

March 26, 2021

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Mindfulness 101: Enhance Your Negotiation Skills Through Mindfulness

By Scott L. Rogers

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In this month's column we explore how mindfulness can help enhance our negotiation skills. We'll learn the basics of a negotiation technique developed by Roger Fisher and Daniel Shapiro in their book *Beyond Reason: Using Emotions as You Negotiate* (Viking, 2005), and the ways mindfulness can keep us on track when things get heated. Importantly, it's a recipe that is applicable to many negotiation techniques. For those new to mindfulness, we begin with a quick overview.

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Mindfulness is often regarded as a meditation exercise to help bring about a feeling of calm. And, indeed, mindfulness practices can be helpful in this regard. But, unlike many relaxation exercises, mindfulness practice instructions do not involve thinking pleasant thoughts, imagining soothing visualizations, or any other device for achieving a more relaxed state. Instead, they involve training attention and developing awareness so that the mind is less likely to ruminate over the past or anxiously fret the future, as such commonplace mind wandering can lead to a host of unhelpful thoughts and agitating emotions that may compromise decision-making. Through practice one becomes better equipped to notice what one is thinking and feeling with the enhanced capacity to remain steady and present for what is taking place, unsettling as it may be at times. Dan Harris, an ABC news correspondent and host of the [Ten Percent Happier](#) podcast, refers to mindfulness as “a skill, generated most commonly through meditation, where you learn to see what’s happening in your head right now, clearly, so that you don’t get yanked around by it.” Might this skill be helpful in the midst of a high-conflict negotiation?

In their negotiation classic *Getting to Yes: Negotiating Agreement Without Giving In* (Houghton Mifflin Harcourt, 1981), Roger Fisher and William Ury advocate pivoting from a focus on a party’s position to the underlying interest in their position. A useful example is a fight between two cooks over the last orange. With both parties demanding possession of the one and only orange, splitting it simply will not work. A position-to-interest shift reveals that one cook needs the rind and the other the juice. And with that simple pivot, resolution of a seemingly intractable dispute becomes effortless. Of course, making this shift can be challenging when the negotiation process becomes emotionally charged. In 2005 Fisher teamed up with Daniel Shapiro to write *Beyond Reason: Using Emotions as You Negotiate*, a road map for managing difficult emotions. Driving this approach was the appreciation that one can’t stop having emotions, it’s not always beneficial to ignore them, and it can be overwhelming to directly deal with them. As a practical shorthand, they devised an approach called the “core concerns,” which recognizes that many emotions that we experience can be stimulated when five core concerns we all possess are threatened, namely:

- appreciation,

- affiliation,
- autonomy,
- status, and
- role.

So, for example, people might get angry, frustrated, sad, and resentful if they do not feel they are *being appreciated*.

Rather than have to keep track of and try to manage a litany of emotions, by keeping an eye on these five core concerns, one can use them as a “lens” to diagnose why a negotiation may be falling apart (e.g., “Ah, they are not feeling appreciated for the work they did on the project”) and as a “lever” to reestablish the conditions for a fruitful negotiation (e.g., “We would not even be here were it not for your tireless effort getting this project off the ground”). As you can imagine, this approach is not only straightforward, it also is applicable to just about every interaction you’ll have with someone (and even yourself). Notably, Fisher and Shapiro’s book does not explicitly mention mindfulness or mindfulness practices, and one need not practice mindfulness to learn and effectively implement this technique.

While Fisher and Shapiro are quick to note the importance of applying the core concerns approach to oneself as well as one’s counterparty, Professor Leonard Riskin, a leader in the area of mindfulness in law, suggests that practicing mindfulness can be helpful for doing so. In his [“Annual Saltman Lecture: Further Beyond Reason: Emotions, the Core Concerns, and Mindfulness in Negotiation”](#) (*Nevada Law Journal*, Spring 2010, Vol. 10, at 289), Riskin comments that a high level of awareness (we could say mindfulness) is needed to effectively implement the core concerns approach. Highly charged emotions can be contagious, and the level of awareness needed to stay on track can drop amid a heated exchange. Riskin elaborates on a handful of reasons mindfulness practices can be useful, including being better able to pay attention and remaining aware of the rapidly changing landscape of thoughts, feelings, and body sensations so that one is less likely to “get yanked around” by them.

Riskin’s insight is especially useful in its applicability to any of a variety of negotiation techniques. We are exposed to different approaches owing to our mentors, the workshops and seminars we have attended, the nature of our work, and the insights we have acquired along the way. Riskin offers a clear look into how mindfulness practices can enhance our ability to deliver on any technique, optimizing the expertise and skills we already possess.

The next time you find yourself in a negotiation, keep an eye out for the five core concerns of appreciation, affiliation, autonomy, status, and role and the ways one or more might be dipping for your counterparty. To keep it simple at the start, focus on *appreciation* and *role*, as these are biggies. This may help diagnose why things are going south, and you can respond in ways that help rehabilitate them. Sometimes, this will go smoothly, revealing the simplicity of the technique. At other times, it might be a struggle as your own emotional state might limit the degree of awareness and capacity you have to apply this technique. You may notice this with any technique (or no technique) you may draw upon, which is where the mindfulness practice can become so helpful.

Accordingly, we close with instructions for a mindfulness exercise that can be helpful to practice on a regular basis as well as in advance of a negotiation to help maintain and, as needed, reestablish a heightened degree of awareness while negotiating. It integrates two fundamental practices commonly referred to as focused attention (or breath awareness) and open monitoring (or open awareness). While each is its own meaningful practice, they work together nicely to help develop a more stable attention and ability to notice with greater clarity what is arising in the internal (i.e., mind) and external environment.

- 1 Establish an upright and stable posture, comfortable and engaged.
- 2 Take a few slower, deeper breaths to help achieve a slightly more relaxed state.

- 3 Lower or close your eyes, focusing *attention* on the sensations of the breath.
- 4 When you notice your mind wandering, gently return attention to the sensations of breathing.
- 5 After several minutes, expand the field of *awareness* around the breath and body to take in the sensory richness of your experience.
- 6 Listen to sounds, near and far, coming and going. Feel the temperature of the air making contact with the skin. Notice the arising and passing away of thoughts and feelings. Witness the moment as it is.
- 7 After several minutes, return attention to the sensations of the breath and to the body sitting.
- 8 When you are ready, close the practice by lifting the gaze, opening the eyes.

As noted at the outset of this column, mindfulness practices can be useful to bring about a few moments of calm amid a busy and hectic day. They can also be helpful for developing a more stable attention and capacity to detect mind wandering sooner. This can lead to improved focus, resilience amid emotional agitation, and the ability to see things more clearly, including whether the core concerns of people with whom we are interacting are being met, and, if they are not, the ability to identify what we might do about it. It also helps us notice whether our own core concerns are being met, and, if not, what we can do to steady ourselves, enhance our performance, and tend to our well-being.

If you are interested in the connection between mindfulness and negotiation, you may be interested in reading my *GPSolo eReport* articles "[Mindfulness 101: Me-Gotiations and Going to the Balcony](#)" (November 2019) and "[Mindfulness 101: Negotiations and a Return to the Balcony](#)" (March 2020), as well as Professor Riskin's 2010 *Nevada Law Journal* article. You may also enjoy my guided mindfulness practice YouTube video, "[Morning Cup of Zen: Flexible, Present, and Aware.](#)"

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