



MEDIATION/ARBITRATION

Value-Creation Approach to Negotiations May Yield Better Results



BY STANLEY ZAMOR

“So, Mr. Zamor, if we do indeed settle, can you offer us a ride in your Porsche GT3 RS around the country road, as part of the settlement?” Everyone laughed.

I smiled and responded, “Mr. Richard, like I’ve said before, this is not my car, and that country road is in the Northeastern part of the country; it’s picturesque background. Although in a few weeks I do plan on driving

my colleague’s on that exact road. It’s just a material item, but I see it does impact many and reminds me about the value of things and what can be achieved. Like this agreement.”

Both sides approached opening statements with a defeatist tone, and that this matter would not settle today. Although, that is a possibility, it was not the reality. And you did find way to settle. Why? I like to believe that it’s because of how you negotiated after every round; you mentioned my background and I continually managed to set and reset expectations and show the value in each of your proposals.

Value-creation, no matter what the proposal was, is what you experienced, and is what you did after every negotiating round. What once was thought of as being too high, too low, or even thought of as being insulting, ceased.

You all began with a position, a valued expectation that you found value in adjusting. You appreciated the other parties’ “why” and “how.”

You began to assign a broader value to their case. You all put away your ego and began to appreciate the interest you all have in settling the matter instead of the importance of your positions. Congratulations.

You saw each other for what you truly are and needed; looked at what could really be achieved, instead of the more difficult/exotic “unattainable” Porsche GT3 RS type resolve. See. Sometimes people set high expectations and need to reset them to what they truly need to get it done. Um, does that make sense? That is why I kept the background as we negotiated?” The Value-Creation Approach.

The Takeaway:

As I have watched, facilitated and help manage thousands of conflict negotiations throughout my years as a professional neutral, there are several truths that continually play out. Many of these truths (values) are how I approach helping disputants

find solutions to their conflict. The following are just a few of the elements to finding solutions to business and/or interpersonal conflicts:

- 1) Separate the person from the problem.
- 2) Allow them/give them space to reveal their truth and they will.
- 3) Let-Go of your ego as Strategy

Stanley Zamor is a Florida Supreme Court Certified Circuit/Family/County Mediator & Primary Trainer and Qualified Arbitrator. Mr. Zamor serves on several federal and state mediation/arbitration rosters and mediates with the Agree2Disagree (ATD) Mediation Group. As an ADR consultant/professional he regularly lectures on a variety of topics from ethics, cross-cultural issues, diversity, and Family/Business relationships. ZamorADRExpert@gmail.com ; www.effectivemediationconsultants.com; www.agree2disagree.com; www.Linkedin.com/in/stanleyzamoradr. (954) 261-8600 ■