main stumbling block is often not an inability to get to Yes but prior inability to get to No. All too often, we cannot bring ourselves to say No when we want to and know we should. Or we do say No but say it in a way that blocks agreement and destroys relationships. We submit to inappropriate demands, injustice, even abuse—or we engage in destructive fighting in which everyone loses.⁷

Ury believes that people need to be able to say No in a positive way to stand up for what they value without causing damage to the relationship or negotiation process. In his book, he demonstrates how being able to do this empowers a negotiator to design a negotiation strategy that will lead to a favorable resolution.⁸

¶7 To help create a comfort level to empower the use of No, Ury outlines a three-phase process. In the first phase, attention focuses on the self-evaluation of values that shape the definition of your strategic focus and lead to the preparation of the Positive No statement. The second phase outlines how to deliver the Positive No statement, while the final phase describes how to manage the reaction to your Positive No and turn resistance into acceptance.

¶8 This approach is based on the premise that in saying No in a positive manner, speakers really are saying Yes to their inner values and protecting what is most important to them. He suggests using visualization as a tool to remove and distance

3. See, e.g., JIM CAMP, *START WITH NO: THE NEGOTIATING TOOLS THAT THE PROS DON'T WANT YOU TO KNOW* (2002); MICHAEL C. DONALDSON, *FEARLESS NEGOTIATING: THE WISH-WANT-WALK METHOD TO REACHING AGREEMENTS THAT WORK* (2007); Books for Business, <http://www.booksforbusiness.com> (last visited July 12, 2007); Entrepreneur.Press, <http://www.entrepreneurpress.com> (last visited July 12, 2007).

4. WILLIAM URY, *THE POWER OF A POSITIVE NO: HOW TO SAY NO AND STILL GET TO YES* (2007).

5. A leader in the study of negotiation, Ury earlier coauthored a book that introduced win-win negotiation theory. ROGER FISHER & WILLIAM URY, *GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN* (1981). For additional information about Ury, see William Ury: Helping Get to Yes, <http://www.williamury.com> (last visited July 1, 2007).

6. URY, *supra* note 4, at 4.

7. *Id.*

8. *Id.* at 5.

yourself. He advises thinking of “going to the balcony”⁹ and looking down on the negotiation to provide a way to identify emotions, uncover underlying interests, and define core values.

¶9 Because saying No is not easy, the confidence needed to make such a statement will rest on a careful examination of what responses can be expected. Developing in advance a range of strategies for handling responses will foster confidence. As a part of the process of identifying your core values and delivering your message, Ury emphasizes the importance of preparing a plan B, a backup plan.

¶10 In negotiation language, plan B is expressed as your BATNA, or “best alternative to a negotiated agreement.”¹⁰ Ury stresses that your plan B should be viewed not as a compromise or less preferred option, but as an alternative to agreement. Plan B outlines the course you will pursue independently should the other party not accept your offer. Plan B provides a benchmark to measure any proposal. Plan B defines what you will do to make sure your interests are respected even if the other side will not cooperate. Preparing your plan B in advance helps level the playing field in negotiations when there’s an uneven balance of power.

¶11 While not all plan Bs describe happy endings, outlining all of the possible plan Bs allows negotiators to reassess their plans to use a positive No. This examination allows the negotiator to determine in advance if he or she has the interest and the ability to ride out the possible reactions to the No statement. This emphasis on the development of plan B underscores Ury’s point that spending time to reflect and build your inner case to support saying No will be central to your success.

¶12 To make his thesis come alive, Ury fills the narrative with illustrations from family settings, corporate deal making, and international negotiations. He uses the story of an employee in a family business who tells the boss, his father, that he will no longer work on weekends when his family has scheduled vacations as a key point of reference throughout the book. In addition to illustrations, the text offers model language, chapter endnotes, and an index.

¶13 If the cool, analytical approach outlined in *The Power of a Positive No* doesn’t match your personal management approach, a book at the other end of the management communication spectrum might be just what you need to refresh or reinvent your current negotiation tools. If a book with a chapter titled “Taking Crap with Dignity . . . and Style” sounds more your speed, *Verbal Judo: The Gentle Art of Persuasion* by George J. Thompson and Jerry B. Jenkins¹¹ might be just what you need.

¶14 Although different in tone, *Verbal Judo* also promises that readers who follow its methodology will be better prepared to successfully communicate their

9. *Id.* at 31.

10. *Id.* at 58.

