

# The-Spaces-We-Bargain---Part-3

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## SPEAKERS

Chris Casillas, Emily Martin, Matt Greer

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- C** Chris Casillas 00:09  
Previously on the PERColator, we began a series looking at the different spaces that parties may bargain, both from a more traditional sense and taking into consideration some recent evolutions of online negotiations. In those prior episodes, we reviewed the different options available to the parties, and some criteria you may use in evaluating what forum might best suit your next negotiation session. With those criteria in mind, please join Matt, Emily and Chris for part three of the spaces we bargain to examine some of the pros and cons associated with each of those places. Whether it be a traditional in person negotiation, or an online negotiation over zoom. With the onset of a more widespread use of online negotiations, we challenged the idea that a traditional in person meeting is always the best option for the parties, while also revisiting some earlier technologies like phones and email, which can seem antiquated in the world of online negotiation, but may still have a place at the bargaining table.
- C** Chris Casillas 01:24  
Hello, and welcome to the PERColator Podcast. It's good to be with you again. My name is Chris Casillas, with the Washington State Public Employment Relations Commission, and I am joined again by my wonderful colleagues, Emily Martin and Matt Greer, Matt, how you doing today?
- M** Matt Greer 01:40  
I'm doing great, Chris, thanks.
- C** Chris Casillas 01:41  
Good to hear from you. And Emily, how's it going?



**E****Emily Martin 01:46**

Everything's good over here.

**C****Chris Casillas 01:48**

Awesome sauce. All right. Well, we are back for the another part of this series as we're exploring the topic of thinking about kind of the different spaces that we negotiate in. And this felt particularly important and poignant to us at this point in time as we're kind of somewhat transitioning back to a world of doing more in person events. But having come out of this experience from the pandemic, where we shifted to an online format, and in some of our past episodes, recently, we've discussed a lot of the different kind of more traditional forums like in person or email or phone, but also some of these new spaces that we're negotiating in, like online are kind of a hybrid version as well. And so today, we thought we'd continue that conversation by shifting to kind of thinking more in depth about each of these forums, and, and maybe trying to come up with some, for lack of a better term kind of pros and cons of each of these spaces. And, admittedly, you know, all of you, and maybe even amongst the three of us might kind of see these kind of pros and cons differently. And in some cases, a pro might also be a con to some to some folks, but but we thought it would be useful to kind of think through as you're thinking through your own decisions about where to bargain, what may be some of the advantages or disadvantages of different spaces. So let's start with, you know, as we're thinking about moving back to in person environments, let's let's start there, Emily, maybe you want to kick us off, and then we'll take it from there.

**E****Emily Martin 03:29**

Yeah, so let's talk about the pros of being a person meet in person is how we, we all learn to communicate as children. We didn't start with emails, we started with conversations, real, in person. And so in some ways, these are the most natural ways to have negotiations. It's how we, it's how we often interact with so many people in our lives, we have such a history of doing it. So we're good at it. We know how to talk to each other, or we, maybe not all of us are great at it. But we've been doing it all our lives. And we we know how to use our body language our gestures. We know how to interact, it's not just our voices, it's not just our words, our words, it's a natural way of communication. When you're in person with somebody else in the same room in the same space. You're communicating differently than if you're on the phone or email or online. And it's a very natural thing like you can naturally make eye contact with an in person interaction. You don't have to stare at the camera and pretend to make eye contact. Your voice is more natural. It doesn't get you know, stuck in a zoom issue where zoom starts to lag and, and people like this, that zoom that the microphone picks up things differently. In person, it's just, it's just natural. It's how we how we got used to things. It's how we know how to build relationships and trust. It's how we've made friends for most of our lives. And we can read each other's interactions in an instant because we have a lifetime and experience. So as can be very more much more in You're active, because we don't have these other things getting in our way. In some ways, it's a great way to share information, you can look somebody in the eye and say something and use all of your body language to communicate it. But you can also just pass a piece of paper across the table or get up and write on a whiteboard or use all the natural ways we've always learned to communicate. But, I think one of the things we've we've realized about the pros, and we think more about the pros of in person is after, after all of this online experience, it's those hallway moments, I think, some people miss the ability to have a

