



Tuesday, October 2, 2012

11:00 AM - 12:30 PM

305 – Achieve Success as a Negotiator: Learn a Simple, Effective & Practical Framework as Chief Negotiating Officer for Yourself and Your Company

David Cohen

Director, Legal Affairs and Risk Management
Angels Baseball LP

Jeffrey Compangano

Corporate Counsel & Vice President, Strategic Business Development
The Word & Brown Companies

Lily Hughes

Vice President and Associate General Counsel-Corporate
Ingram Micro Inc.

Nyea Sturman

Assistant Director of Legal Services
Orlando Magic

Faculty Biographies

David Cohen

David Cohen is director of legal affairs and risk management for Angels Baseball LP. Mr. Cohen drafts and negotiates terms of sponsor, vendors, union, employment, and suite contracts. He oversees organizational litigation and is involved with all aspects of claims. He also provides legal support to AM830 KLAA, the Angels flagship radio station.

Prior to joining the Angels, Mr. Cohen worked as an athletic trainer in the Baltimore Orioles, Boston Red Sox, and Montreal Expos organizations. Professional Baseball Athletic Trainers Society honored Mr. Cohen as the "2001 Minor League Baseball Athletic Trainer of the Year".

Mr. Cohen is the vice president of ACC's Southern California Chapter and chairs its In-House Counsel Conference Committee. He also spent two years as student liaison to the ABA Tort, Trial, and Insurance Practice Section Council, chair of the Self Insurer and Risk Managers Committee and Task Force on Outreach to Law Students. He was also leader of several task forces, general committees, and standing committees. He is a National Athletic Trainers Association certified athletic trainer.

Mr. Cohen earned a BS in exercise physiology/athletic training and MS in community health promotion from West Virginia University. Mr. Cohen also holds a JD from California Western School of Law. He completed the MLB scout development program.

Jeffrey Compangano

Jeffrey Compangano is a vice president and the corporate counsel of The Word & Brown Companies headquartered in Orange, CA. He has been with Word & Brown for over 12 years, during which time he established the corporate legal department that he oversees. Mr. Compangano's responsibilities include corporate governance, intellectual property, regulatory matters, mergers and acquisitions, bankruptcy issues and other related corporate matters. A primary area of specialty for him is complex negotiations, which he also manages for The Word & Brown Companies. Mr. Compangano is also an adjunct professor at Chapman University and Brandman University where he does extensive course development and teaches classes that range from constitutional law to theories of persuasion.

Before joining The Word & Brown Companies, Mr. Compangano was an executive who administered legal initiatives for small to mid-size companies, some of which, through his efforts, became publicly-traded. In this capacity he advised on corporate governance, financial services, and regulatory matters.

Mr. Compangano is an active member of the ACC's Southern California Chapter board of directors and has recently been named an ACC's Southern California Chapter's 2012 Rising Star honoree. Mr. Compangano does pro bono work for bar associations to which he belongs. He also frequently volunteers for various community-focused organizations.

Mr. Compangano received his BA from Chapman University, his MA from The University of California, Fullerton, and his JD from Whittier College School of Law.

Lily Hughes

Lily Yan Hughes joined the worldwide legal department as vice president and associate general counsel of Ingram Micro Inc. (NYSE: IM), a Fortune 81 company and the world's largest wholesale distributor of IT products and services, with sales exceeding \$36 billion in fiscal 2011. She has principal responsibilities for corporate securities and other regulatory matters (including NYSE and SEC public disclosures), corporate governance matters (including as assistant corporate secretary), corporate finance (including negotiating multi-million dollar finance transactions), treasury, tax, executive compensation, stock plans, and other corporate matters. Ms. Hughes has taught extensively on the topic of "Negotiations" to Ingram Micro's leadership teams in conjunction with the University of California Irvine's Paul Merage School of Business.

Before joining Ingram Micro, Ms. Hughes was a partner in the Los Angeles office of Manatt, Phelps and Phillips, and advised a variety of corporate clients on corporate and regulatory matters, with an emphasis on financial services companies, including national associations, community banks, and savings and loan institutions.

Ms. Hughes is an active member of the ACC's Southern California Chapter board of directors, and was recently named an ACC SoCal Chapter's 2012 Rising Star honoree.

Ms. Hughes was born in Hong Kong. She attended Williams College and received her BA from the University of California Berkeley. A graduate of Boalt Hall School of Law, she was the recipient of Moot Court Best Brief Award, and was the articles editor of *The Industrial Relations Law Journal*.

Nyea Sturman

Nyea Sturman is entering her eighth season with the Orlando Magic and was promoted to assistant director of legal services in July of 2012. In her current role as assistant director of legal services, Ms. Sturman is responsible for providing legal support to the organization.

