

Finding The Merit In What Others Think, Feel and Do and Showing It

By Bradley Bostick

I recently read a book on negotiation entitled *Beyond Reason* by Roger Fisher (*Getting To Yes*) and Daniel Shapiro (associate director, Harvard Negotiation Project). The book is a discussion about the importance that emotions can play in any negotiation. Here is a key point which you can immediately implement in your practice when mediating cases.

Express Appreciation (Find the merit in what others think, feel, or do and show it)

This is a powerful way to influence the other side in any negotiation. Simply put, the way you express appreciation is to let the other side know that you understand their position or point of view and that their position has merit. You can “show them”, by summarizing their position, thoughts or feelings about the matter at issue. You “reflect back” what you have heard. This does not in any way mean that you have to express agreement with their point of view.

Not only will you gain tremendous credibility with the other side who feels like you “get” their position, in doing so you will remove their resistance to listening to your position and they will be more receptive to your arguments.

In addition to showing appreciation for specific arguments in the case, you can go beyond that and show appreciation for the role that the other side has in the case and the difficulties, frustrations, and challenges inherent in that role. If you show appreciation for their role (eg. plaintiff attorney, defense adjuster, party) and their value to the process, you can dramatically increase your effectiveness in getting them to be open to your views.