

Prepare to Negotiate



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Negotiation

- ❖ Be prepared
- ❖ Be conscious
- ❖ Be creative
- ❖ Be fair.....
- ❖ Be ready to commit
- ❖ **Be an active listener**
- ❖ Be aware of the relationship and environment
- ❖ Batnas & Watnas (Best/Worst Alternative to Negotiated Agreement)

“In negotiation, as well as scientific research, the process is not about proving that things are true, but rather about finding out what guesses or assumptions are not true.”

Problem Solving

....Requires logical thought

Define and List Issues—Prioritize

Note Common Goals & Concerns

Be Positive

Negotiate

Discuss Issues

Focus on Interests NOT positions

Brainstorm Options

Act as Angel of Reality

Inherent Problem

Problem Solving requires logical thought.



Parents are negotiating with people who have hold all the cards.



Emotions cloud logical thought.



Facilitators use their neutrality to help people move beyond anger and denial to enable them to solve their problems.

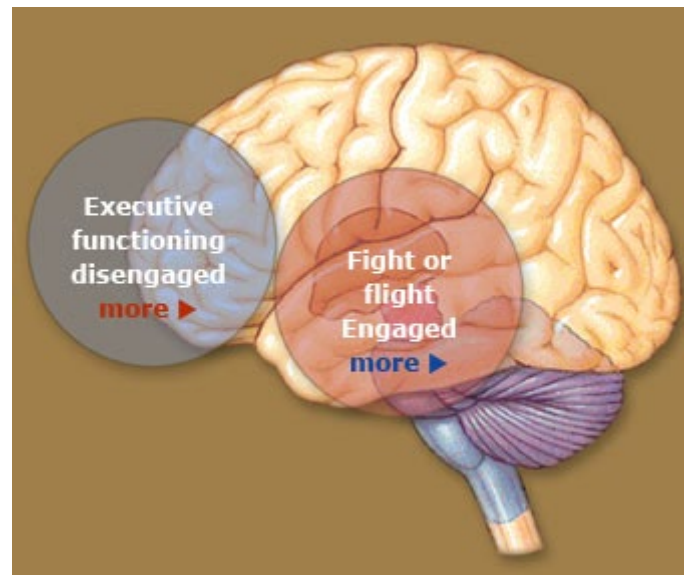
Where to start

You must meet someone
where they are

“There is no reality only perception”

- Descartes

Engage the pre frontal cortex



Common Standards of Strength based meetings

- Participants must be knowledgeable in the process**
- Family is engaged throughout the entire process**
- Continual adjustment in strategies, services, and supports**
- Meetings are facilitated by a trained and competent neutral**
- Focus of meeting is collaborative planning**
- Team members keep personal and private details of the family discussed in a team meeting private!**

Strength Based Meetings

Families are the experts on their families

All families have strengths

Mutual respect is essential with all stakeholders

A team approach is more likely to produce positive change

Advance planning is essential to the success of each meeting

Benefits of strength based meetings

Everyone hears the same information

Shared understanding

Buy-in

Participation

Accountability

Transparency

Power based Negotiations

- **Power – Reward or Punishment**
- **Rights – Legal Requirement**
 - Power gives rise to rights

So, power yields rights-
but does the exercise of “rights” produce a better
result?

- **Winning becomes more important than anything else.**

The Dynamics of Conflict Resolution
by Bernie Mayer

THINK

- “When preparing for a negotiation, or after it has begun, don’t just ask **“What do they want?”**”
- It is also important to ask, **‘Why do they want it?’**
 - *It is equally important - and just often more difficult to ask the same questions about your own views.”*

▫ Steven Cohen

Interest based Negotiations

Position	Interests
What you say you want	Why you want what you say you want
Focuses on a specific situation	Focuses on the problem
Draws a line in the sand	States a range of needs

Getting to Yes by Fisher & Ury

Facilitation Hints

Separate
Egos From
Issues

Stick to the
Speaker's
Subject

Don't Be
Quick to
Move On

Be
Comfortable
With Silence

Meeting Preparation Worksheet

- List the things you may agree on most easily
- List 2 realistic solutions to the problem that work for you
- What are you willing to give the other person to get what you want?
- What do you need from the other person to agree to give them what they want?
- What do you want your relationship to be like next month?
- Six months from now?

“Let us never negotiate out of fear. But let us never fear to negotiate.”

- John F. Kennedy

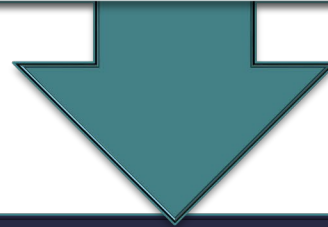
TIPS from the Skilled Facilitator

Three types of participant behavior

Functional (enhancing the group effectiveness by providing clarifying information)

Dysfunctional (reducing a group's effectiveness by disrespecting others, arriving late, stonewalling, negativity)

Counteractive (returning a group to effectiveness by addressing the negative influence of the dysfunctional)



Every group has some dysfunctional actors, so every group needs to support functional and counteractive people.

