

Options

You Are Never Out of Options...Brainstorm to a Better Bargain

Deadlock! Impasse! Stalemate! Full Stop! There will likely be a time in the negotiation when the parties believe they have exhausted all options and consider pursuing their alternatives. Upon reaching this inflection point, it is not time for flight from the table; rather, it is time to adopt a “rather than saying no, under what conditions might a yes materialize” mentality, and to hold a “no commitment” brainstorming session.

Let us think back to the SCE Deal Lead who arrived home after a long day finding his son and daughter fighting over the only orange in the kitchen. His children had reached an impasse. Without any hesitation, the SCE Deal Lead jumped into action and “fixed” the problem. If he had only taken a moment and asked, “Is there another way to do this?” a waste-ridden outcome could have been avoided. The deal lead acted as an unskilled negotiator; he quickly compromised and split the orange in half, leaving both of his children unhappy and dissatisfied. Conversely, a skilled negotiator would have taken a step back, invented an option for mutual gain, and avoided a wasteful outcome.

Disciplined negotiators break deadlocks by first seeking out the interests underlying each party’s positions. Using this knowledge, they develop innovative ideas that optimize both parties’ outcomes, or at least improve one party’s well-being without harming the other. Engaging in this process will yield a set of ideal, balanced trade-offs from which an informed decision can be made.

How do you identify the potential trade-offs from which a decision can be made? The answer is brainstorming. Brainstorming is a process that will help the parties identify potential ideas and break an impasse. Brainstorming leads to the best ideas when the parties separate creativity from commitment and when they follow these ground rules during the session:

- **No commitment:** There are no bad ideas; quantity is more important than quality.
- **No attribution:** No idea belongs to either party.
- **No publicity:** Since some ideas will be divisive taken out of context, no one outside the room (other than decision makers) will hear them.

The parties step back and evaluate promising ideas after many are identified. Only after agreeing that the brainstorming session is over should they begin committing to any ideas as options. By creating a safe environment aimed at pushing people to be as creative as possible, these process rules help generate a wealth of ideas. Of course, both parties must agree on these rules in advance because huge misunderstandings develop including accusations of “bad faith” if both parties are unclear on the purpose of this exercise, namely brainstorming versus committing.

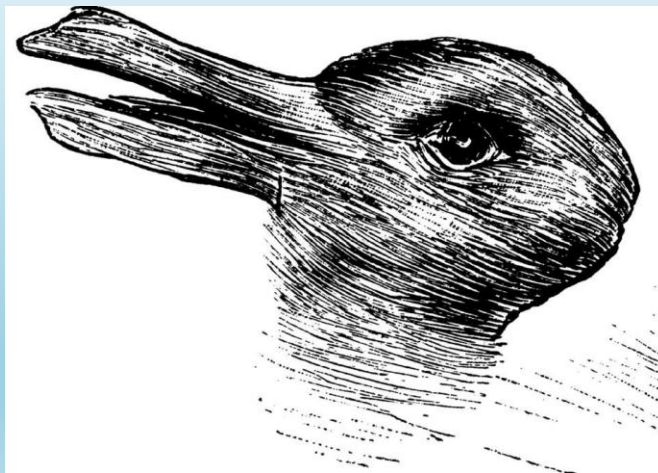
First, Understand Interests

Principled, disciplined, and fact-based negotiators strive to understand the interests of all parties in a negotiation, both those at the table and others who may influence the outcome. Less skilled negotiators fail to prepare, argue over positions, and quickly reach an impasse which yields a fight at, or flight from, the table, and a damaged relationship. The failure to understand the interests of the parties will result in the execution of a suboptimal agreement and the immediate realization that a much better outcome was attainable.

Once interests are identified and option development begins, it is important to take the time to understand the situation from the perspective of the other party. Remember to seek to understand versus seeking to be understood. A successful negotiator takes the time to understand the other party's perspective and can express it back in a non-judgmental manner. Always remember two parties can look at the same thing and see something vastly different. Think about it: how can one party propose an option that will meet the interests of the other party if the other party's perception of the underlying issue is unknown?

To the extent an impasse should arise, remain mindful of the following quote by Henry David Thoreau from his journal from August 5th of 1851: "The question is not what you look at, but what you see." Think carefully about these words when you review the image below.

Partisan Perceptions



Victory Loves Preparation

During the preparation process, focus on the following to generate better options:

1. **Revisit the issues to separate positions from interests:** Before generating options, ask the curious child's question: "Why?" For what purpose is the other party making a particular demand?
2. **Schedule an internal brainstorming session:** Based on the interests identified, generate as many options as feasible before the negotiation, even if the other party may refrain from engaging in a brainstorming session. Invite people unfamiliar with the situation's details to the brainstorming session. Sometimes a fresh perspective can suggest ideas negotiators or individuals closer to the problem are missing.

3. **Calibrate the options proposed at the table:** Carefully evaluate options the other party may consider. Come to the table with many options to keep the conversation flexible in how to satisfy both sides' interests.
4. **Always remain firm as it relates to interests but flexible in terms of how they are met:** Rather than saying no, under what conditions might a yes materialize?

During the negotiation, consider the following strategies:

1. **Be willing to call a "time out" and explicitly discuss the process:** If an impasse occurs, acknowledge it, and propose a course correction. Slow down to go fast and save commitments for the end of the process.
2. **Ask for a brainstorming session:** If appropriate, make the option generation process a separate exercise. Ask the other party if a sub-group or designated specialists should look at an issue and bring back options.
3. **Put multiple acceptable options on the table to discover the interests of the other party:** If the other party cannot generate options, do not let that halt the process. Put at least three equally acceptable options on the table. Ask the other party to criticize these approaches. Based on that criticism, use the new information to generate even more options.

Conclusion

The problem with deadlock is one-track thinking. Unless someone finds an option to move the ideas forward, the impasse builds and the unaddressed interests affect other parts of the negotiation process. Generating ideas through brainstorming forces the parties to communicate and share their interests which translates into options that create new paths around the impasse.