



Win/Win

Negotiating

by Michelle Kirtley, M.A., IRWA Communication Instructor

In the United States and most Western cultures, business professionals are taught advocacy skills in communication. We learn to state our case, articulate our position, and advocate our side of the issue. We learn these behaviors in our schools, from peers, and at work.

However, as Peter Senge states in his book, *The Fifth Discipline*, many times we are faced with difficult, complex bargaining situations where no one individual knows the answer. In order to effectively negotiate, we must use a balance of advocacy (advocating your position) and inquiry (listening and asking questions) skills.

For right-of-way professionals, these challenging negotiation situations are all too common. In cases such as land acquisition, salary and raise negotiations, and securing necessary easements, balancing advocacy and inquiry skills can be a difficult task. First, let me explain the specifics of each skill.

When we are in the advocacy mode, we tend to make strong assertions such as, "Here's what I have to say about that." We also make explanations of why we believe what we do, such as, "Here's my offer on this piece of property and my reasoning behind it."

If you rely on these types of skills, the other party will become defensive and will most likely enter into the advocacy mode. He or she proceeds by telling you why he or she won't back down. This is not the climate you want to be in. In this situation, both parties are discussing to gain the advantage. They each pit their own ideas against each other and are basically battling to see whose position will be the strongest.

Even if a price or solution is decided on, I doubt both parties will walk away feeling satisfied. Effective communication is

not taking place. The lack of balance causes misunderstanding, frustration and poor decisions, and the pendulum between advocacy and inquiry swings too far over to the advocacy side.

As right-of-way professionals, especially in the bargaining process, you do have viewpoints to express, and it is important to express them. But you want to express your position in a context which allows you to learn more about the other party's views while he or she learns more about yours.

The worst case of 100 percent advocacy would be a party which merely dictates its point of view and refuses to offer any reasoning behind it. The worst case of 100 percent inquiry would be both parties interrogating each other, asking lots of questions, and coming to no point of agreement.

Finally, the worst case of ineffectively using both advocacy and inquiry would be a dialogue such as this, "Here's my opinion ... " (long, drawn-out, and very opinionated, with no-questions-asked). After 40 minutes of advocating, you ask, "Now, what is your position?"

As you can see, this discussion would go nowhere because the parties would still be advocating their own positions. Although questions might have been asked, they were not interested in learning, listening, or caring about the answers.

Balancing advocacy and inquiry requires a number of skills. You, as the right-of-way agent, need to focus more on inquiry skills for the best possible communication outcome. These skills enable you to inquire into the other party's thinking and reasoning.

Your first goals in the process should be to discover and explore. Your outcome should be to identify priorities, make a decision, or reach an agreement. As best-selling

author Steve Covey suggests, "Seek first to understand, then to be understood."

The art of understanding during successful negotiation can be achieved by utilizing four inquiry skills: open-ended questions, clarification, paraphrasing, and reflective listening.

First, open-ended questions are worded to elicit a broad response to the topic under discussion. They draw people out and let them know that you are interested in their ideas and opinions. Examples are: "What do you think about what I just said?" and "What are the problems you see with my reasoning?" This technique is useful for clarifying questions when additional information is needed. It allows you to probe for necessary details that will enable you to sound more competent and credible when presenting your offer or recommendation. Open-ended questions also allow you, the sender, to control the depth and width of the message. The game is in your hands.

Second, clarifying allows the other party to hear how you interpreted his or her message. It also informs the other party of any areas that were misunderstood. By clarifying, you will eliminate any miscommunication and ensure that the correct or intended message was heard. Jargon, acronyms and vague generalizations should be confronted so that no assumptions are made about the other party's true intent. Sometimes parts of the message are missing (deliberately or not), and you need to clarify to get the whole picture. An example of clarification is: "I understand we need the decision to be made ASAP, but could you give me a specific time frame?" Clarification helps the other negotiator to communicate more specifically, and it helps you decode clouded communication.

