

3 Takeaways Podcast Transcript

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Ep 106: Ask For More: 2 Questions to Negotiate Almost Anything with Columbia Law School Mediation Clinic Director Alex Carter

INTRO male voice: Welcome to the 3 Takeaways podcast, which features short memorable conversations with the world's best thinkers, business leaders, writers, politicians, scientists, and other newsmakers. Each episode ends with the three key takeaways that person has learned over their lives and their careers, and now your host and board member of schools at Harvard, Princeton and Columbia Lynn Thoman.

Lynn Thoman: Hi everyone, it's Lynn Thoman, welcome to another episode. Today, I'm excited to be with Alex Carter. Alex is a Columbia Law School Professor and Director of the Mediation Clinic at Columbia Law School. Every year she helps thousands of people make deals and resolve conflicts, she mediates disputes for individuals, for businesses, for federal, state and New York City courts and even for the UN. I always assumed that the best way to negotiate was to lay out my arguments, but I learned from Alex that's starting negotiating by launching into your arguments, no matter how well researched and supported they are, is not the best way. I'm excited to learn what really works. Alex is the author of Ask for More: 10 Questions to Negotiate Anything. Welcome, Alex, and thanks so much for our conversation today.

Alexandra Carter: Lynn, thank you for having me. And it's a pleasure to be here with a Columbia colleague, Roar Lion!

LT: Alex, it is indeed a pleasure to be with you. Why is, "how are you" or "how is your day" a terrible way to start a conversation?

AC: I love this so much Lynn. There was a moment when I realized that as somebody who teaches conflict resolution and the power of questions all day in the workplace, that I was coming home and asking my daughter and husband, "how was your day today?" And anybody who asks the question of a spouse, but particularly a child, knows what you get, you get basically a shrug or a grunt, nothing. And the reason is that kids are even better than adults at sussing out what a real question is versus how are you or how was your day or your weekend? That's actually not a question Lynn, that's what's called a social script, that means we're making pleasantries, I'm asking you the thing that I'm supposed to ask you before we get down to the business of what our conversation is really about, and so at best, that tends to be a pretty closed question where somebody might say, it was great, thank you. And at worst you're going to get nothing at all. So part of what I do in my work, my research at my practice work, is to teach people the power of moving from a social script to a real true open question.

LT: So what questions do you never ask?

AC: I try never to ask a social script question, number one, we've covered that. Another question I try never to ask, and this is somewhat controversial, Lynn, I got a bit of push back from people

in my field initially when they saw this in Ask for More, I never asked why, I don't ask it of other people, and I don't ask it of myself, for example, "why did you make that decision?" "Why can't I seem to finish the task that's been on my plate for a month", and the reason I don't ask why, is that social work research tells us that why is a question that exhibits some blame, it's meant to be backward-looking, and what it does is it puts the other person or it puts yourself in justification mode. So if you ask me, "Alex, why did you do that last week?" You are immediately going to get my squared shoulders and a "because". I'm not going to diagnose, I'm going to give selective information and I'm going to be defensive, so instead of asking "why", I like to ask "what". So instead of, "Why did you do that?" "What went into the decision? What was happening for you that day? What were the conditions that led to this particular consequence?" "What" moves from blame to diagnosis and kind of from the past to the future.

AC: As though we're trying to figure out what can we learn for next time, the same is true Lynn when I'm asking myself questions, I don't know about you, but the last couple of years for me in particular as a professor, as a woman, as a human being, has been really challenging and turbulent, and I'm tempted to say, "Gosh, why can't I do this? Why am I not productive today?" And even there, moving from "why" to "what" and asking myself "what feels difficult, what support might I need" is a tremendous mind frame shift that helps me get out of self-blame and into action, which is how I'm going to make things better.

LT: I love that. Alex. What's the single best question to ask?

