

The Art of Negotiation: The Three “C’s” For Successful Negotiations

Review from Part Three: The TRUST Method for Successful Negotiations

Meg and Joe attend the first of a two-day course in negotiations taught by Arlene Steffen. They learned that establishing trust is critical to successful negotiations. The TRUST Method is an this easy-to-follow guide that will enhance their negotiation skills.

- T - Test your attitude;**
- R - Respect yourself and the owner;**
- U - Understand people and yourself;**
- S - Seek sensitivity and finally**
- T - Test your hearing for good listening skills.**

Sit in on the second day of this course and learn how effective negotiations is based on the three “C’s.”

A well-dressed woman rushed into the classroom holding a cell phone against her ear.

“Sorry I’m late,” she whispered to the instructor and quickly ended her conversation.

Joe motioned her to the empty seat he had saved. She briskly walked toward him, took a seat and kindly introduced herself to Arlene and the class.

“Hello. I’m Mariam Olwell. I work or Mountain Range Telecom as the

Supervising Manager for the Right of Way Department.”

“Mariam’s our boss,” Joe interrupted. “Now’s your chance to tell her how difficult property owners can be!”

“I see! Joe’s at it again!” Mariam exclaimed and the room filled with scornful whoas.

“Well it’s a pleasure to have you join us,” Arlene said.

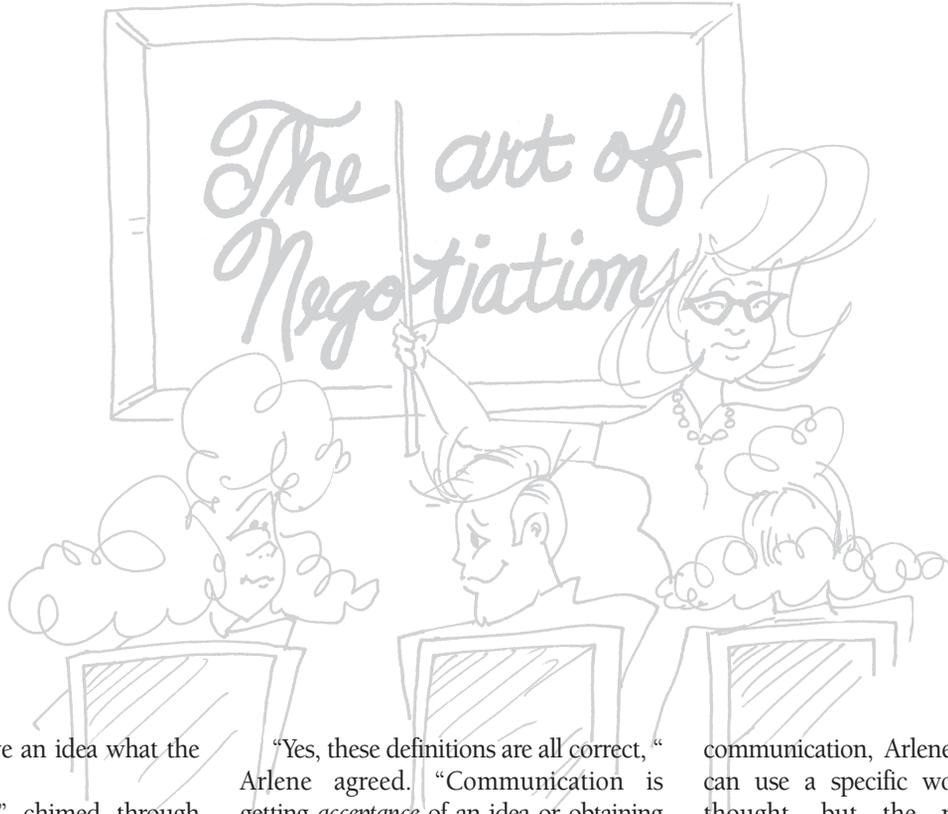
“I enrolled in the second part of this course because good communication

skills involve not only verbal communication but non-verbal communication as well—and it’s that non-verbal piece that I’d like to improve upon.”

“We’ll definitely cover non-verbal communication as it plays a major role in the negotiation process.” Arlene assured the class.

“Today, we’ll learn about the “Three C’s” that lead the way to successful negotiations.” Arlene announced as she approached her laptop.

By Carol L. Brooks, SR/WA



“Does anyone have an idea what the first ‘C’ might be?”

“Communication!” chimed through the room.

“Although the word ‘communication’ is written all over the brochure for this course, who said this wasn’t a smart class?” Arlene teased and enjoyed the bright smiles on her students’ faces.

Communication

The word exhibited boldly on the screen and was followed by a question: *What is communication?*

Joe offered a definition, “Communication is the exchange of messages.”

