

Recipe for Success
2015 Negotiation Class
University of Missouri School of Law

The following ingredients are not necessarily listed in the order of importance.

Major Ingredients

self-awareness
preparation (“preheat the oven”)
politeness (be “palatable”)
respect
curiosity and active listening
compassion for clients, who are people, not cases
empathy and understanding the other side’s perspective
patience
flexibility
creativity
humor
reflection to learn from experience

Additional Ingredients

General Mindset

focusing on the task and clearing your mind of other thoughts
dedication and good work ethic
starting as early as possible
legal knowledge and knowledge of facts of your case
understanding your strengths and weaknesses
getting to know your counterpart
preparing for the worst and hoping for the best
setting goals and strategy
efficiency through organization and prioritization
desire to reach agreement (but being prepared to walk away)
metaphorical sticks to stir things up as needed
attention to detail
determination
confidence
assertiveness
humility
improvisation
perseverance
endurance
taking (bathroom) breaks when needed
willingness to take risks

acting like you don't care
don't believe your own press / don't believe everything you think
if doubt starts to form, add mustard seed of faith
oxygen tank for when you hold your breath
add anxiety, stir until motivated

Relationships with Clients and Counterpart Lawyers

understanding your clients and their interests
taking what clients say with a "grain of salt"
being honest with your clients
communicating clearly with clients
managing your clients' expectations
deferring to your clients
being friendly with your counterparts
collaboration

Listening and Problem-Solving

two cupped ears for listening
questioning to understand
asking "why"?
asking difficult questions productively
questioning your assumptions
willingness to learn from everyone
ability to step back and re-evaluate
being prepared to use another recipe if this one doesn't work
knowing how to satisfy your clients and the other side (aka "creating value")
knowing your limits – and the other side's limits
knowing when to say "no"
perceiving when the other side feel pushed into a corner
being prepared to deal with – and use – power moves
competitiveness and puffery, as needed

Miscellaneous Ingredients

share food while you are cooking – everyone is happier after they eat
be spicy, not salty
serve your meal (i.e., write up and implement the agreement)
a roll of paper towels if needed to clean up a mess
have fun