AC: The best question to ask, if this is a secret, is almost not a question at all, in fact, insider baseball, with Simon and Schuster copy editors and I went back and forth a couple of times on this one, because they said, "You know, Alex, this isn't technically a question", and I said, "I know, but we're putting it in any way, I call it my two magic words that you should use on every occasion, and the two magic words are, tell me... Tell me is the broadest possible opener invitation to a conversation." When people come in to the Columbia Law School Mediation Clinic, where I'm the Professor and Director, my students and I work with them on resolving all kinds of cases and disputes, I never ask people...

AC: Are you here today to settle? Closed question. Even how much money do you want to pay? Also a relatively closed question. Instead, we look at them and we say, "Tell us what's brought you here today." In that way, they can let me know their diagnosis of what's happening, is this a business issue, is it a relationship issue, is it a monetary issue, is it an emotional issue? But the same is true Lynn, for those every day workplace negotiations, where I'm not the mediator, I'm a negotiator sitting at the table, so tell me your views on the contract, I noticed you marked up those five provisions, tell me more about what is behind that instead of asking why or getting into the granular. Asking somebody to tell you is the equivalent of fishing with a net. When I learned how to fish Lynn, I learned in the suburb of New York, I cast a line off my grandmother's dock and then I would wait all day to catch one fish, that's what most of us are doing with our very closed questions that we ask every day in the office - did you approve the contract I sent over? Could we get me to a 20% compensation increase? Those are yes, no questions.

AC: They don't get you a lot of information, and frankly, if you ask somebody a yes or no

question, the easiest answer for them to give you is no. Instead, I like to fish with a really big net and get a ton of information, and that you can best do when you start out your conversations with tell me.

LT: So after you ask, tell me, what is your second favorite question?

AT: Can you guess? Anyone listening here? So after I cast out that net... Let's imagine that somebody's come into my office, maybe it's even a difficult conversation, it's a feedback conversation, and I say, "Tell me how things have been going for you this last year", and the person starts to talk about work responsibilities and about how their reporting chain isn't so clear, and maybe they also talk about some personal difficulties they've been having, okay, so I've got two large buckets of things that I could inquire about. My next question is, Tell me more... So you talked about the reporting chain and how that's creating some confusion. Talk to me more about that. In other words Lynn, the way to be successful in negotiation, you said it up top, we all think that it's going in and how much space we can take up in the room, how well we can state our arguments...

AC: Right at the top of the conversation. I like to tell people when you walk into a room and deliver your pitch or your argument, that's actually not negotiation, that's public speaking, okay. A negotiation is a conversation where you're steering a relationship, and so I like to gather as much information as I can upfront, that's how the expert negotiators do that, they make sure they have everything they need before they go ahead and state what they're looking for, because otherwise you're just shooting aimlessly in the dark, so I like to start with tell me and go for tell me more, as long as I can... Another good question Lynn, is questions that start with "what." "What are your biggest concerns?" "What are your needs from this particular deal?" And when you're asking what or tell me, you know that you're staying broad and you're going to get a lot of information.

LT: Alex, I can see these working very well in negotiations or in business meetings, you mentioned your husband and child before, do you use these... I hesitate to use the word tactics, but do you use these questions with them and do they at this point, shrug or roll their eyes?

AC: That is an incredible question, I would say with my husband 99 times out of 100 it's great. One time out of a 100, if I get him at the wrong time. He says something like, "Are you doing that mediating stuff on me?" But most of the time, what it does is it really opens up conversation, I'll tell you a story about my girl though, you can't make this up. This was a couple of years ago, I was writing the chapter about Tell Me in Ask for More, when I went to go pick up my daughter from a swim meet, and she came out of the locker room, this was a new team, she was swimming for her town team for the first time, she comes out of the locker room crying, crying really hard, and I was somewhat unnerved and so I got down on her level and I said, Caroline, what's wrong? And she says, "Mommy, I really don't like these locker rooms, you have to share showers and a girl came in while I was showering and it was so awkward." Okay, seems obvious, right? My daughter was almost nine at the time and I thought to myself, it's probably body anxiety is my guess, but I didn't say that, I said, tell mommy what made it awkward, and she looked at me like I was the biggest dance on planet Earth, and she was like, Oh, come on mom isn't it obvious? And I said, I don't know, tell Mommy.

