

# The-Bargaining-Room

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## SUMMARY KEYWORDS

space, negotiations, room, mediator, thinking, parties, windows, good, situations, feel, mediation, conversation, people, microphone, fluorescent light, union, factor, setup, environment, set

## SPEAKERS

Chris Casillas, Emily Martin, Matt Greer

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- C** Chris Casillas 00:09  
Have you ever walked into a room ready to negotiate and immediately thought to yourself, "Well, this is gonna be a long, long day." Maybe the room is too cramped or there aren't any windows or it's really hot or overly cold, your mood can immediately turn sour, which makes it all the more challenging to be in a problem solving frame of mind. Parties spend a lot of time in negotiations, sometimes countless hours on any given day, or for many months on end. But as you're sitting down to bargain, how much thought do you give to the physical space in which you're negotiating? Could that space have a potentially negative or positive impact on your negotiation as a whole, depending on the setup? Today, on this episode of the PERColator? Join Matt, Emily and Chris, as we give some thought to these questions that parties may often overlook, but could be the key to unlocking your full potential in your next round of negotiations.
- E** Emily Martin 01:10  
Hey, Chris. Hey, Matt.
- M** Matt Greer 01:13  
Hey, Emily,
- C** Chris Casillas 01:14  
How are you?
- E** Emily Martin 01:16  
I'm good. How are you?

C Chris Casillas 01:17

Doing well, doing well, What do you want to, what do you want to talk about today?

E Emily Martin 01:22

Today, I thought we would talk about meeting space like physical the physical room where people have negotiations and, and in some context at the mediation to you know, creation is a continuation of the negotiation process. But I feel like when we think about negotiations, physical space is part of the setup, that it's important to consider. So what do ya think, is that a good topic?

M Matt Greer 01:45

Great topic, I think it's one of those things that we don't really think about too much. I think you can make a lot of decisions along the way that might have a good, positive, or negative impact on whether or not you want to collaborate a bargain or not. So I think it's a great topic. What do you think, Chris?

C Chris Casillas 01:58

Yeah, I agree, Matt. And I think consistent with what we've been doing here at the negotiation project is to kind of think of ways of setting ourselves up for success and being stronger negotiators and finding that more collaborative space. And I think, as you point out, a lot of times, we don't really give a huge amount of thought to the, the space we're conducting all these negotiations in and in actuality, there's a lot of good reasons why we should be thinking about that environment, and how that impacts our negotiation process. Because when it's not in a good place, it can have some pretty negative ramifications. And I think, you know, we've all seen that as mediators.

E Emily Martin 02:41

Okay, so let's start with like, bad spaces. Like, can anybody think of examples of a space for negotiation that was, was just not a good idea. There was there was a flaw, there was a problem. It was, it was bad.

M Matt Greer 02:55

I can think of one, I used to be a mediator in Wisconsin. And so it was one winter, I was mediating up in the north woods, a very cold day at a police department way up in the north. And we're meeting in the old police station, which was this old old building, I don't think it was even built as a police station was old, like, you know, Victorian era building that apparently had no heat except for one room. And so I can't remember which team it was, I think it was

probably the union team, and me in the mediator room, were in rooms that had no heat at all. In fact, the mediator room where I got to stand around while I was waiting for the parties, and caucus was the actual like old room where they kept all the old evidence from old cases. So there was like blood samples and stuff in there. And we were thinking that this was a very interesting place. But I know that at least one side felt like they were being disadvantaged by how their location was set out. And I kind of felt a little uncertain about it as well, because they kind of felt like a little little guilty that they were in the better space. But that was just what we had to work with. But I think that it did have a not so great impact on how those negotiations and mediation went. So that's why I think it was like the worst case scenarios being in the middle of nowhere, freezing cold, the police department thinking that maybe literally if we went too late into the evening that I might freeze to death and die. So that's probably my worst case scenario. But what about you, Chris?

C

Chris Casillas 04:22

I'm getting chills just thinking, thinking about that situation. And hearing you describe it. I want to go get my winter coat on. Yeah, no. I can think of a number of situations and actually one experience when I was still in the advocacy role in negotiating a contract, and I won't kind of mention all the parties or whatnot, but it was it with a very large employer. And there were multiple unions in the room and this room was just this gigantic, cavernous, windowless, poor poorly lit room where, you know, the employers team was like in this row of desks on one side of this huge room. And all the union folks were on the other side, you know, the desks were like 20 feet apart. But some people at opposite corners of this room, you literally had to kind of yell to be heard. In the other corner, the room was was that large. And it was just like this dark and musty, dingy, dingy old conference room of filled with these people. And I just, I think, you know, there was a number of reasons why that bargain was so challenging. But I think that space really, really contributed to the challenges that we faced in that environment.