negotiation. And sometimes as people are walking in or out of rooms, those are ways to communicate things verbally or non verbally, that can be really useful. And there's also the like, when you get into a meeting, and you and maybe you're waiting for somebody, and you look across the table, and the person across the table, somebody you're working with on something else, you could say, hey, you know, do you have a second, I want to mention about some other case or some other matter. Where at the end of a meeting, you might be able to take a minute and focus on something else, I think that's a little more natural as people are entering and leaving spaces in person. And, and we're just more used to it. And the last thing about in person I think is so valuable, is when you're there. And this kind of goes with some of the cons, but you, you made all the effort to be there. Everyone's gathered, this is the day, there is a sense that look, we invested into today to make today a good day, today's the day to get a deal. And I think that's one of the great advantages of being in person. So Matt, Chris, what did I miss? What are some other advantages of being in person that you see? Or did you? Do you agree with any of them that I said?

M

Matt Greer 06:45

Yeah, I definitely agree with that, I think that you caught the ones that I definitely think are the pros and the things that I kind of miss right now, because I'm not doing much in person and my mediation practice in the negotiation side of things. But I think one of the things that you might have missed is that when you're in person, you can share food. I think in the negotiation process, we talked about this in a previous episode, where there's the action of being there in person and sharing, you know, a cake or something for to celebrate somebody's birthday, or those kinds of things you'd miss as well. I mean, it's kind of the the nonverbal communication piece, I guess. But those tangible things that you can do in person that you can't do in the other forums I think, is also one of the pros of that in person piece.

C

Chris Casillas 07:27

Yeah, and speaking of past episodes there Matt, I really, when Emily was mentioning that, it kind of also brought me back to one of our recent episodes, and just kind of thinking about how we, how we think and how we interact, and your point, Emily about it's just, it's just such a natural environment. For us, this is what humans have been doing for, you know, eons is, is getting together, you know, in common spaces and, and seeing one another and, you know, judging one another by based on how people are seated, or how they're looking at them, and, and we're we're just primed for that. And so it's that that's a huge advantage in given that, you know, collective bargaining is the relationship business. And so it's about building relationships, and in person setting is just really, in many ways, prime for that kind of interaction. So yeah, but you know, there's also some, some drawbacks to think about anything on that side of the table?

E

Emily Martin 08:30

Yeah, I think when it comes to some of the cons for in person, is that sometimes it's a huge time investment. I mean, there's that thing called traffic, there's a thing called I-5, there's mountain passes, there's inclement weather, and sometimes just gathering people from all around one building can take a lot of time to get everybody in the room sitting at the table at

the right time. So there's there's a lot of waste of time that comes with physically getting and gathering everybody in the same space. And not just the the travel time there, but kidding on the calendars, getting building all of those things in and maybe finding the days that work, it's a lot harder when you have to build in all that travel time. And you have to build in all of those, those contingencies of, of physical space. So those are those are things we didn't really necessarily think about too much before a few years ago. But it can be it can be a lot harder to get on calendars when it's in person can be a longer day, we're used to the default, I think of full day negotiations. But in the land of Zoom, a lot of times we realized, okay, well, we didn't have to invest all that travel time to get there, so if if we want to just meet for an hour or two and have a good hour into it, it feels like less of a waste than when I was in person. And you had to all gather and spend all that time gathering and getting on the calendar. And so you tend to have longer meetings when you're in person then I think when we're online I think sometimes online we been more creative about finding a little sliver of time and doing something with it, you have to actually be face to face. And that's not always pleasant. And a lot of our communication styles that we've learned is based on being being in person and being face to face. But there's also a physical element of it. And I think the idea of like getting in somebody's face, or somebody getting in your face that feels very visceral to me. And it feels different, when things are online, when you have that distance of the screen. It's not the same as the metaphorical like breathing down somebody's neck or just feeling the physical presence of being there. And that that could be a disadvantage of being in person is that you can have all those interactions, especially with people that you're not enjoying with. So that can be a disadvantage of being an in person. I kind of think that one of the disadvantages of being in person that I now understand because of all this online stuff, is that when you want to see what somebody's reacting or see what somebody's doing, you have to actually look at them. And they can tell that you're looking at them versus you're looking at a screen and you can see everybody's face at the same time. So if you're most interested in somebody's reaction, and you don't necessarily want them to know who you're looking at, it's easier to do in person. I mean that's easier to do online, but but when you're in person, you might have to turn your head and watch that person sitting in the corner, and everybody now knows who you're looking at. See, last two things I'm thinking of is in person, you can catch a virus. It wasn't just the Coronavirus, it was the flu, I think I've been to this mediations before where it felt like everybody was getting each other sick. And sometimes it's because we're in rooms that are too small, it's often hard to find big enough meeting rooms to have the meetings that we want to have. So we end up being cramped in a meeting room or not having a great space. And that's just a disadvantage of being in person. So, Matt and Chris, Matt, what do you think? What are these cons? Do any of them resonate with you?

