

Tips for Breaking Stalemates

When two people want the same thing, and neither will budge, the conflict can seem impenetrable. Yet for world-class negotiators, it is just another day at the office. In Chapter 12 of *All Rise*, I explain how the tools of modern negotiation can make a lawyer more effective in managing conflicts on their teams as well as with opposing counsel or clients. Below is a summary of those strategies.

Before exploring the tactics below, consider whether you need to address emotional obstacles that might make it difficult (if not impossible) to apply these techniques productively. See Chapter 11 for tips for managing emotions, including empathy and active listening.

Technique	When to Use	How to Use
Focus on Interests (Not Positions)	When we both want, but cannot both have, the same thing (i.e., a zero-sum game)	Ask, “Why is _____ important to you?” Then look for creative solutions.
Appeal to Common Ground	When both sides are arguing from different facts and perspectives	Move higher up in the interests pyramid. Talk about broader goals or principles you can agree on, then work your way back down.
Separate Principles and Pragmatism	When either of you says “it’s the principle of the thing” or warns of a “slippery slope”	Acknowledge that both sides are “right.” Escalate to a third party or bifurcate the present decision from any “downstream consequences” and address the issues separately.
Focus on Fair Process	When you are a manager who may have to make an unpopular decision	Explain your decision-making process and ensure everyone is heard before making a call.
Defuse Hardball Tactics	When someone engages in manipulative behavior or pressure tactics	Build the person a “bridge” back to the collaborative side of the conflict. Leave them a way to save face or they may dig themselves deeper. As a last resort, consider bringing in someone new to offer a fresh perspective (“changing the players”).