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JAN FRANKEL SCHAU'S SETTLEMENT STRATEGIES

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BARRIERS TO SETTLEMENT LESSON #7

FORGETTING TO SQUEEZE THE ORANGE

There are two types of negotiation: distributive bargaining and integrative bargaining. Distributive bargaining is the old-fashioned "haggling over money". Successful negotiation may require more than that.

Integrative bargaining is based upon the premise that there is more than money at stake. If you can learn the parties' real interest, you can creatively meet those interests. I teach students of negotiation the old story about two children fighting over a single orange. It turns out that when Mom really digs deeply into the dispute, she learns that Jenny was very thirsty after her morning run and wanted only the juice, whereas her sister wanted to use the rind of the orange for baking. Alas, both could be satisfied with one orange.

Last week, I was able to settle a commission dispute for a certain amount of money and two cases of unused "widgets" that the Company was warehousing and that the salesman took pride in having branded.

In New Orleans, they use the concept of "Lagniappe" (look it up if you've never travelled there). It is the idea of leaving the clients with something extra and unexpected--beyond what they ordered. It can be

of little cost to one side, but of great utility to ultimately crafting a deal that satisfies the client's underlying interests.

Next time you are faced with a potential impasse, remember to metaphorically squeeze the orange to figure out what lagniappe can be used to seal the deal.

P.S. I will be presenting at the Beverly Hills Bar Association on July 26 on Arbitrating the Employment Dispute. Sign up to join me here:

[BHBA Upcoming Labor & Employment Event](#)

See more of my musings on my weekly Blog: [Schau's Mediation Insights Blog](#) or LinkIn with me at: Jan Frankel Schau.

Best Regards,
Jan Frankel Schau

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