M

Matt Greer 12:09

Yeah, they all did, I think you did a great job of capturing those. The one that resonates with me, I think maybe some people see it as a pro of being in person is that that that facing using kind of your physical presence is I think he used the word intimidation, I guess I wasn't necessarily thinking of it that way. But some people do, as part of a negotiation style, they use their physical presence in ways that are could be perceived as positive or not so positive. And that is kind of lost, it is one of the things that can be used in a different way in person than you can the other other forums. So that was one that I definitely have seen kind of missing, as we've done more online stuff. So but what you Chris, what do you think?



Chris Casillas 12:48

It's interesting to me that, as I was listening to Emily, kind of go through that different set of topics and whatnot, a lot of this, we kind of understand kind of some of the quote, quote unquote, cons or disadvantages, because we now have the context of online negotiations and doing it in that forum. And, you know, I don't think we would have had the same list a couple years ago before all of this happened. Because now we have that reference point to kind of better understand some of the disadvantages potentially of being in person. So it just struck me as you were going through that, that a lot of that we now better understand and have a new perspective on because of the kind of expansion of the number of forums that we have available to us now. So anyway, just an interesting point. Matt, you want to think I mean, we've been talking a lot about the online space already thinking about that, in contrast to in person events. So maybe now would be a good time to kind of more explicitly think through some of the pros and cons of our new online environment. And particularly thinking about that in the context of traditional in person.



Matt Greer 14:03

Yeah, no, the online stuff has definitely where it's at currently, for most of most of the work that I do in the negotiation sphere and thinking of the pros list. As I was thinking through these, I was like, gosh, you know, two and a half years ago, I probably wouldn't have been able to think of one Pro to online other than I get to keep working. And but otherwise, all I probably would have thought of was cons but but there are a lot of pros to the doing online work. And by online, I think we're talking mostly about doing it via zoom, some sort of video conferencing kind of interactive piece like that online. So some of the pros are there are a lot of pros that kind of carry over from doing it in person, you can kind of engage in the same variety of topics. You have more of a conversational style. You have a little, you can maintain a little bit of the verbal and non nonverbal communications on a certain level. I mean, you lose a little bit we only see a box with somebody's face in it and not don't get the rest of the body language and there, but the online and the video piece, you still get to keep a little bit of that when people are engaged in it in that way. So somebody that is a pro of it, when you can are able to maintain a little bit of that. It is interactive, right in some ways, you know, it's more interactive than then when you meet together in the same room, if you're in a conference room together, you really only are talking to each other, and you don't really have a whole lot of other tools. And so suddenly, there are tools that you have in an interactive online forum in that you have the chat function and zoom, they can communicate that way, you can screen share a document and kind of work on it together at the same time in a way that's a little more difficult perhaps to do when you're in a conference room together, physically. So sharing docs, you know, kind of sharing your documents in real time in the meeting, people pulling it up on their own computers, if you have a printer, you can print it off, right there, at your workstation, if you have those tools available. So in some ways, there's a little more interactivity than even in person, which is, I think, a little bit counterintuitive. But when you think about like, yeah, there are a few more tools you have here. There's another one out here that we're talking about such as a schedule advantages. And this one kind of verges closely into a con and we can talk about that too. But you know, it is much easier to schedule a Zoom meeting and you can be a little more flexible in terms of doing that, it can kind of make more sense to schedule, shorter meetings, perhaps some times when you're doing online, because everyone kind of find two hours at work that can shoehorn in if there's schedule and just fire up the computer, and it'd be wherever they are, and then engage in that meeting. So there are definitely some advantages to that. And the time savings, you know, the as Emily mentioned, there isn't the I-5 time, we don't, you know, sometimes it took me two and a half, three hours to get to or from a meeting