“Good! Anyone else have a definition?”

“Communication is personal contact,” commented Cyndi from the back of the room. “It’s our appearance, manner, courtesy and consideration when we communicate.”

“Cyndi is correct. Personal contact is our personalized way of communicating to others—what our standards are, what we believe, what we want the other person to believe,” Arlene instructed. “Conflict or confusion happens when we move beyond this global definition of communication.”

“Communication is the presentation of thoughts and ideas,” Meg offered confidently.

“Yes, these definitions are all correct,” Arlene agreed. “Communication is getting *acceptance* of an idea or obtaining *understanding* or producing a *desired reaction*. For example, you tell the property owner that financial compensation will be given for a utility easement. In exchange for this information, the property owner may give his acceptance, understanding and a signed easement!

“Finally, the definition of communication is that it is a *process*.”

Communication is something dynamic, ever changing, and helpfully moves individuals toward the desired goal. Achieving goals is critical to successful communication and is the *product* of communication. No matter how well an agent calculates and how effectively he or she sends the message, if the receiver has a certain frame of mind, the agent fails to achieve his or her goal.

So what’s the agent to do? The successful agent can embark on the communication process by setting goals. These goals include establishing a relationship, understanding (by presenting and accepting ideas, thoughts, etc.), or exchanging these ideas in a *send and receive* mode that leads to win-win outcomes, albeit the ultimate goal of an agent.

Selection of words is also key to effective

communication, Arlene adds. An agent can use a specific word to convey a thought, but the property owner mistranslates it in his mind. The result is a breakdown in communication.

“Ladies, have you ever asked your husband or significant other if you’re gaining weight?” Arlene illustrated to the class. “He quietly looks you over, and says, ‘No, not really.’ Then you receive and process the word combination, ‘not really,’ and completely ignore the word ‘no.’

“Guys, you know how the conversation goes, ‘What do you mean not really? Does it look like I’ve gained a little or you just don’t want to say anything to hurt my feelings? What are you trying to say?’ And the ranting continues. A simple no would have sufficed. Selecting the appropriate word or words to communicate your goals is critical to successful negotiations.

“How do you know when you’ve achieved your goals?” Arlene asked and called on Meg for an answer.

“Through feedback.”

“That’s correct! Feedback helps the agent check the property owner’s level of understand and whether or not the agent and owner are working at the same level,” Arlene explained.

Successful negotiations require that

the agent and property owner be on the same page. This alignment can be determined in several ways. First, by *empathy*. This is the ability to understand what the owner is *feeling*. Many times the owner's conversation doesn't match what he truly feels. Therefore, it is expedient that the agent exercise his sense of intuitive understanding or empathy to the owner.

This understanding is the first step to establishing trust and smoothing the path for effective communication that ends in successful negotiations.

Empathy is discerning any potential problems or objections that may arise and combating them before they create *conflict* and *confusion*. Taking empathy one step further helps the agent have empathic listening. The agent's goal is to understand the owner and provide feedback to him in a way that tells him that he is understood.

"Watch and listen with empathy are keys to effective communication—" Arlene said, raising her hand to her ear

and motioning the class to complete her sentence.

"... that ends in successful negotiations!" the class chimed.

One way of getting to the heart of what the property owner isn't verbaliz-

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ing— what isn't being said, can be exposed by asking questions. These questions should be open-ended ones that start with *what*, *when*, *where*, *why*, and *how*. For example to find out what future plans the owner has for his property, an open-ended question would be,

"What plans do you have for the future use of this piece of property?" Rather than a closed-ended question, "Do you have any plans for the future use of this piece of property?" As you can see, the open-ended question requires more than a yes or no answer. Obtaining additional information is the result of asking open-ended questions.

"Another type of question the skilled agents asks is the *probing question*. The technique of asking probing questions is important to getting your document signed. These goals can be reached by using probing questions that will help you obtain additional information from the owner." Arlene explains.

She reflected on a personal experience that she had a year earlier, which required asking the property owner questions to get to his pulse going.

* * *

"The corner of your property may be a good location for the electronic cabinet, Mr. Staley."

"No, I don't agree."

"What plans do you have for that corner piece?"

"No plans for now?"

Puzzled, Arlene continued probing, "We've talked about your beautiful English garden that ends several feet from the corner, and my company is willing to continue your decorative fence behind the cabinet. This allows protection and separation between the cabinet and the landscaping and the expense would be absorbed by my company and will not affect the compensation fee. How do you feel about this?"

"No, the fence wouldn't help."

Arlene noticed the frown on his face. "Got one last question for you, Mr. Staley, why wouldn't the fence provide adequate protection?"

