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# Mindfulness 101: Negotiations and a Return to the Balcony

By Scott L. Rogers

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*Bob represents a client who is selling its business. Terese's client is interested in purchasing this business. Both enter the negotiation prepared. Still, given their clients' needs and concerns, and the uncertainty inherent in the negotiation process, there are periods that get intense, positions seem intractable, and things get personal. The balcony is made for moments such as these.*

The *Mindfulness 101* column in the November 2019 issue of *GPSolo eReport*, "[Me-gotiations and Going to the Balcony](#)," addressed the interplay of mindfulness and negotiation. The column considered how negotiating with other people involves an internal negotiation in which emotions, beliefs, and physical sensations can generate inner conflict and influence decision making, often obscuring insight into why we act as we do. Bob's negotiation with himself, while preparing the night before, on whether to offer a 10 percent or 15 percent reduction in purchase price is challenging enough, let alone the challenge involved in negotiating in real time the next day with Terese. Amid intense negotiations, the metaphorical "going to the balcony" can be helpful as it involves imagining looking down on the problem and its participants, and allows one to be less attached and emotional and better able to see the bigger picture.



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Formulated by William Ury in his book *Getting Past No: Negotiating in Difficult Situations* (Bantam, 1991), "going to the balcony" offers a compelling metaphor for being more effective in resolving disputes, and one that assists us in taking a deeper look at the role mindfulness can play in facilitating more fruitful negotiations. The scenarios below walk through the same inflexion point in Bob and Terese's negotiation, illuminating some of the potential benefits afforded by a regular mindfulness practice and of being more mindfully aware.

## Negotiating Without a Trip to the Balcony

*Bob gets nervous sensing that Terese is ready to walk from the deal. His client really wants to sell and is willing to offer a 20 percent discount. Bob decided prior to the negotiation to offer at most 10 percent. Now everything seems to be unraveling. He worries that he came out too confident and is anxious. He feels flush and wonders if Terese sees the beads of sweat accumulating on his forehead.*

Absent a technique like going to the balcony, Bob's agitated state can be consequential. It is hard for him to think clearly, unfounded assumptions take hold, and he becomes emotionally overwhelmed. All can lead to a digging in, or an all-too-hasty compromise.

*Bob digs in and sticks with 10 percent. It's the plan he went in with and he chooses to stay the course. He feels weak at the thought of giving in to Terese. It all happens so fast, and he hopes Terese was bluffing. She listens to him and to his dismay declines the offer and thanks him for his time. As she gets up to leave, she wishes his client well. She wasn't bluffing.*