Prior to accepting this role, Ms. Sturman spent seven years in the Magic's corporate partnerships department, most recently as the partnership business manager, focusing on

operational efficiency, strategic planning, financial analysis, budgeting, market research, contract negotiation, sweepstakes compliance and inventory management.

Ms. Sturman is a member of the Sports Lawyers Association (SLA), the Association of Corporate Counsel (ACC) and serves on the Advisory Board for the National Sports Law Institute and the Board of Directors for The Gift of Swimming.

Ms. Sturman graduated from Cornell, the University of Oregon, and Marquette University Law School, during which time she completed internships with the National Football League, Milwaukee Bucks and the Pettit National Ice Center. During her time at Marquette University Law School, Ms. Sturman also served as the executive editor of the Marquette Sports Law Review and the president of the Sports Law Society.



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Achieve Success as a Negotiator:

Learn a Simple, Effective & Practical Framework as
Chief Negotiating Officer for Yourself and Your Company

Jeff Compangano, *Corporate Counsel & Vice President, Strategic Business Development, The Word & Brown Companies*
David Cohen, *Director, Legal Affairs & Risk Management, Angels Baseball LP*
Lily Hughes, *Vice President & Associate General Counsel, Ingram Micro Inc.*
Steve Johnston, *Chief Legal Officer, Tampa Bay Buccaneers*



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Agenda

- “Soft” things that matter
 - Negotiation styles
 - Effects of non-verbal communication
- New ways to think of conflict
- Negotiation framework
- Techniques and tactics
- Preparation
- Key takeaways


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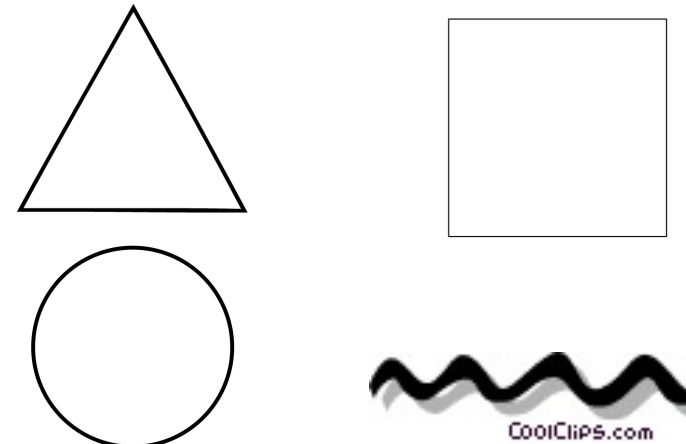
The “Soft” Stuff that Matters

...getting to know me, you and your negotiation counterparty

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Introduction – a little about you




circle

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Negotiating Style

- What's yours?
- What style are you most comfortable using?
- What style do you gravitate towards in stressful or high conflict situations?
- What's theirs?
- No style better than another
- If you understand differences:
 - Better adapt your style in building productive relationships
 - "Normalize" a conflict
 - Lead to win-win negotiating outcomes

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Non-Verbal Communication's Importance and Impact on Negotiating Outcomes

- Difficult to overcome first impression
- Supports establishing and maintaining rapport
- Can heighten or distract attention from persuasive messages
- Persuasion effectiveness by demonstrating "immediacy"
- Effects of how our body movements, voice, touch, physical distance, and how we use time during the course of the negotiating process combine to influence positively or negatively, our negotiating outcomes


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New Ways to Think of Conflict

...framework for all negotiations

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Framework: What is Negotiation?

Negotiation

←-----→

Problem Solving Extreme Conflict/War

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Why Do We Negotiate?

- To be better off than if we had not negotiated
- To reach a deal better than our...
Best Alternative To a Negotiated Agreement (BATNA)


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Distributive/Positional Negotiations

- **ONE ISSUE**
- My position against your position
- My gain is your loss
- More likely to become combative
- Can jeopardize relationship
- Can lead to suboptimal outcomes

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Integrative Negotiations

- **MULTIPLE ISSUES**
- Ways for both parties to gain simultaneously
- Require more time and creativity
- Can be conflictual
- Can strengthen relationships
- Can lead to better results
- Can lead to results satisfying both parties


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What does it feel like?

- **Distributive/Positional Negotiation**
 - Guard information carefully; try to get as much information as you can
 - Competitive
 - Manipulate deadlines
 - Extreme anchoring
 - Threats
- **Integrative Negotiation**
 - Share information
 - Attempt to meet needs of both parties
 - Invent mutually beneficial options
 - Understand interests of both parties when positions conflict
 - Potentially lots of back and forth



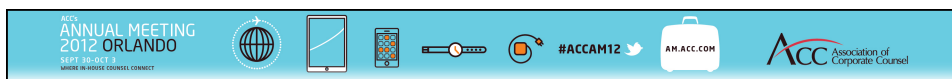
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How Do I Recognize Which Kind of Negotiations I am in the Middle of?