E

Emily Martin 05:49

I have a couple examples that come to mind. One of them was years ago, I was working with a school district, but for whatever reason, it was a very small district, there wasn't space in the school. So they had, they had reserved a church. And we were in the basement of the church. And the one one space for a group to me was the like social hall, the cafeteria, that kitchen, the big dining room, it was big and had windows, and it was comfortable. And it was wonderful. But all the other rooms in this basement of this church, and upstairs was just like the chapel like there was, that was not a good space to me. So the only other rooms were like Sunday school rooms, and they were tiny. And the window was tiny. And I feel like I remember the chairs being super, super small. That might not be true, but it just felt that way. You know, it felt like a first grade Sunday school room. And and the one side was in there, and they were not happy about that at all. So that that jumps to mind is a really bad space. The other thing I've had a couple times is when there's like microphones, like maybe it's a space where they have a board meeting. So there's microphones built into the infrastructure. And the union gets stuck in a room with a microphone, right there. And it's like, probably nobody's listening on the microphone. But it's super weird. It's super weird to have like a microphone sitting in the middle of the room and not feel like it's confidential. If you want to have a confidential conversation, the other side doesn't hear that microphone, I think gives a bad vibe. And then the third category was I was doing a mediation and it was a room that had a partition wall

between the two different caucus rooms. And you could just hear each other through the partition. And I think the different different rooms weren't fully aware of how loud they were being. So so that wall just drove me crazy, too.

C

Chris Casillas 07:46

Yeah, that's so the descriptions are just so like they they all send shivers up my spine thinking of these different different things and, and give you good reason to think about why you should be paying attention to these situations and thinking about the circumstances because they really can impact your negotiation. And it's not just you know, I think as you as you listened to those descriptions, I think it becomes obvious to you why some of those situations were so difficult, but in many respects, that those observations are backed up by a lot of different studies and research that we've seen out there looking at this phenomenon of how our physical spaces impact our, our thinking and our thought processes. And there was one thing I wanted to mention on this before we maybe think of, you know, solutions, here are some paths forward on this particular topic. But I wanted to mention this study by psychologist Roger Barker, it was from years ago and originally started out in Oskaloosa, Kansas, and it was this really interesting setup in a small town in Kansas. And he and his team set out to kind of look at why people behave the way they do kind of this simple, open ended generic question. And they they follow this group of kids around and just recorded all of their activities. Kind of creepy on some level, I guess if you think about it, but, but you know, for good scientific reason. And, you know, there's all these things that could contribute to like, why these kids behaved in the way they did, but what they found the one factor that overwhelmingly determined how the children behaved and acted was the place in which they were observed doing things, their physical location, whether that was in a classroom or out on the ball field or, you know, you know, playing on the street or something that was that was the fact After that was seen, and, and really helped kind of found, you know, further studies and research on that supported the fact that the spaces in which we spend our time really shaped the way that we think, and how we behave. And I, I just, I just love, like thinking through that and, and recognizing that fact, because, you know, as I hear you describe those stories, I can see that, but it's really something that's supported in it, not just that study, but you know, just a large array of research looking at this topic.

E

Emily Martin 10:41

Yeah, so what's a good space? I mean, I think for me, I think it's nice to have comparable breakout rooms, that they feel like they're even. So that always, as a mediator, I always really like it when there's not a big disparity between one or the other. And I do not have the site. But like, I don't know, years ago, I found some I heard about some study that talked about, it's great to be in a room with windows, like if you want people to be collaborative, and work together and be creative or something, something up, it was like something about problem solving, like, the fact that you have a window is a great space, I have vivid memories of a beautiful space, he was in a county government, and it had was just a very Washington State's a very beautiful place. And it happened to be a part of the building that had views of the mountains in the water. And it, it was a really nice way to like set the mood. So do you guys ever have what do you think is a good space? What's your dream space?

M

Matt Greer 11:46

I think you're right, having just having the space where you don't feel like you're on top of each other, which I think is sometimes how it feels in some of those caucus rooms, where you just kind of, you know, don't have a lot of space to breathe, literally, sometimes you kind of stuck together. But yeah, a view is great. And that's one of the parts of our job that I really miss is traveling around the state because we did get to go to a lot of places where there are some places even up the buildings are relatively humble buildings, they were in a beautiful location or had a window that overlooks a green pasture or the mountains or something. I do think that make that definitely changes how things feel, you know, how your outlook is towards towards things in general, but especially if you're in the midst of a tough negotiation, who knows what kind of impact that might have on on your outlook, and how things are gonna go. So I think just coming having some, it's going to give you a little bit of a broadend perspective. And you know, the space can kind of kind of play into that. And so not having like really low win low ceilings, but having Windows not having just fluorescent light, that can be really depressing. Sometimes you're just in a room with just fluorescent light. But those are all the ideal things I think about in quality rooms. Definitely.