Third, paraphrasing is giving a brief account of what the other person or party has said. It is a skill used to understand the context of the message. It checks for mutual understanding and gives the other party feedback that you have been listening. Examples of paraphrasing include: "Your position, as I understand it, is that one of the farms that the proposed right-of-way would cut through is controlled by absentee landlords who are not part of this group?" or "So you're saying that you won't consider any price under \$100,000 for the property?" Paraphrasing sharpens listening skills to check on the content of the message.

The last and all-encompassing inquiry skill is reflective listening. Reflective listening conveys your understanding and awareness of the other person's feelings and emotions. Many times in the negotiation process, emotions come to the forefront. But to ignore the other party's frustration will get you nowhere. Reflective listening allows you to acknowledge that a feeling is there, and that you are not passing judgment on this feeling. Subsequently, it allows the other party to vent emotions that could later block communication. By acknowledging his or her emotion, you are making sure the

other party feels that he or she have been completely heard. Examples of reflective listening statements include: "I can see that you are very frustrated," and "You seem to be apprehensive about this process." Reflective listening also lowers defensiveness because, as you know, emotions end up acting as barriers to the negotiation process. When you open up lines of communication, you are showing that you're listening to the other party and you're trying to understand what their hesitations and apprehensions are. With reflective listening you are tuning in to the verbals and nonverbals of the message. You are identifying the tense jaw, the slouched posture, or the at-ease smile. By attending to these cues, you can better alter your side of the discussion according to how the other party is feeling. By actually feeling understood, he or she can come to an agreement with much greater ease, flexibility, comprehension, and satisfaction.

Remember, your goal as effective negotiators and communicators is to help reduce defensiveness as much as possible. The key to tempering normal defensiveness is the effective use of inquiry skills balanced with advocacy skills. You can view the process as

a drawbridge. If both parties are solely advocating, the drawbridge is up: neither party or message is getting across. The communication is ineffective. If both parties are solely inquiring, the drawbridge is down, but it doesn't fit together properly. The messages of both parties are missing each other. Again, the communication is ineffective. But if each party is advocating and inquiring, the drawbridge is passable, and both parties meet in the middle. The communication is effective and satisfying, and it's a win-win situation for all. □

Michelle Kirtley is a Senior Associate of SPECTRA, Inc., a New Orleans-based consulting firm specializing in management development. She also teaches public speaking, interpersonal communication, and organizational communication classes at Louisiana State University. She has received several research and teaching awards in the field of communication, including the Bert E. Bradley award for her research and teaching leadership at Auburn University. A member of the American Society for Training and Development and the Speech Communication Association, Michelle has published articles for research and training journals.



CONTRACT LAND STAFF, Inc.

THE CLS DIFFERENCE:

- Emphasis on Cost Effectiveness through High Quality Service.
- Right-of-Way Professionals are Highly Experienced and Motivated.
- Committed to the advancement of the R/W Professional through top compensation, benefits and appropriate job placement.
- Specialized payrolling packages providing quality benefits such as Medical Insurance, Cafeteria Plan (125) and 401K Savings Plan.
- National Client Base.

R/W Acquisition Professionals ■ Title Research & Abstracts ■ Project Management
 Payrolling Services ■ Environmental & Regulatory Permitting ■ Damage Settlement
 R/W Records Conversion Services ■ In-House Administrative Specialists ■ Expert Witness Testimony
 Ownership Mapping Services ■ Fee Land Management ■ Feasibility Studies & Cost Estimating
 Due Diligence Teams ■ Oil & Gas Leasing

PIPELINES - - TRANSPORTATION - - UTILITIES - - COMMUNICATIONS - - OIL & GAS

Brent Leftwich
 President

Dan Ewing
 Vice President

10701 CORPORATE DR., SUITE 215, STAFFORD, TX 77477
 (713) 240-3370 (800) 874-4519 FAX (713) 240-5009