



Quick Guide: Strategies for Effective Negotiation

- **Be Clear About What You Want and Why:** State your position clearly and explain why you believe it is fair. For example, “I’m asking for \$20,000, because the repair was listed as completed, but it wasn’t done.” This helps the other side understand your position and encourages cooperation. Be specific about what would make things right – a repair, a payment, or another solution.
- **Listen to the Other Side:** Let the other person share their story. You don’t need to agree, but understanding their point of view can help you find common ground. For example, “I see why you feel frustrated about the delay in closing. Here’s what happened on my end...”
- **Think About Your Alternatives:** Prior to the mediation session, know your Best Alternative to a Negotiated Agreement (BATNA). If you can’t reach an agreement, your next step could be arbitration or court. Mediation lets *you* decide what’s fair, while alternatives make the decision for you.
- **Keep Emotions in Check:** Real estate disputes can be stressful, especially when a lot of money is involved. Stay calm and focus on facts, documents, and solutions. Respectful communication makes progress possible.
- **Be Open to Creative Solutions:** To resolve a dispute, consider alternatives such as partial refunds, shared repair costs, extending a move-out date or applying a credit at closing. Flexibility often leads to faster resolution.
- **Avoid Unrealistic Demands:** Asking for more than the issue reasonably supports can slow things down. Focus on what’s fair and can be backed up by facts or documents.
- **Know Your “Best and Final Offer”:** If talks are stuck, you may choose to make a “Best and Final Offer.” This means clearly stating your last and most reasonable proposal. It can help both sides know where they truly stand and whether an agreement is possible.

Only make a best and final offer after careful thought. Be realistic and fair, because extreme offers can end negotiations. Understand that the other side may accept or reject it. Once both sides make their best offers, the mediator can help clarify any last options.

Remember: The goal isn’t to “win.” The goal is to find a fair, practical solution both sides can accept. Preparation, patience, and respect go a long way in resolving your dispute.