AC: And she says, we wanted our shower at different temperatures.

LT: Who would have thought?

AC: Who would have thought, right? Certainly not I... And the lesson I learned that day was profound because whether it's a child, a spouse or a partner, or colleagues that you've worked with for two decades in the office, we often assume we know what somebody's going to say when we ask a question, but we often don't. And especially with the close people in our life, we're not going to know unless we ask them to tell us.

LT: That is such a great story. So wonderful. Most people think that the fun part of negotiation is figuring out the solution, what do you think it is?

AC: Well, I'll tell you that the fun part, and the important part is actually not figuring out the solution, do you know whether it's two people negotiating a deal or a company negotiating its way through difficult recession or a downturn, most of your negotiation success is going to be in defining the right problem to solve, innovation experts in fact, found that most innovation failures come from the human tendency to say oh, this problem is really big, let me pick a small problem and just address that. So instead of saying, we're looking at the top ranks of our organization and we're noticing that we're really short on under-represented people at those ranks, that's a really big problem to solve, we tend... Human neurology, we tend to zoom in on something small and say, Okay, how can we bring in an entry-level class at 50-50 men and women...

AC: We've gone from a much bigger question to the much smaller question, so what I tell people to do... And this for me, is the fun stuff, it's really getting underneath to figure out what's happening there is asking yourself, Okay, what's the problem I want to solve? That is the first question you ask in every negotiation, because here's the thing, most people don't realize, negotiation doesn't start when you and I sit down together Lynn, it starts at home with me, so I have to figure out first, what's the problem I want to solve? And too often what I'll do is I'm reacting myopically to something that's just happened.

AC: I'm the CEO, I just had an Associate Satisfaction Review that was in the tech. People said they were really unhappy to be here at the junior and mid-level ranks, so maybe that's the immediate, but I want to zoom back and ask myself, Okay, what would happen if we brought that number of up? It's not just focusing on the survey, I think what's underneath that? What would I achieve if we fixed that small problem? And I might realize that if we fixed that seemingly small problem, my company would be a place... a more profitable place, a happier place where people would want to enter, stay and reach the pinnacle of their career, working hard toward our collective goals. So it's about zooming out to say, Okay, maybe this goal, the little thing in front of me getting one client getting \$10,000 more on this negotiation. What happens if I achieve that? And when you ask that question, all of a sudden, you're going to get the broader view that helps you know you're really defining the right problem to solve.

LT: Alex, I'm thinking very carefully about every question I ask you and how I frame it! Where

does negotiation become innovation?

AC: So negotiation... Let me back up. Negotiation, I think up until Ask for More came out was predominantly defined by the first thing you see, if you open up a Merriam Webster or any one of a number of excellent negotiation books, people say negotiation is a back and forth to get to an agreement. Usually over money. And so, if you've heard that before, you are in excellent company, but I've redefined it, because, Lynn, when I went on my honeymoon to Hawaii many years ago, I actually was sitting in a kayak with my husband and our guide of all places in Hawaii, our guide turns back to us and says, alright folks, let's negotiate these things to the left because we're headed for that beach up ahead, and that was the moment that I was... And I said to myself, I have never heard somebody use the word negotiate in that way before, but this was a mind frame change for me. What am I doing if I'm negotiating my kayak toward a beach? I'm steering. And so in that moment, I thought to myself, I'm going to redefine this. This isn't just the money conversation, it isn't just about getting to a contract, it's any conversation where we are steering a relationship.

