

9 Listening B: Contract negotiation

Lawyers are commonly requested to conduct contract negotiations on behalf of clients, particularly in matters in which strong negotiating skills are required. You are going to hear Arthur Johansson, a junior lawyer who attended the in-company seminar on negotiating techniques, negotiating the terms of an agreement for a client with the other party's lawyer, Ms Orvatz.

9.1 ⏮ Listen to the negotiation and answer these questions.

- 1 What kind of agreement are they talking about?
- 2 What kind of business does it involve?
- 3 Which clauses do they mention?
- 4 What problem does the franchisee have with the contract?

9.2 ⏮ Listen again and decide whether these statements are true or false.

- 1 The clause they are discussing would not allow the franchisee to operate any kind of restaurant within the prescribed area for a stipulated period of time.
- 2 The lawyer representing the franchisor argues that the purpose of the clause is to guard her client's legitimate business interests.
- 3 The franchisee's lawyer believes that his client is in a strong position in the negotiation.
- 4 The franchisee's lawyer offers to strike the arbitration clause in exchange for a reduction in the number of years set forth in the non-competition clause.

9.3 What do you think of the way Arthur Johansson negotiated the agreement? Did he use any of the techniques presented at the negotiation seminar?

10 Language use B: Negotiating expressions

In addition to learning about techniques employed by experienced negotiators, improving your negotiating ability in English can be achieved by becoming familiar with and using common phrases.

In one of the initial phases of a negotiation, the bidding phase, the two sides put forth proposals or suggestions. The phrases in Exercise 10.1 serve to introduce a proposal or suggestion, or to respond to such a proposal in a face-to-face negotiating session. (Note that these phrases would also be suitable for use in informal written communication, such as an email, between parties with an established and friendly working relationship.)

10.1 ⏮ Listen to the negotiation in Listening B again and tick the expressions you hear the lawyers use.

- | | |
|---|--------------------------|
| 1 I'm afraid we can't go along with ... | <input type="checkbox"/> |
| 2 I'm afraid that's out of the question. | <input type="checkbox"/> |
| 3 Our proposal is to ... | <input type="checkbox"/> |
| 4 That's certainly a step in the right direction. | <input type="checkbox"/> |
| 5 We suggest ... | <input type="checkbox"/> |
| 6 That would be difficult for us. | <input type="checkbox"/> |
| 7 We'd like ... | <input type="checkbox"/> |
| 8 What we're looking for is ... | <input type="checkbox"/> |
| 9 I think we could live with that. | <input type="checkbox"/> |
| 10 We're not entirely happy with that. | <input type="checkbox"/> |
| 11 We'd be happy with that. | <input type="checkbox"/> |