"Well," he said, pausing as he leaned back onto his easy chair, "the only thing that would protect my garden is a brick wall and I don't want that on my property?"

Arlene shot herself in the foot by assuring Mr. Staley that she had only one question. Instead she resorted to a

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statement that encouraged for more feedback. "A brick wall, that's interesting."

She expressed a quizzical look on her face in hopes that the owner would elaborate on it.

"Yep! A brick wall would be the only thing that could protect my garden from those electromagnetic waves," Mr. Staley said with much concern.

Alas! They reached the heart of his objection! Electro-magnetic frequency (EMF). Quickly, Arlene displayed a vendor's brochure addressing EMF issues and called the expert engineer on her cell phone. After he reviewed the material, Mr. Staley learned all he needed to know about EMF and was assured that it would not be a threat to his family or his garden.

Through a series of probing questions, Arlene enjoyed success. Eventually, the electronic cabinet was placed at the corner of Mr. Staley's property.

* * *

"We've discussed the implications of verbal communication, which is part of the entire communication picture. Let's discuss the other half of effective communication: *non-verbal communication*. How would you define non-verbal communication?"

Answers pop up all over the room, "Body language! Voice intonation!"

Nonverbal communication speaks louder than verbal communication. Nonverbal communication starts as soon as the agent steps out of the car. The first handshake speaks volumes for each party: the agent and the owner. The agent needs to be keen on the non-verbal messages he sends. The wrong messages can immediately turn-off the owner.

"Earlier we talked about nonverbal clues that, when discerned, can put the owner at ease and instill trust. Conversely, if the agent is blind to these clues, then he may appear insensitive to the owner's feelings and this can lead to erosion of trust," Arlene said. "Aside from *body language* and *voice intonation*, nonverbal communication also involves *proxemics*."

She discussed each one with the class.

Body language. This is considered to be the most important element of nonverbal communication. These can be described as the "vibes" both negative and positive that you send and that you receive. These messages can make or break your negotiations. So it is imperative that you are aware of the body projections not only of the owner but also about yourself. Concentrate on the posture or gestures that communication trust. These may be confidence, openness,

understanding, easy-to-deal-with, etc.

Voice intonations. A person's voice quality changes depending on the emotion they feel, albeit stress, confusion, anxiety. Their speed, inflection, clarity, rhythm and volume characterize the changes in their intonations. Therefore, the skilled agent is attentive to any change in the owner's voice quality. Some people talk fast, softly, etc. But when they change from their normal speech

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patterns, they are communicating something extra.

Proxemics. It is the study of personal distance and territoriality. Different relationships have an acceptable and preferred “distance” of interaction. For instance, it’s okay to stand physically closer to a family member while this close proximity would be unacceptable to a property owner. Research in proxemics indicates that an acceptable

distance between agent and owner is anywhere between 4 feet to 12 feet. Invading space could result in mistrust.

“What is the key word to successful negotiations?” Arlene grills the class.

The room roared with the word “trust.”

“Trust, trust, trust. I can’t emphasize this enough! Embark upon trust from the first phone conversation to the face-to-face meeting with the owner and stay with it until the document is signed

or you mutually agree to disagree. Keep trust going with effective communication, using verbal probing questions and nonverbal clues.

A successful agent is a behavioral scientist? She studies all she can about the property owner before she makes her first call. She asks the property owner as many questions as possible, and not only listens to the owner’s words, but also reads the owner’s non-verbal clues. Based upon the data collected from the owner, she will apply the techniques that were successful in past negotiations to this particular owner. All is well. Document is signed.

“However, what happens when conflict hits the fan?” Arlene antagonizes. “This brings us to the second and third “C” for successful negotiations.

“We have all observed that most people resist change. Since resistance can create conflict, we’ll address both *Conflict* and *Change*,” Arlene explains as she displayed these words.

Change and Conflict

Most people resist change because they do not perceive that change will affect their present situation. Attitudes have a strange way of showing compliance or a willingness to change. When confronted with the need for change, most people often attempt to find the easier way to comply, rather than changing their attitudes. Compliance can be a very dangerous thing for an agent because the delayed resistance can produce negative consequences which range anywhere from delaying tactics to serious damage suits against the agency for alleged misrepresentations.

“We have experienced change in our professional lives from one time or another and can identify with the property owner who is asked to grant an easement or comply with losing a portion of their property due to street improvements or being relocated,” Arlene points out.

Meg raised her hand to make a comment, “I had a recent experience with the nicest property owner who asked good questions and really seemed

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interested in granting an easement. We selected an area that worked well for him and he requested that I get the easement document to him immediately. So when I returned to the office I expedited the request to the surveying department, rushed the easement through my office, and sent the owner the easement in record time. I waited and waited for the executed easement. Finally, I called him and he informed me that he had changed his mind. I couldn't believe it. I thought everything was going well!"