AC: And guess what? Innovation is negotiation writ large, innovation is when a company looks out and steers its relationships with the clients or consumers it already has, and the clients and consumers, it hasn't reached yet to say what are the problems we can be solving for this population and what's the right question for us to ask, to define that problem so that then all of our efforts go toward the solution. That's innovation. It can truly happen on an individual scale, but more often, it's when we are really looking out and we're steering a societal conversation to say, "What's the next problem we need to solve."

LT: So to make sure that people ask the question broadly enough...

AC: Yes, absolutely. So the first time you ask yourself, what's the problem we want to solve, then ask yourself What would happen if we achieve that, because in other words, we want to get beyond... We need to fix one component on a product or we need to bring one number up on a survey. We want to zoom out to say what's the impact, what's the broader societal effect or the broader industry-wide effect that we're looking to have? That's how you can make sure that you're getting to innovation and not just trauma or an emergency type room approach, where we are basically triaging the most immediate fires that we need to put out. Innovation is about solving the problem that sometimes people haven't even seen yet.

LT: Alex, you talk about a Progress Principle. What is that?

AC: Yes, this one is near and dear to my heart, a lot of us professionals, and I'll say especially people who might be wired like me, are really training our eyes at all times on the results. I need to achieve this level of profit this year. I'm looking to raise the numbers by this much. What happens when we focus on the results is a couple of things. Sometimes we're engaged in a project that is so large that maybe we can't even see the finish line or it feels overwhelming, and so our human tendency then is to shut down. On the flip side, if we do achieve that incredible result, oftentimes we might feel a sense of emptiness or even depression afterward, if what we are focused on is the result. Instead, I like to focus on the progress principle. What does that mean? It means I'm not so much day-to-day saying, Here's the result I'm aiming for, I know what

that is, but I say, What's the one step I'm going to take today? What progress can I make just for today or my eventual goal. For me, Lynn, I can give you an example. This was frankly writing a book with a full-time professor position and doing a lot of speaking, it may seem like this is not a huge goal, but for somebody like me who is so incredibly busy at work and at home, when I looked at the finish line and I said, The result is, I'm going to write a 60 to 70 thousand word book.

AC: When I focused on that, there were days that I shut my computer and I couldn't write at all, instead, I said to myself, what's one step I could take today? I would open up the computer, set a 15-minute timer and say, I'm just going to write one idea today. Just going to make a bit of progress, and do you know that by writing 15 minutes a day during a very, very busy spring semester where I was teaching a seven credit load and traveling all over the world. I ended up with 55,000 words by the end of that semester. I had the book almost completely written, I learned this from my daughter also. My daughter is a competitive swimmer, and she actually was born with a physical disability, so one of her legs is significantly shorter than the other, almost two inches. And the first time I ever brought her to a swim meet was very, very early on, and she looked terrible, she crashed off the diving blocks, she looked like she was drowning in the pool, and as a mother watching her daughter, who I knew was slightly different than the other kids, having such a hard time, I have to be honest, I went to the bathroom and I cried for a minute, wiped my face, put a smile on my face and went back out to her and said, cheerfully...

AC: "So how do you feel?" And she looked at me and she said, "Great, my dive got a lot better today," and what an important lesson! I mean, truly, Lynn, that was a moment where I thought that was the good dive? You know? But really, what she was teaching me was, "I'm not focused on the time Mom, I'm not focused on what place I get, my dive got a little better today, I had fun, I met somebody new." And Lynn, four years of just focusing on the progress, took my daughter to the New Jersey State Championships for swim this year. And so truly, right, the lessons we learn from our kids, truly focusing on your progress, especially during difficult times, means you're more likely to achieve those stretch goals, but also you're going to feel more satisfaction on the other end.

LT: And you're going to feel better day by day. That is a wonderful story. One of my favorite words is "yet".

AC: Right, can't do that yet. I'm not quite there yet.

LT: Exactly.