**C** Chris Casillas 12:56

Yeah, for sure that, I mean, again, here's an area in which there's just so much research to support the idea that I think we all kind of intuitively know that, which is when we can kind of connect with our natural environment in ways it just opens up, more creative thinking more patience, more collaboration. And there's there's a lot of, you know, evolutionary science and brain science behind why that is the case that we're not going to get into here. But I just think, you know, having those spaces where you can kind of connect to nature, just even if it's something as simple as a window that looks out at a tree, I mean, that can that can really chain change the environment. And for the better in many, many ways.

**E** Emily Martin 13:47

As we're talking about this, I realized there was a time I think I had too good of a space. I didn't mediation one time. And it was in a it was it was a downtown law firm. And it had beautiful windows and a really nice view. And it was awkward. It was awkward as public sector to be in such a nice space, if that makes sense. And I think it I think added to tension in some ways. Which which, you know, like it just it, it was, it felt weird, if you know, so we're talking about all the great things about nice space, but I think if this space feels too expensive or too luxurious or too decadent. There might be a point where that's that's actually not helpful to the conversation. Does that seem weird? Like too good of a space?

**M** Matt Greer 14:42

It seems counterintuitive. I totally understand what you mean. I've actually I've been in situations where I've had that similar feeling. In our work is pretty rare, but every once in a while we have mediations where the parties will reserve hotel rooms or hotel you know conference rooms for the negotiations and that always feels kind of similar, even if they aren't fancy, this still feels like a strange luxury to be someplace like that. So I've also been in some of

those high rises in downtown Seattle are kind of, feels the same as well. It doesn't feel like it's really, necessarily consistent with the public sector bargaining world I guess, in some some strange ways. So interesting observation.

C

Chris Casillas 15:19

Yeah, for sure. Well, those are situations where maybe the parties are doing too much or overthinking the space in some some cases. But do we, I mean, we need to think about, you know, how much thought people should, should give to this, or even situations in which a party may create a space that they know is not going to be, how should I put it, enjoyed? But by the other side? I mean, you know, the reality is we see this sometimes, and I don't know if either of you have any thoughts on that?

E

Emily Martin 15:57

Yeah, I think whoever's hosting does get to make a lot of choices. And some of those are what kind of space do they offer the other side? And do they do a send a message with that? Do they try to they try to give the best available space to the other side? Or, Or sometimes, It's not, sometimes it makes much more sense to put the bigger group in the bigger room, right? But, but what do you do with the, what do you do if the, if it just doesn't feel equal in a way that doesn't feel like it's meeting the needs. And I feel like if you want to have a collaborative conversation, where you're problem solving, and you're working together, it's important to be to be good host and not feel like the the space that you're giving is a slight. You might, your your group might need the bigger space, because you're a much bigger group. But I do think making some choices to make sure that the other side doesn't feel like you're insulting them by offering them a tiny little closet when there's obviously much better spaces around, can be important.

M

Matt Greer 17:02

I think that's true. And I think it's one of those areas that I don't think or at least I don't get a sense, when you come in as mediators, when the process has been going on for a while. But I don't get the sense that a lot of parties think too much about that. And if they do, it seems like it's better to have those conversations than to just kind of randomly kind of figure out what you're bringing out, or that kind of a default room, I think that there was a lot of power in having that conversation where the host or the guest is gracious in that moment and says, No, we see that, you know, maybe you have a better use for the the nicer room and we'll take those the other room. And that alone can I think probably set up your negotiations in a way that may be more collaborative, but that's what you're looking for, or conversely, if you're strategic about it, and kind of want to set up an adversarial context. And you can also use in that purpose as well. So there is a choice that can be made there in ways that maybe no one really thinks about. But I also have seen situations where I've come in, and I've heard one party complain about the space that they're in, in a draw assumptions, negative assumptions about why they're in that space, it becomes pretty clear to me as a mediator, there wasn't really thought into this. It's just how it worked out. But because it becomes part of the maybe very contentious negotiations that you're in, the assumption is that party is trying to make us uncomfortable. And that's part of their strategy, even though that isn't the case, so I think

there are a lot of little landmines there that you don't necessarily, aren't intuitive at the outset, but can kind of develop as things get heated or tough. And negotiations can come up in different ways. So being mindful about it, I think can be pretty powerful.

C

Chris Casillas 18:41

I like, I like that a lot, Matt, because it's both kind of taking those opportunities to like, you know, call attention to something that is potentially disruptive and harmful to the relationship. And using that moment potentially as a springboard both to, you know, solve that particular issue and get that party in a better physical environment. But also seeing it as an opportunity to kind of improve the relationship overall, I think that's, I think those are great observations and comments.