11. GEORGE J. THOMPSON & JERRY B. JENKINS, *VERBAL JUDO: THE GENTLE ART OF PERSUASION* (rev. ed. 2004).

point of view. While the *Positive No* emphasizes being true to your inner values and using those values as a springboard to agreement, *Verbal Judo* outlines strategies to ensure that you can take the upper hand in most disputes. At first glance, this might seem to be a very subtle distinction. However, Thompson's background as a police training and management consultant support the reasoning behind his approach.¹²

¶15 The illustrations offered throughout the book come primarily from law enforcement situations. Even if you can't envision running your library or your career like the officer on the beat, *Verbal Judo* provides many commonsense suggestions about preparing for and engaging in what Thompson and Jenkins describe as "tactical communication."¹³

¶16 The authors view the goal of persuasion as a method to generate voluntary compliance. The speaker must put his or her precise meaning into the mind of the listener. To achieve this, the speaker must engage in a five-step process. Listen actively, empathize with the other's point of view, ask questions to gather information to inform your course of action, paraphrase what you have heard, and summarize what has been discussed.¹⁴ For dealing with difficult people, Thompson and Jenkins advise making an ethical appeal, setting the context for the appeal, telling why it's in the other's interest to agree to the appeal, presenting options, confirming the alternatives to compliance, and announcing your determination to act.¹⁵

¶17 Because the primary audience for the book is public employees, the importance of treating each conversation as if it were unique is stressed.¹⁶ The key here is that for the other party, it will be his or her first conversation centering around being stopped for jaywalking, speeding, or paying a parking fine. To illustrate this point, the book's one illustration specifically related to libraries concerns how to respond to an overdue fine complaint, a situation that should resonate with any library employee who deals with patrons.

¶18 Unlike Ury, Thompson and Jenkins also spend time explaining the importance of facial and body language as a part of message delivery. They list a series of "stop" phrases guaranteed to sidetrack dialog that could be helpful to remember when preparing a negotiation script. *Verbal Judo* concludes with a chapter summarizing twenty-six key points that will help translate its messages about street policing into maxims for everyday life. Without emphasizing the use of the word No, Thompson and Jenkins describe an approach to achieving results similar to the Positive No methodology envisioned by Ury.

¶19 The key test for law librarians now will be winnowing through the available information about negotiating strategies and putting the authors' suggestions to work.

12. For additional information about Thompson's career, see [ital?] Verbal Judo Institute, <http://www.verbaljudo.com> (last visited July 1, 2007).

13. THOMPSON & JENKINS, *supra* note 11, at 222.

14. *Id.* at 167.

15. *Id.* at 96.

16. *Id.* at 214.

¶20 For managers, creating a work climate that supports Positive No statements will be a first step. When employees understand that the messenger who brings bad news will not be punished, the ability of the management team to make fully informed policy decisions will be enhanced. Managers who are clear about their decision-making modes will find that uncertainty about goals and responsibilities will diminish. Whether you are seeking ideas, asking for help, delegating total responsibility, or holding a brainstorming conversation to build strategies, let the parties to the conversation know which decision-making mode you're using.

¶21 Recognize the seminal negotiation points in the library's annual work cycle and spend time in advance with staff preparing strategies based on the library's mission and values. Before entering negotiations with the budget office, the space-planning team, major online vendors, a prospective new hire, or an employee facing discipline, work out the details of your Positive No statements and your plan B alternatives. Train staff in the negotiation method you've developed for the library and provide opportunities to practice using model scripts and role playing. Be sensitive to those on your staff who may be hesitant to ask for what they want and need. Recognize that some of your staff may be less assertive in making their wishes known and encourage open communication.¹⁷

¶22 For the individual librarian, steps to refreshing existing negotiation skills and acquiring new ones begin with self-reflection. To achieve the confidence required to be a successful negotiator, seek opportunities to practice negotiation skills. Ask for assignments that require negotiation. Ask for training. Ask to observe a colleague in a negotiation situation. Develop your personalized negotiation language tools. Prepare negotiation scripts and practice using them in advance.

¶23 Work up to delivering you first Positive No at work. Practice by saying No first to yourself: no to that extra candy bar, no to finishing that boring book. When placed in a negotiation situation, don't be afraid to grant yourself a "time-out" to collect your thoughts, re-evaluate options, or get your emotions under control. Mastery of negotiation skills takes time and patience, but the rewards outweigh the risks.

¶24 Personalizing effective negotiation techniques will help librarians develop, control, deliver, and manage the messages they communicate with the decision makers within and outside their organizations. Demystifying the negotiation process will turn conversations once viewed as difficult and stressful into opportunities. Learning to think with a negotiator mindset will build both confidence and competence. Then those three wishes offered by the genie, no longer needed for a librarian's work life, can be used for something fun and frivolous.

17. Because of the predominance of women in librarianship, some thought should be given to considering what difference, if any, gender makes in formulating negotiation strategies. Two resources that address women's life and career obstacles suggest that women negotiate less than men. See Linda Babcock et al., *Nice Girls Don't Ask*, HARV. BUS. REV., Oct. 2003, at 14; LINDA BABCOCK & SARA LASCHEVER, *WOMEN DON'T ASK: NEGOTIATION AND THE GENDER DIVIDE* (2003).