AC: I've said that to myself many times this year, sometimes the more you level up in your profession or the more you dream big, the more you're going to get people who say no, in fact, no is often a great word, I always tell people, If all you're hearing is Yeses you're not charging enough. So when you hear no, then you might say to yourself ... I'm not there yet. Maybe next year. I love it.

AC: Alex, can you give an example of one of the negotiations you're proudest of?

AC: [laughter] Oh my goodness, probably the first time I ever negotiated for salary, early on in my career, I worked at places that were all lockstep, this might be familiar to some of your audience, certain consulting firms or law firms or investment banks, it's a regulated salary, and so there's really not a lot to negotiate on the compensation front, so the first time I had to do it for myself, I realized, Lynn, that I was coming up against all this programming in my brain that said, "You're not going to look collaborative, maybe they'll take the offer back, maybe you're going to start things off on a bad note if you negotiate." So this was early on in my career. I got an offer, it was good, but I had just enough sense to say, "Okay, I'm going to call a senior woman in my field and see what she thinks." So I called her and I said, "What do you think I should do?" And she said, "I'm going to tell you what to do, Alex, you're going to get back in there. And you were going to ask for more, and here's why, because when you teach someone how to value you, you're teaching him how to value all of us, so if you're not going to go in there and do it for yourself, I want you to do it for the woman who's coming after you, do it for the sisterhood."

AC: And that was the moment Lynn that I thought, Oh my goodness, I have to negotiate now and not just this time, I've got to do it every time, because this is going to help other people, and all of that collaborative energy that I have... I can use that to claim value for myself, because in doing so, I'm actually making things better for others, and so I went in and I negotiated for more, and here's the thing, did it mean more money coming in the door for my family? Absolutely, but the more important thing it meant was that I showed up on the first day of that job saying, "I did that for myself, I am fully valued here, and it made me perform in a way that I'm not sure I would've performed otherwise", so that my first salary negotiation... Lynn, if I could go back, I would have gone a couple more rounds, but I'm very, very proud that not only did I set myself on a course for greater success, but I learned something profound in the process.

LT: What are the things never to do in a negotiation?

AC: So we covered pitching first, you want to start out with questions, we covered that. Another one that you should never do in a negotiation is think that the only way you can connect or persuade is to talk. In fact, if you really want to negotiate well, you need to do what I call landing the plane. What does that mean? It means sometimes the key to really persuading, to connecting and to getting what you need is to ask your question, make your proposal and then zip it. And in fact Lynn, I wonder if some of your audience is asking themselves, okay, great, but how much silence?

AC: We've all heard the stories, and as a negotiation counselor to a lot of CEOs and board members, I have heard stories about heads of companies walking into a room and if they didn't get a deal they liked, they sat back opened the newspaper and read for 45 minutes. It turns out you don't have to do that, but the Journal of Applied Psychology last year found that 3.5 seconds is enough to invite the person to really consider what you've said, and you're more likely to get a high value negotiation move in response when you use silence in the appropriate way.

AC: Silence doesn't make you look unsure, it makes you look powerful, and it's a mistake not to employ it. The last thing I would say, Lynn, and we alluded to this earlier, but I want to reinforce it. A mistake people make is not knowing where negotiation begins, if you sit down with somebody else and you think, Okay, great, this is where negotiation is starting, you have missed

most of what makes it work. There's a reason that the full first half of Ask For More is what I call the mirror. It's about looking at yourself, not literally, it's not that kind of book, but it's about taking a look in the metaphorical mirror and asking yourself the kinds of questions that are going to give you clarity and confidence and command going into the second half of that negotiation, which is sitting down with someone else, so remember to use silence, don't bet against yourself by over-talking and make sure that you've looked in the mirror first, and you're going to be much, much more confident and successful.

LT: Alex, before I ask for the three takeaways you'd like to leave the audience with, is there anything else you'd like to mention? What should I have asked you that I did not?