## Accepting an Invitation to the Balcony

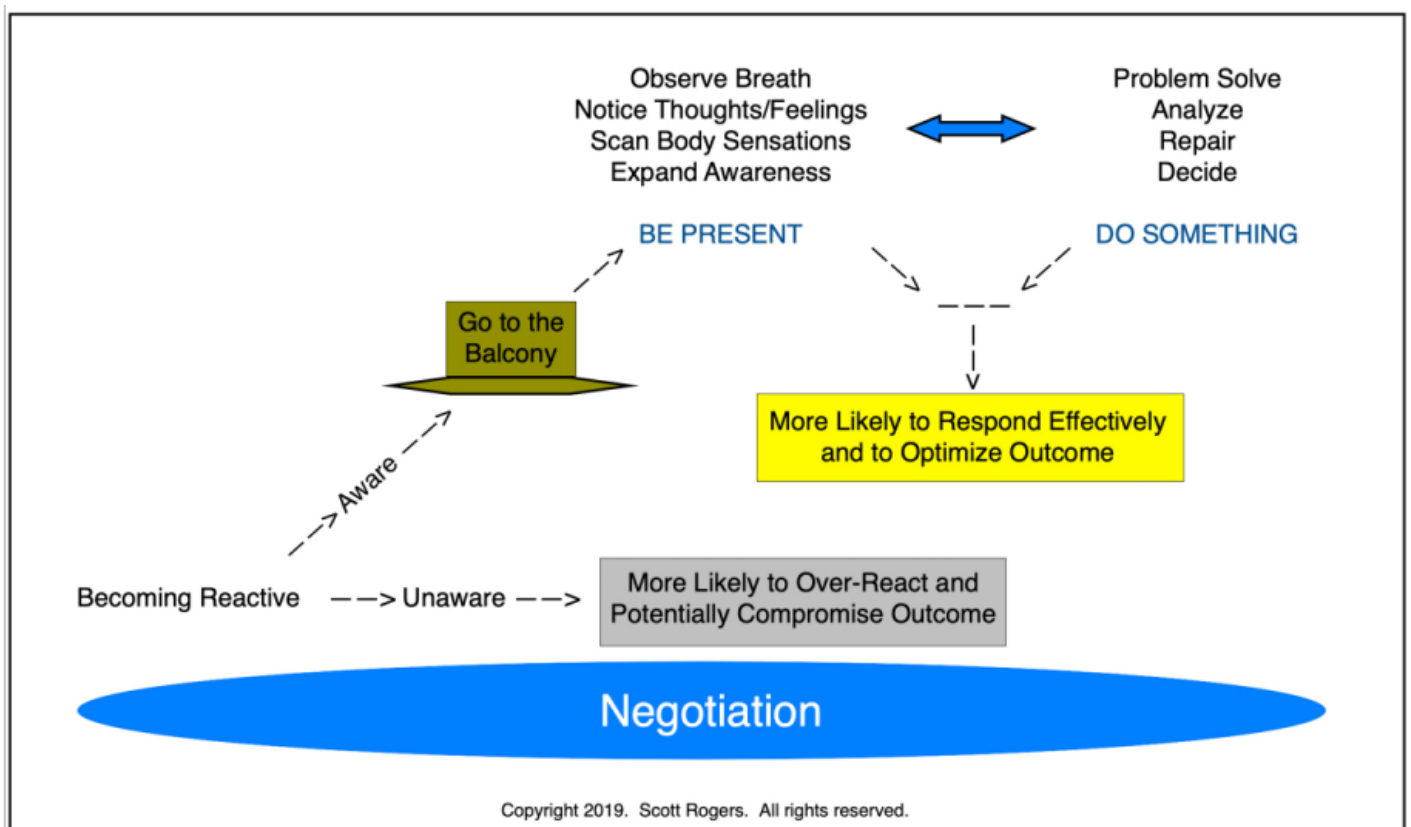
With a negotiation technique in hand, and perhaps some prior experience employing it, Bob responds differently. He isn't as quick to react, calms down, and engages in a more reflective process.

*Realizing he is becoming frazzled, Bob makes a beeline for the balcony. Believing that the few minutes he needs to regroup will be difficult and awkward if he sits silently, he requests a short break to use the bathroom, and excuses himself. In the bathroom, he wipes his forehead and takes a series of slower, deeper breaths, which help him relax. A few moments later, he feels calmer. He makes the decision to go back and offer a 15 percent discount. Terese listens intently and soundly rejects the offer. The constellation of agitated thoughts, feelings, and body sensations kick into high gear and Bob again eyes the balcony.*

While the metaphor is immensely useful, absent the skills developed through mindfulness practice, its utility is often reduced to the tactical maneuver of “stepping back,” “taking a deep breath,” or “pausing” so as to reenter the negotiation a little less agitated, a little more relaxed, and perhaps having more thoughtfully considered the issues. As evidenced above, such excursions to the balcony can be calming and clarifying, but they can also be short lived and accompanied by a recurring need (often ignored or too challenging to execute) to return to the balcony.

In contrast (though really as a complement), the benefits of mindfulness practice help cultivate a more enduring quality of awareness that, by its very nature, results in greater clarity and emotional resilience amid challenging moments, rather than providing a temporary respite and opportunity to regroup.

The challenge is that when mindfulness practice is seen as a relaxation technique, the balcony is viewed as a place to calm down so as to be able to take a step back, see the bigger picture, and come up with a better plan. This is useful and sometimes will save the day. But the mindfulness practice offers much more.



As noted in the diagram reprinted above from the November column, the balcony is a place where both *doing* and *being* take place—problem solving, analyzing, taking action, as well as observing, noticing, attending. But what exactly does this mean in practice?