in Seattle from Olympia, that was not uncommon, before. So there's certainly time savings on that front, as well as other travels. So I think other things that are really important is that in the zoom, or the online version is that you do have opportunity to incorporate a greater range of voices, it's easier to get people into a Zoom meeting, sometimes you can kind of multitask a little bit until people who otherwise may not be able to participate in meeting because they have childcare obligations, if they can, you know, be at home and and kind of multitask while taking care of their kids while they're engaged in a meeting, that's somebody who's engaged in that meeting, who may not have otherwise been available for an in person meeting in the in person world. So I think that's great. Also, sometimes you have a opportunity when you're in negotiations and say, oh, gosh, we wish we had somebody here to answer this question. Or maybe somebody has information, that'd be helpful. When you're in the online format, you can kind of on the spot, invite that person and see if they're available to answer those questions in real time in a way that is a little harder to do when you're deciding in in person meetings. So some opportunities there to get those people into the room. And your numbers are also a little bit less constrained. So you don't have a conference room that only has so many people that can fit into it, you know, you can have as many people there as you want that makes sense for your negotiation. You're not limited by those physical constraints. So those are some of the pros that I kind of think of in the online world. Emily, do you think you have anything that would resonate with you or do have any other thoughts on the online pros?

E

Emily Martin 18:24

Yeah, I was thinking that... I mean, I think we are still trying to sort all of this out, and we're still learning. But two years into this, I'm wondering if online feels different in the fact that if everyone's a box on the screen, does hierarchy in a meeting space feel different? If somebody's not at the head of the table? Or if somebody's not, you know, we're not paying attention to who's sitting next to who because we're online and it's all mixed up? Is there? Is that a way of flattening a hierarchy or, or changing the dynamics in a way that we're not intentionally doing? And we're not quite sure how this all plays out? But in some ways I could see it as being more democratic. But I'm not sure yet. I think there's a whole lot of work that can be thought about that. And the other advantage that occurred to me as you were talking, is you don't need to find a printer. How many times have we been in a negotiation it's like okay, now we got to print and then that's like a half hour of our life. When you're online, it's often everybody has a screen in front of them, if they're on individual computers or at least the two advocates have their computers in front of them, you're emailing documents back and forth and you don't have the managing the printer and like that headache of now we write things up and print, you're almost like four steps ahead in terms of getting towards that final document. So I feel like the pace of mediation has changed for me, from online to, from physical in person to online. Part of that is that the lack of paper also kind of gets us some advantages that we might not have expected. Chris, what are you thinking?

C

Chris Casillas 20:03

Yeah, I think, you know, probably 10% of the time of our traditional mediations was waiting on the printer. So that's an excellent point. And to Matt kind of touched on this earlier, and I was, as you were saying that, Matt, I was thinking too, you know, about a month ago, Zoom released that update to its whiteboard feature where you can, you know, get everybody on a common whiteboard, and you can kind of put sticky notes and posts and everybody can kind of be

seeing these things in real time. And this is technology that's existed now for a few years and with some other platforms, but, you know, in so things continue to evolve. But that's another great way of, you know, using the tools we have online now where, you know, sometimes in physical spaces, you don't have that that whiteboard, physical whiteboard type option, and now it's just at our fingertips online, which I think can be really useful in those times where you need to brainstorm or just generate some ideas or take some notes, really getting a lot easier to do that online now, and in some ways, more advantageous than in person.

