

Defending your words

Good note-taking, meeting reviews will help you defend your statements

By **Christine McMahon**, for *SBT*

Question: I negotiate with someone who has a bad habit of putting words in my mouth or twisting what I say to his benefit. On more than one occasion, he has accused me of agreeing to something I didn't say. How do you deal with someone like this?

Answer: There are enough challenges to overcome when negotiating than wondering if you really have an agreement or not.

It's not uncommon for parties to forget, misunderstand or misinterpret each other when negotiations are complex or stretched out over a lengthy period of time. This is particularly true when there are a number of issues that require resolution.

An important step to curtailing his behavior is to take copious notes during your meeting. Capture the other party's wording as specifically as possible. This will make him feel that what he says is important.

Any time there is a word or phrase that you don't exactly understand, make sure you ask him to clarify it for you.

At the conclusion of the meeting, recap the all key points including the controversial or unresolved issues. At this point, you want to ensure there is mutual understanding and agreement to the points discussed. When recapping, be sure to reconfirm the elements where you think you have an agreement and what the next steps will be. This process will establish mutual accountability as to the facts and follow up required.

Then, send a confirmation letter or e-mail highlighting the key points discussed, the resolutions agreed to and the issues still on the

table. If your negotiation is complex or lengthy, this will help both parties stay on top of the issues and refresh themselves as necessary. This sounds like extra work, and it is. However, it will minimize the potential damage that could unfold as a result of a misunderstanding.

The next step is to confront him when he says something that misrepresents your position. In a non-hostile way, immediately deny it, even when other people are present. Otherwise, it will be assumed that the misrepresented position is your true position. A simple statement like, "John, that's not how I remember our conversation. I walked away from the table understanding that we would eliminate Step 2 of the process because of the liability issues involved." Then wait for his answer. Don't look away. Don't try to fill the silence. Make him own his position.

If he denies it, tell him that you will resend the recap memo highlighting that point and be sure to do so. This will let him know that you are on top of your game and, in no uncertain terms, will hold him accountable for keeping his word. This is important, as you are conditioning him to what is and is not acceptable with you. He may play his game with others and get away with it, but not with you.

When counter-acting his position, it's also to your advantage to include some discussion points from your meeting to help refresh his memory. It also lets him know that when you listen and take notes, you remember. This may make him think twice about challenging you the next time.

While there is no denying that there are dishonest negotiators who deliberately attempt to catch you off guard to gain an advantage, misunderstandings are often honest mistakes caused by fatigue. This is especially true when emotionally charged or complex issues are involved. Maintaining a high level of concentration over an extended period of time can be difficult and draining for some people. It is not unusual for some people to lose their concentration or for it to fade in and out at different points of the conversation, causing them to miss a point or two during a lengthy meeting.

So, be deliberate in your communications. Stop yourself anytime you have the urge to "think out loud." Avoid speaking in generalities. For example, saying, "I'm not sure that will fly with us," offers a lot

more room for misinterpretation than saying, “We cannot support that.”

Remember, any time you are negotiating, there are opposing viewpoints. There are more disagreements and conflicts when negotiating than resolutions. Your objective is to find common ground and reach mutually agreeable solutions. In situations where the other party says you agreed to one thing when you know differently, while it may be difficult, it’s to your advantage to refrain from being hostile.

There’s a difference between being firm in your position, and being punitive. It’s always been our motto that it’s better to smack them in the face with grace, than to sucker-punch them.

In situations where the other party is not playing by the rules, recognize that you cannot change him, but you can make it more difficult for him to “get away” with his behavior.

Assess the factors that are within your control that will

temper his actions. For example, we listed listening carefully to what they say, reviewing the points of your discussion and the next step action plans and sending him a copy of your notes.

You may also find having a neutral third party attend all meetings may be necessary. Correct him immediately when he misrepresents your position. And if his behavior becomes a high-risk wild card for you, let him know that you will cease further negotiations if his behavior continues.



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