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Negotiations 101 — Tips to Quickly and Effectively Resolve Claims

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I. Introduction

- A. Five Steps to Successful Claim Negotiations
 - 1. Preparation and Planning
 - 2. Building Relationships and Establishing Rapport
 - 3. Exchanging Information and Offers
 - 4. Bargaining and Problem Solving
 - 5. Reaching Final Agreement

II. Step 1 – Preparation and Planning

- A. Clearly identify your Client's Goals
- B. Understand and identify the other party's goals and motivations
- C. Consider your options if negotiations fail – “Best Alternative to a Negotiated Agreement” (BATNA)
- D. Prioritize your Client's issues and values
- E. Determine a starting position
- F. Prepare an agenda
- G. Rehearse the negotiation

III. Step 2 – Building Relationships and Establishing Rapport

- A. Use the “collaboration” approach, rather than the “zero-sum game” approach
- B. Remember the value of:
 - (i) active listening
 - (ii) empathy
 - (ii) a good rapport
- C. Consider behavioral change issues

IV. Step 3 – Exchanging Information and Offers

- A. Decide who should make the first offer
- B. Active listening vs. talking

- C. Provide clear and concise statement of the case, including evidence and documentation
- D. Explain the result you want with confidence

V. Step 4 – Bargaining and Problem Solving

- A. Clearly define loose ends and open issues
- B. Refer back to list of priorities when considering concessions
- C. Emphasize benefits to the other party
- D. Make incremental concessions and proposals to avoid going straight to bottom line

VI. Step 5 – Reaching Final Agreement

- A. Focus on achieving goals rather than “winning”
- B. Restate agreements previously reached
- C. Revisit objectives and bottom line
- D. Look for “closing” signs and know when to end negotiations
- E. Get Agreements in writing as soon as possible

VII. Practical Considerations

- A. Steps to take from the onset of a claim to increase likelihood of closure
- B. Avoiding Confrontation
- C. Building trust
- D. Closing Claims
- E. Case Examples