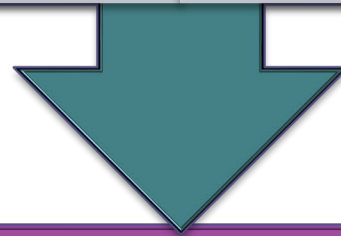
Be careful not to underestimate:

Alliances between Parties (these can shift as the case progresses)

Role of Parties not Present

Power Issues

Expert Involvement



**Remember Sleeping Beauty *and*
Invite all to the party-
*even the bad fairies***

Tips of the trade

Do your homework

Share information

Practice what you preach

- when it comes to hearing the other side

Listen to People

- “you learn more with your mouth closed and your ears open.”

Don't rush to judgment

No pigeonholing

Be flexible

Tips of the trade

Show respect for the other person's opinions

Never tell someone "You are wrong"

If you are wrong, admit it quickly and emphatically

Sympathize with other people.
Honestly try and see things from their perspective.

Appeal to noble motives

Let the other person do the talking

Let the other person feel the idea is his/hers

Etc...

Adverse Childhood Experiences

- The CDC-Kaiser Permanente Adverse Childhood Experiences (ACE) Study is one of the largest investigations of childhood abuse and neglect and later-life health and well-being.
- The original ACE Study was conducted at Kaiser Permanente from 1995 to 1997 with two waves of data collection. Over 17,000 Health Maintenance Organization members from Southern California receiving physical exams completed confidential surveys regarding their childhood experiences and current health status and behaviors.

Prior to your 18th birthday:

1. Did a parent or other adult in the household often or very often... Swear at you, insult you, put you down, or humiliate you? or Act in a way that made you afraid that you might be physically hurt?

No ___ If Yes, enter 1 ___

2. Did a parent or other adult in the household often or very often... Push, grab, slap, or throw something at you? or Ever hit you so hard that you had marks or were injured?

No ___ If Yes, enter 1 ___

3. Did an adult or person at least 5 years older than you ever... Touch or fondle you or have you touch their body in a sexual way? or Attempt or actually have oral, anal, or vaginal intercourse with you?

No ___ If Yes, enter 1 ___

4. Did you often or very often feel that ... No one in your family loved you or thought you were important or special? or Your family didn't look out for each other, feel close to each other, or support each other?

No ___ If Yes, enter 1 ___

5. Did you often or very often feel that ... You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you? or Your parents were too drunk or high to take care of you or take you to the doctor if you needed it?

No ___ If Yes, enter 1 ___

6. Were your parents ever separated or divorced?

No ___ If Yes, enter 1 ___

7. Was your mother or stepmother:

Often or very often pushed, grabbed, slapped, or had something thrown at her? or Sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? or Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?

