

Exercise #3 Debrief

[Note: in some cases, I didn't understand the language you chose—view this as the response of an outsider]

How many of you thought you “won” the negotiation?

- what constitutes a “win”?

Time limit

- How long did you spend?
 - Who had shortest negotiation?
 - Let's talk about those who failed to finish
- did anyone try to use the time limit to your advantage?
- Was it frustrating to be under a time cap?
- Typically, most work gets done in second half of allotted time

Negotiation strategies

- were your negotiations friendly or antagonistic?
- Did you have a strategy?
- Did it work?
- If you changed mid-stream, why, and how did that work?
- Value of preparing a negotiation plan in advance
- Tit-for-tat v. win at all costs

Negotiation without feedback from client

- was that hard?
- Very typical that clients will say “it's a lawyer issue” and defer accordingly

Cheetah: was it hard to negotiate against language supplied by Acme?

- Was there such a thing as “too many changes”?
- power of controlling the draft

Acme: language was provided for you

- were you unhappy with the starting point?
- was it hard to negotiate this language?

Did anyone have difficulty scheduling a time?

Gender dynamics?

Lessons:

- Negotiation process is substantive
 - Power of controlling the draft
- Have a plan going into a negotiation—what do you need to get, and how will you get it?
- It's not about winning or losing, it's about accomplishing your client goals