E

Emily Martin 19:18

You know, for the most part, when we are mediating, tell me if I'm wrong, it's like, you're usually on site where the employer is, and there's usually like, one conference room. And then there's usually one of the management teams has an office nearby. So they, they go to the office, and the the union tends to have the bigger room. And, and so, so in some sense, it's a sense of just, it doesn't make sense to stick a giant union team into some manager's office, you know, it just, that's why we don't have to think about it so much. But depending on where you are, there's different levels of access to things like different access to computers or different access to printers. or different access to computer networks, and security of computer networks, that can be a factor. So even when you're not having to think through like, even when there's an obvious good space or bad space, or not even good space, but just it's obvious where each party should probably go. There is sort of the infrastructure around that that can help be a good host or a bad host. And make make the other side's life easier or make the other side's life more difficult.

C

Chris Casillas 20:30

Yeah, for sure. What about, I mean, you know, we're in this environment now, being in these virtual spaces. And we haven't really talked about that much. And I'd be curious to hear what you two thought about that. But also thinking about kind of returning to our physical spaces beyond the issues we've already discussed, we've got to kind of factor in this this X Factor now of the pandemic. And adding that into this whole rubric of thinking about our space. Any any thoughts about either of those pieces?

E

Emily Martin 21:11

Oh, well, when we're online, I mean, we don't have the hallway, we don't have the, we don't have the ability to look in the window, we can't knock on a door. So there's so much that's different to me, that feels like when we're online versus we're in virtual space. And I hope we can have a future episode where we talk about some of that, like conversation, like the small talks that happen when you're sharing a physical space with people that feel different with online. But I miss having a door to knock on.

M

Matt Greer 21:41

I do too. I know I had my mentor, when I first started as a mediator in Wisconsin, somebody's been doing this for 30 years, he told me I can still see his finger wagging. As he told me, this is like you always knock on that caucus room door, you never enter a caucus room unless you've knocked on it. And they've indicated that it's okay for you come in, I don't care if it's a glass door, and they're waving you in and you still knock on that door. So it has been quite a challenge for me to kind of figure out how to replicate that in the virtual world. But we've done our best right through text messages and kind of setting up expectations at the beginning, we can kind of do that. But it has been a lot more challenging to set the space in the virtual world. And and Chris, the second part of your question, I have no idea how it's gonna look when we go back to the in person stuff. And I'm wondering if those of us at PERC, who have not had the opportunity at all to do any any person stuff for a while now might learn from some of our clientele that have been kind of putting their their foot out there into the in person negotiations, a little more than we have and kind of what tools they've developed to make sure that the space is safe and comfortable. And everyone feels secure as we meet together again, because I certainly don't have the answers. And I don't know, maybe the two of you have some some thoughts already about that. But I haven't even started really thinking about that too seriously yet.

E

Emily Martin 23:02

Yeah, I have been thinking a lot about one of the last in person mediations that I had. And space was a struggle, we needed a, I mean, it's not easy to sometimes find a good space. And we we really struggled to find the right meeting space for the for the meetings that we had. And some rooms were crowded, and it was flu season. And I I'm less excited about cramming into the tiny rooms that we used to cram into going forward than we did before. But I know our infrastructure hasn't changed. And there isn't suddenly so many great meeting rooms that are going to be out there. So I think we're going to have to just be really creative and work with parties and try to figure out how to make the best of what we have. Because there was there was times the rooms were too small to begin with. And I think coming out of this, that's going to be a factor for me in terms of what is, what is a space that works?

C

Chris Casillas 23:59

Yeah. Listening to your story, Matt, it reminded me I've put into the suggestion box for Zoom that they need to create a doorbell feature for the breakout room so we can ding dong the door but so far, they haven't taken up my idea but, but in terms of kind of reconvening, I think you're right, we're gonna have to see, you're both right, we're gonna have to see how this plays out. We're gonna have to learn from how our clientele are managing these things. The one thing that occurs to me at this point, is that I think, for the most part, we're all going to have to be more deliberate and conscious and thinking about that, not just around the issues that we're, we've largely spent our time talking about here today, but just because of the the safety issues associated with the pandemic where we have to be more deliberate about it. And and I think, or at least I hope that people will be, but it's going to force some more conversations and I think maybe That will be a segue into perhaps getting into some of these other topics we're thinking about, like, what is the room look like? What's the setup? How big is it? What does it

have windows? Does it have open air? What's the circulation like? What's the seating like, you know, maybe, maybe, you know, we'll turn this into some good, in terms of having those conversations, whereas before it was just kind of taken for granted or not really discussed. So we will have to see.

**E** Emily Martin 25:28

That sounds like a good note to end on. Thank you guys.

**M** Matt Greer 25:30

Yeah, that's the theme of our theme or existence right now, is, we'll have to see right?

**C** Chris Casillas 25:37

Good chatting with you both.

**M** Matt Greer 25:39

Yes. Good conversation. Thanks.