M

Matt Greer 21:08

Yeah, definitely. Yeah. I'm curious to try out the new whiteboard features, I haven't had chance to get it in a whole lot of detail, but I'm excited about opportunities there as well. So you know, it's great, great new tools being developed all the time, which, you know, I think that kind of brings us into the the cons part of this, too. So I think one of the cons of doing online is that you do have a lot of different tools. But not everyone has the same comfort level with learning those new tools, or as they change on a day by day basis, trying to keep up with what's new, and what's the most current version, or what what are the tools out there, that can be a con, that kind of gives people a feeling that there are a different playing field, if you don't feel quite as up to speed on whatever tools they are using for the negotiation as maybe other folks are so so there are issues there, I think that can they can turn into a con. But they can also be a pro. So it's kind of the two sides of the same same point here. Right. So there's other other cons are that you know, you don't have, we are not as good at judging the nonverbal communication through the through the screen, as Emily mentioned, you had to make, if you wanna make eye contact, through zoom, you have to kind of consciously focus on this, you know, this little dot on your computer that represents the camera that you had to kind of envision as being the the eyes for the other person and need to do the same thing. And just, you know, just, it just takes a lot more effort, it's not quite as natural as doing that. So it's a little hard to kind of read that. But at the same time, you kind of see the person's facial expressions and a little more clear way too, which can be a con as well, because sometimes we even little minor facial expressions can be interpreted in ways that may not be helpful. So so that's one of the cons there. Connectivity, familiarity, and access kind of touched on the familiarity piece with some of the online tools, that can be a challenge. But there are people out there who don't have good access to good Wi Fi, good internet access, especially in rural areas, that can be a challenge. And it definitely, I think kind of plays towards you not being on the same playing field. And that can touch into social economic situations and people not being able to engage in the same way as everyone else. And that can definitely be a con at some points. The interactions and information sharing can be a little more challenging. Like when you have more tools, you know, it's great to have more tools to share documents and brainstorm and have sidebar conversations. But it can be really hard to manage. Sometimes when you try to have to many of those things going at the same time. It's hard to keep track. And it's hard to you know, you'd have somebody who kind of almost is charged with managing that and you know, who wants to be doing that when they want to focus more on the negotiation topics can be a challenge, too. So that now I think we're seeing more of a hybrid version where some people are going to be engaged in person in the same room, but also some people are going to be participating via zoom or some other online version at the same time. And how you manage manage that and kind of make sure everyone has the equal say into the conversation and to participate in the same ways that can be distracting, it can impede those conversations in ways that can be can be harmful to so I'm kind of seeing that in some of my training and mediation work where you are trying to get that balance so when some people are there in person, others aren't there in

person, how do you kind of make sure that there's good conversations and progress is being made and voices aren't being lost in that process? So, so those are some of the cons that I've seen in the online world. But Chris or Emily, do have anything you want to add onto that?

E

Emily Martin 24:41

Yeah, I think one of the I have a couple ideas about some additional cons as you were talking I thought about one of them is you know, with Zoom, I always keep the camera on on my own so I can see my own face just in case like there's something in my background that I want to know that everybody can see, but I think there's a lot of stress about, and it's very unnatural, and we're really not used to seeing ourselves talk. And that can be a distraction. And everybody can see everybody else's face. And I mentioned before how that can be an advantage. But, you know, when I'm typing on a document, I'm not necessarily thinking about what face I'm making, as I'm writing, I'm just sort of processing. So I have like a resting face. And, and it might not look, I mean, it might look like I'm reacting to something, you know, it might look like I'm, I'm negative to something when I really am just thinking because I'm not used to people looking at my face without me necessarily being mindful that they're looking at me. And so I feel like that, that kind of what do we do with our faces, when we know people are looking at us, or we don't know, people are looking at us, or we're on camera. I think there's a lot of stress that comes with that, because it's something we're still all learning. And it's it's not the natural way of interacting that we spent all of our life doing. And I think when it comes to those things, we all sort of wear masks at different times. And there's different needs and different moments where people need to necessarily be mindful of, of what their face is reacting to. And that's harder to keep up. And I think there's a whole future episode that we could have about implicit bias and labor relations and these online technology and what that does, in different scenarios, when it comes to people interacting with each other and having biases when it comes to race or class or some other kind of reaction. So I feel like that's, that's a future episode we could get into. I think sometimes we're worried that people aren't really present, if they're online. Did they turn off the camera as a way to signal that they're not engaged? Are they, are they distracted? And I think when we're in the physical room with people, we have a better sense of what they might be paying attention to. But when we're online, it's harder to necessarily know that. So it's, it's a question of, are people invested enough to actually be there? Because it doesn't feel like you're there quite the same way as when you were there in person? So I think that could be a disadvantage. Chris, what are your thoughts?

C

Chris Casillas 27:10

Yeah, just to build off of that, as, as you were going through that, I realized as well. And I don't know, it seems like this was kind of a big deal at the beginning of the pandemic, but we maybe I forgot about it a little bit. But, you know, a lot of us, while some of us are going back into offices, or whatnot, a lot of us are still in our homes, and, you know, that that can be, you know, a potential issue that people are dealing with when they're online, because when you're in a home, you're, you're in this different space, you know, you might have children or pets or, you know, other people living with you relatives that are, you know, in your home doing things and that you're having to manage and deal with, while you're also kind of simultaneously dealing with the negotiation. So I think, you know, in some ways that can be a strength for some people, but it's something that can be a drawback and, and something we have to continue to consider as we think about this particular space. So just wanted to mention that. Let me let me