AC: [laughter] Oh my goodness. You didn't ask me if I've always felt comfortable negotiating, and this is a question that people always ask me in my keynotes, sometimes they ask it with words, but sometimes I can see that they're asking it with their faces instead. And I want you to know that despite what my CV might say, I didn't always feel comfortable, and this is part of the reason that I've been on fire to reach as many people as possible, but frankly, I think it's also what's made me an effective professor, teacher, trainer and coach. In fact, I alluded to it with my first salary negotiation, but I didn't always feel comfortable, I bought into the lie, especially as a woman, that if I negotiated, I was leaving less for other people or I was going to give people a lesser impression of myself, but once I realized that I could help other people, but also that when I negotiate for myself, I'm teaching my company or the other person across the table, what kind of a negotiator I'm going to be for them, it puts gas in my tank to say, "You know what, I can do this my way. I reject the binary, I can be a collaborative person, a person who values relationships deeply, and also somebody who goes in and makes sure that she is fully valued in any room."

AC: So it's been a process for me, and if anybody's listening to this and you haven't always felt comfortable, it is never too late to learn how to negotiate in a way that works for you.

LT: I think actually that's what makes you such a great mediator and negotiator is that you had to learn it.

AC: Yeah, and as a mediator, I never have to be the person with all the answers in the room, right Lynn? I'm the person who helps people raise the right questions, and doing that as a mediator made me realize I can negotiate like this, it's actually going to be more effective, more collaborative, and it's also going to be my style.

LT: Alex, what are the three takeaways you'd like to leave the audience with today?

AC: Number one, the questions we ask shape our entire reality. I want you to think about questions like the pieces of a puzzle, and when you ask yourself or you ask somebody else a small question, it's like taking a 1000-piece puzzle and putting one piece out in front of you, but when you ask yourself and others, the bigger questions, all of a sudden you've got 100 pieces going on the puzzle and you start to see something take shape, and so the first thing I want you to know is to be attuned to the questions that you are asking every day of yourself and others, because they determine a lot of where you go in life and how much happiness you have along the

way, so the second thing I would say is that negotiation is also really about knowing yourself.

AC: There's so much noise out there in the world. I actually feel like right now, the noise has never been louder, what other people think your life should be about, what other people think your goals should be, even just looking at other folks and thinking about where are they going? And should I be going there too? That's why the Mirror is so important, it's really about getting to know yourself, because your negotiation can and should frankly, look different than anyone else's, because it's not about what other people want, it's about what you need, and the closer you can get to that, the more confident you're going to be negotiating in any circumstance, the last take away, Lynn, is something that's not strictly about negotiation.

AC: Five years ago, I got a call from a very prestigious tech book company in the legal field for me to write a textbook in my field, and I said I would do it because I thought to myself, This is what a law professor should do, I should write a textbook. This is the natural next step. And I woke up every day feeling dead inside and absolutely not wanting to do this, and then a student of mine, of all people, one day apropos of nothing, in my office hours said to me, Professor... I have a personal motto, and the motto is, Only do what only you can do. Only do what only you can do. And I thought to myself about that, and I thought, Am I the only person who can write a textbook in this field? No, I'm not. There are lots of people who could do this, but what is it that only I can do? I think what only I can do is take negotiation concepts that might feel challenging for some folks or nebulous and making them really approachable and concrete so they can use them in their everyday lives. And that is how Ask For More was born, and that's what set me on a completely different course for my career. So while it's not strictly negotiation advice...

AC: I found that as I'm making decisions, if I ask myself, Is this what only I can do? It helps me clarify what's within my mission, what's within my areas of expertise, and what are the things that I can say, thank you, I'm going to refer you to somebody else so that they can take a step toward their goals. So those are my three take-aways.

LT: Alex, this has been great, thank you so much and I really enjoyed Ask for More. It's wonderful.

AC: Thank you. That means so much to me and I'd be happy to continue the conversation any time.

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