## Going to the Balcony Mindfully

Let's assume that Bob has begun practicing mindfulness on a regular basis and see how his practice factors into his effectiveness as a negotiator, and what it means to *mindfully* go to the balcony.

*The morning of the negotiation, Bob spends 15 minutes, as he does most mornings, practicing mindfulness. He alternates each day between two popular mindfulness practices known as Focused Attention and the Body Scan. Focused Attention has helped him develop his capacity to stay focused and notice mind wandering (among other benefits), and the Body Scan has helped him detect signs of physical discomfort, developing greater resilience amid uncomfortable moments.*

Like preparing for a tennis match with endurance exercises, such ongoing mental exercise equips Bob to more naturally remain focused and steady in the midst of a challenging negotiation.

*In the bathroom, Bob takes a few moments and rests his attention on his breath. He detects a whirlwind of thoughts, many pessimistic, and how they rattle him. Because he notices them, he is less likely to get caught in them and, owing to his ongoing practice, his attention steadies and a frantic mind begins to settle. He senses the tension in his chest and a sinking feeling in his stomach. These lead to more thoughts, but he remains focused on the body sensations and is not distracted. He knows that the body sensations will come and go, as this is his experience each morning. And he knows that while they are unpleasant, they are bearable. He considers doing a more engaged mindfulness practice known as RAIN but chooses not to, as he knows it wise to rejoin Terese in a few minutes.*

*As he washes his hands, Bob reflects on the fact that he has prepared well and is doing his best. Terese's client would likely do the deal with a 20 percent discount. He reminds himself that he considered a lot of factors in deciding on 10 percent. However, given his intuition that Terese may walk, he offers a 15 percent discount. Terese listens intently and soundly rejects the offer. Bob is disappointed and knows he has a decision to make. Given that his client would be happy with offering 20 percent and appreciating deep down that part of his resolve is to impress his client, he lets go of that need and asks Terese to help him understand why her client seeks more than 15 percent, which seems reasonable to him. Terese replies that 15 percent is a reasonable offer, but her client would not be able to guarantee payment unless another deal closes favorably. Bob suggests they enter into an agreement in which Terese's client accepts the 15 percent discount contingent on the favorable deal closing, or else his client will provide a 17 percent discount. Terese agrees.*

## When There's No Time to Climb the Stairs

It was useful for Bob to take a short break, draw on a short mindfulness practice to calm down, see things more clearly, and to come up with a plan, maintaining flexibility. There are times, however, when the heat is on and there is no opportunity for a break. Much as in a tennis match, there are moments when all one gets to do after losing a huge point is wipe the sweat from ones racquet and brow and approach the baseline.

*Gathering that Terese is ready to walk, Bob senses that the deal is unraveling and feels anxious. He notes the rise in his heartrate and, in response, gently slows his breathing. Having steadied himself a little, he remains focused on what Terese is saying. He detects sweat beading on his forehead and observes the coolness against his skin. He follows his intuition and bumps the offer to 15 percent, after which Terese explains why her client can't accept. Together they fashion a contingent deal at a 15 percent discount and, should the contingency fall through, close with a 17 percent discount.*

## The Many Advantages of Mindfulness

The four scenarios above provide a glimpse into the evolving advantage practicing mindfulness can offer—from being so caught in the drama that useful techniques are overlooked, to meeting challenges as they surface in real time. The mindfulness invitation to

visit the balcony is not to escape from the action but to be comfortable (enough) in the midst of it. Having a regular mindfulness practice makes a difference and, as the fourth scenarios suggests, the larger opportunity is to naturally be more mindfully aware and responsive such that our preparation and expertise bring out the best we have to offer, without having to try so hard.

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[Scott L. Rogers](#) is a nationally recognized leader in the area of mindfulness and law, as well as a teacher, researcher, and trainer. He is founder and director of the University of Miami School of Law's [Mindfulness in Law Program](#), and he co-founded and co-directs the University of Miami's [Mindfulness Research & Practice Initiative](#). Scott is the author of five books including the recently released *The Elements of Mindfulness*.

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