- **Distributive/Positional negotiation**
 - Price is the only issue being negotiated
- **Integrative negotiation**
 - Price, payment terms, future purchases



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What's My Negotiation Issue?

- The thing that is being negotiated
- The thing that I and the other party can change or influence (or they can have changed)

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Positions and Interests

- **Position**
 - The outcome you've determined you want; your "solution" to the negotiation or problem. A position provides no alternatives. It's black or white.
- **Interests**
 - Your underlying needs, desires, concerns, wishes that are driving your position. Your position is your solution that meets your interests. Might be several ways to address one's interests.
- **Examples**
 - Wanting to vacation in Maui, Hawaii vs. wanting to vacation at the beach
 - Wanting to eat at Al Fornaio vs. wanting to eat at an Italian restaurant


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Positional Bargaining Can Be Effective When...

- The goal is to maximize the value obtained in a single deal
- There is no on-going relationship
- There is only one issue to negotiate (often price)



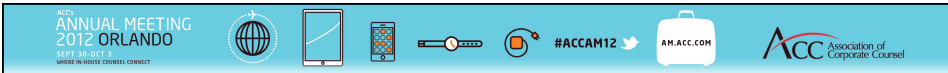
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Positional Bargaining Can Be Ineffective When...

- There is more than one issue to negotiate
- Negotiators are in a long-term relationship
- Positions are in complete conflict




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Interest-based Negotiation Can Be Effective When...

- Both parties can benefit from an agreement
- There is (or can be) more than one issue to negotiate
- Parties are in a long-term, interdependent relationship
- Both parties have alternatives



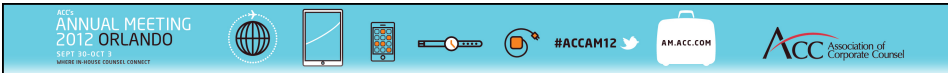
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Moving from Positions to Interests

- “Whatever specific solution we create, it needs to be one that...”
- “What is it about the solution that I am suggesting that doesn’t meet your needs?”



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How to Get to Interests (Yours and Theirs)

- Control your ego
- Put yourself in their shoes (but negotiate for yourself)
- Actively listen
- Ask questions
- Think creatively







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Questions to Uncover Interests

- What problem are you trying to solve?
- What about that is important to you?
- Can you tell me why you want to do that?
- What problems will be solved if we do that?
- What is it you want to achieve?
- What is it you need?
- What will happen if we don't do it the way you suggest?
- What goal are you trying to achieve?
- Tell me why you want to do it that way
- What is important to you regarding that?






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Techniques for Generating Agreements


- Keep a constant check on your emotions
- Expanding the pie
- Unbundling issues
- Logrolling
- Cost Cutting
- Bridging
- Contingent contract
- Persuasion tactics
 - Pregiving
 - "Foot in the door" effect
 - "Door in the face" effect
 - Sweetening the deal
 - Disrupt, then reframe

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Preparation is key technique


- **Focuses your thinking**
- **Helps you consider other party's situation**
- **Emphasize key information**
 - **Positions** (black/white views that can't be changed)
 - **Interests** (concerns/needs)
 - **Issues** (terms that can be changed)
 - **Target** (high/low/medium)
 - **Reservation point/price** (walk away point)
 - **Alternatives to an agreement** (if an agreement is not reached)
 - **BATNA** (Best Alternative To a Negotiated Agreement)

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How? Brainstorm/open communication

- **Brainstorm**
 - What is the problem?
 - What are their interests?
 - What are my interests?
 - What are the issues that we can negotiate about to address each other's interests
 - What are the possible strategies or alternative ways to address the problem (their interests and mine)?
 - What could we really offer? What specific steps can we take to address their interests as well as ours?
- **Be careful to withhold judgment until all alternatives are analyzed**
- **Help your boss, colleagues and other stakeholders at your company be part of the change management process**

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Key Negotiations Take-Aways

- **We are all “natural born negotiators”**
- **Be aware of negotiating style/non-verbal communications**
 - Keep your ego/identify fears in check
- **Seek to understand your interests as well as theirs**
 - Be curious; Ask questions; Don’ t assume
 - What is my BATNA (Best Alternative To a Negotiated Agreement)?
- **Be creative**
 - Success in negotiation is coming up with solutions that address the interests of all parties

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Finally...

“Progress, Not Perfection”