"That's a perfect example of how an owner handles conflict," Arlene responds. "Unfortunately the property owner in Meg's experience chose to take the 'flight' method to deal with his conflict rather than the 'fight' method.

"Whether an owner fights or flights, neither becomes effective responses to a conflict situation. Whenever we decide to run away from conflict or decide that a conflict situation calls for a battle, we are decreasing the chances for resolving the conflict. Effective conflict resolution requires confrontation rather than either fight or flight."

A skilled agent is able to preempt conflicts by building trust in the early stages of negotiations. To do this, agents must establish rapport and be prepared to answer questions with factual answers.

Represented in different shapes, conflict can range from a service or maintenance problem the property experienced many years ago, to fears concerning the outcome of the project and disagreements that are differences of opinion.

"I'll never forget my first interview with a property owner who lived in a rural community. Gosh, this must have been nearly 20 years ago," Arlene recalled.

"Good ol' Mr. Harriff—I'll never forget his name. He impressed me with his attitude to 'do whatever he could to help the project,'" she mimicked him with a husky voice.

When Arlene arrived at his home, he welcomed her with refreshments.

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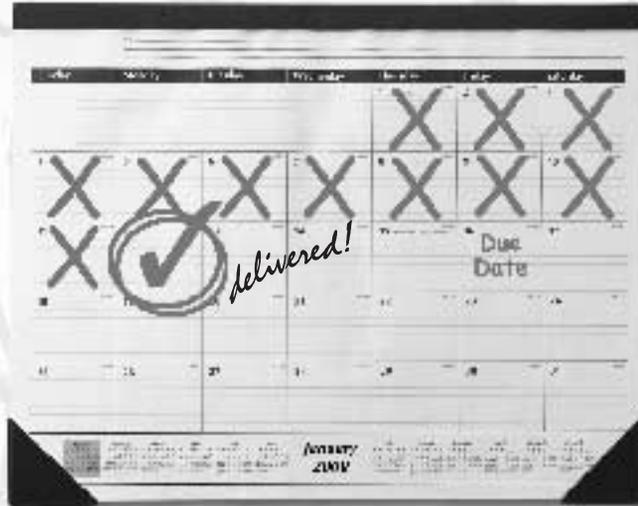
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ART OF NEGOTIATIONS

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After she enjoyed light conversation, a slice of pie and a mug of freshly brewed coffee, Arlene began to explain the project. Immediately, Mr. Harriff interrupted her with an extensive dissertation on how long it took the electric company to come out to restore his service.

Arlene patiently listened to Mr. Harriff's grievances. She empathized with the types of challenges he faced living in a rural community and used this opportunity to reinforce the importance of extending virtually maintenance-free fiber optic facilities into his community. She resolved the conflict by probing questions and paraphrasing what was discussed.

"Be sure to ask enough questions to adequately paraphrase the conflict to the owner," Arlene advises her students. "At times the owner will back out of the conflict once he hears it spoken from someone other than himself—or, he may just talk himself out of it."

Once a conflict has been defined, the next step is to shift toward resolution.

This is accomplished by working through these questions: What are the roadblocks? Are there any misunderstandings? Have I asked enough probing questions to get a full understanding of the conflict?

"There may be interviews where one side must have the wisdom to stop the negotiations. Sometimes, all creative ideas aren't mutually satisfactory and compensation has reached the max.

At this point, it is time to agree to disagree. Shake hands and move onward.

"In conclusion, the concepts of communication, conflict, and change are inseparable. These are the three 'Cs' to successful negotiations."

The Three "C's" to Success

Communication: Verbal/nonverbal expression.

Conflict: Identifying conflict and its cause.

Change: Making the shift to agreement with questions and paraphrase.

"This class has really enlightened me! There are many different challenges to successfully negotiate an easement. It's

not as easy as it may seem," Miriam concluded as Meg and Joe entered the elevator. Joe stood with a wide smile on his face. ■

Carol Brooks has over 11 years experience as a right-of-way agent with Pacific Bell in San Diego, CA. Retired from Pacific Bell in 1998 and currently a right-of-way consultant, her expertise includes acquisition, creating/instructing training programs on negotiating and site selection, project management and zoning. An active IRWA member since 1990, she serves on various committees, was the former President of Chapter 11 and currently Chair of the International Liaison Committee.

SOURCES CONSULTED

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2. American Right of Way Association, "Communication and Negotiation for the Right of Way Professional", H. Charles Pyron, University of Oregon, 1972

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