No ___ If Yes, enter 1 ___

8. Did you live with anyone who was a problem drinker or alcoholic, or who used street drugs?

No ___ If Yes, enter 1 ___

9. Was a household member depressed or mentally ill, or did a household member attempt suicide?

No ___ If Yes, enter 1 ___

10. Did a household member go to prison?

No ___ If Yes, enter 1 ___

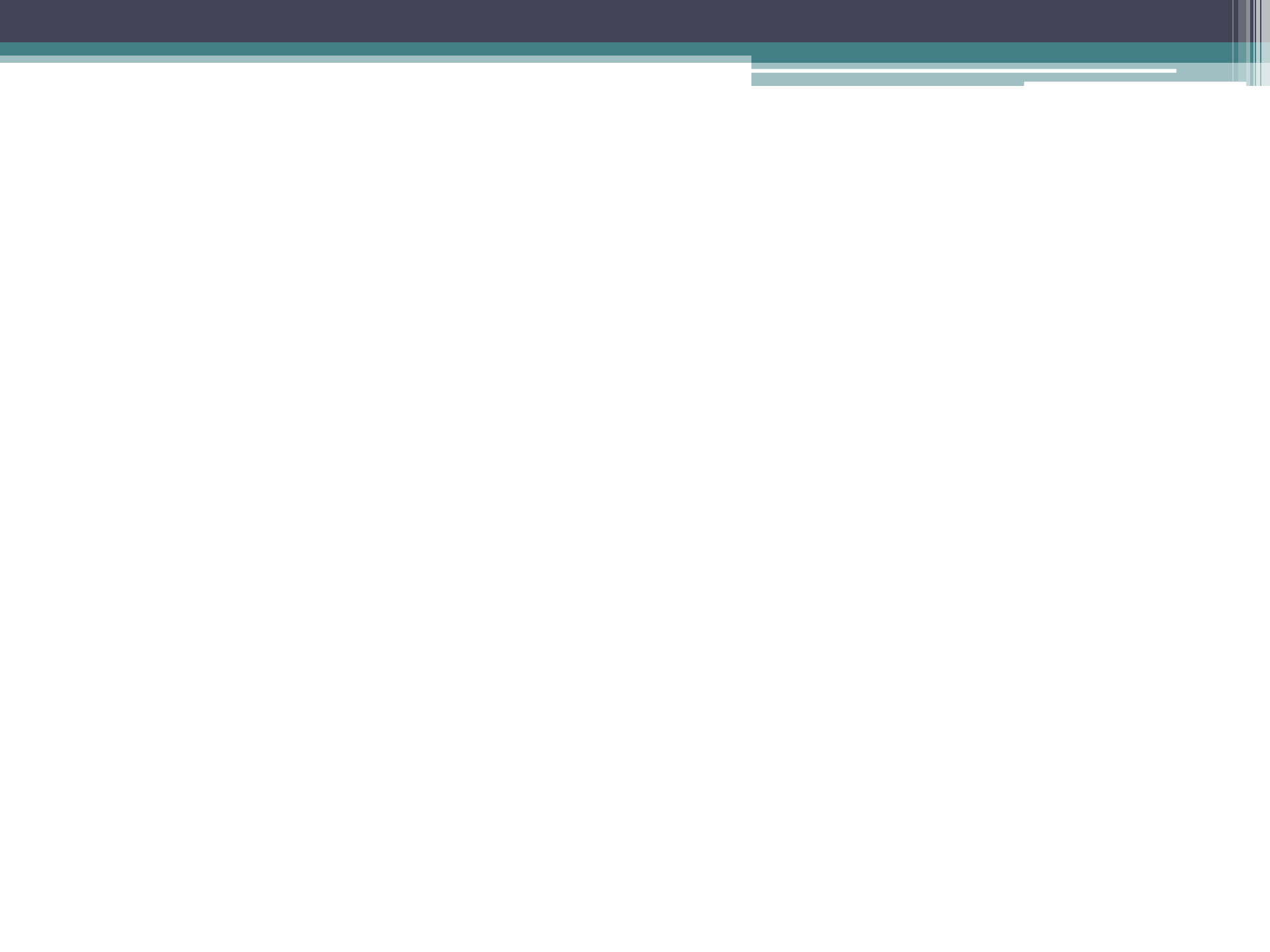
Probability of Outcomes

Given 100 American Adults

33 No ACEs	51 1-3 ACEs	16 4-8 ACEs
<u>WITH 0 ACEs</u> 1 in 16 smokes	<u>WITH 3 ACEs</u> 1 in 9 smokes	<u>WITH 7+ ACEs</u> 1 in 6 smokes
1 in 69 are alcoholic	1 in 9 are alcoholic	1 in 6 are alcoholic
1 in 480 uses IV drugs	1 in 43 uses IV drugs	1 in 30 use IV drugs
1 in 14 has heart disease	1 in 7 has heart disease	1 in 6 has heart disease
1 in 96 attempts suicide	1 in 10 attempts suicide	1 in 5 attempts suicide

Bridging the GAP

Use of mediation and facilitation resources





ARKANSAS SPECIAL EDUCATION MEDIATION PROJECT

Free to participants

Fast-performed within two weeks

Convenient-travel anywhere in the
state

Effective-90% agreement rate

Mediation/Facilitation-why it works

What Does the Research Say on the Importance of Family Engagement?

- Parent involvement at home and at school has a measurable impact on student performance in school, and is particularly important for English learners and students from low-income families.
- Improved communication between teachers and parents increases student engagement as measured by homework completion rates, on-task behavior and class participation.
- At-risk behaviors such as alcohol use, violence and other anti-social behaviors decrease as parent involvement increases. (Thigpen & Freedburg, 2014)

Communication Continuum

Cooperation	Coordination	Collaboration
		WHERE THE MAGIC HAPPENS
Short-term, informal relationships	Longer-term effort around a specific task	Ongoing, durable relationships
Sharing information	Some planning and division of roles	Commitment to a common goals
Separate goals, resources, and structures	Some shared resources, rewards, and risks	All partners contribute resources and share rewards

Differences-Similarities

Mediation	Facilitation
Usually positional	Hopefully not positional yet
Required by law	Not required by law
Attorneys may not attend	Attorneys may attend
Focuses on repairing relationships	Opportunity to grow relationships
Usually more complex	Misunderstandings and beginnings of trust concerns
Voluntary	Voluntary

TIPS

People will forget what you said,
people will forget what you did,
but people will never forget how
you made them feel.

Maya Angelou

TIPS

People will forget what you said,
people will forget what you did,
but people will never forget how
they felt when they were with you.

ASEMP Request Form



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