keep us keep us progressing here, because there was a couple of other important mediums that maybe we don't use as often, but I think should still be kind of part of the part of the repertoire, so to speak, part of the available tools that you have, and you know, these things still happen. One of those being, you know, a traditional phone call. And similar to what Emily was saying earlier, this is, you know, for most of us, we've been using phones for most of our lives. And so this is, again, a tool and a space for having negotiations that we're we're familiar with. And, and so there's a degree of comfort there that is, is beneficial, potentially, for a number of folks and like some of these other forums like in person or online, you know, the phone while you can't, unless you're doing kind of FaceTime, I guess, or something of that nature, which isn't really a traditional phone call. But generally you can't see the see the person, it still has that that feeling of interactivity, it's still kind of a live conversation. And, and, you know, it's happening in real time, as opposed to email, that's more asynchronous way of communicating. So those those are kind of common features. And I think some of the advantages that that we earlier talked about in those other spaces still apply in the realm of phone calls. And, and one of the big advantages of the phone call I think, is that it's just so easy to make happen. You know, literally just kind of pulling up your phone, dialing a number, clicking on a link and you're you're connected. It doesn't necessarily require a like to kind of set up a time to meet and, and do that it can happen more quickly, more efficiently. And it can be quick, you know, just sometimes a 5-10 minute call can help you clarify something or resolve something. And you don't have to go through all the efforts of scheduling that can be a real burden with with online meetings or in person meetings. And, and I think that, you know, generally speaking, you know, just having a traditional phone call, you don't have all the trappings of, of, of being able to see one another. And that can make it feel a little bit less formal, and maybe just a opportunity to kind of get down to business, let's kind of focus on the task at hand or the issue or the dispute we're having, let's just, let's just get to it, and see if we can resolve things. And so that can be a good way of dealing with certain types of scenarios, in certain types of situations that we don't want to neglect now that we have all these kinds of other tools available to us. We don't want to forget about the dear old old phone. Even though I think in some ways, from a generational perspective, it seems like, you know, that seems to be going by the wayside a bit more with some of the younger generations, but it's still something that I think we should think about and, and have in our back pocket, no pun intended, as a way to help facilitate some some negotiations. I do want to see if you, Emily and Matt have any other thoughts, but I just wanted to quickly also kind of mention that kind of the flip side of that same coin in terms of thinking about some of the disadvantages is, of course, you know, one of the strengths is it's you know, it's less formal, you're not seeing people, you can just kind of quickly call somebody up. But that can also be seen as a disadvantage, because you don't have that same level of interaction where you can look at nonverbal cues, you're not seeing the person

C

Chris Casillas 32:09

as we talked about, there can be some advantages of that, but that you lose some of that interactivity, it's of course, more difficult to kind of share documents, see what the other person is seeing. If you're working off some contract language and doing some drafting, you know, a phone calls is going to be harder for that. And of course, you don't really know kind of what the other person on the line is doing at that moment. You know, that lack of kind of accountability that we might get in an in person meeting, or online, when we have cameras on where people can see you, that's kind of lost with a phone, right? And so the person might be, you know,

have you on speakerphone, but they're typing away on a document or writing an email or cooking lunch or whatever. And maybe not necessarily kind of focusing as much on you. So Emily, any anything you want to add to that list before we talk about email?

E

Emily Martin 33:08

I think there's a, there's a pro in that some people are tend to be judged by their appearance differently than other people, and they're, the word like "looking professional" and what it takes to "look professional" is not equal effort for all folks. And so I feel like one of the advantages, if it's a phone call versus an in person, or an online meeting, is that people know that, like, they're not going to be judged by their hair, or they're not going to be judged by their makeup. And those distractions, and those types of discrimination that comes with those kinds of judgments can be washed out, can be lessened with phone. And I think that only works if people know it's going to be a phone. And it's not like it's a zoom or a phone and you're not sure which you always have to be ready. But if you if you set it up as a phone call, you know, and you don't like make people feel like it might it might be something where they're seen, I think there's a tremendous advantage in that. And I guess one of the disadvantages is that a phone could be an ambush like somebody could you just call somebody up and they're not expecting your call. And I kind of feel like we've sort of moved away from that in a lot of, a lot of our interactions. I don't know when the last time is that I called somebody out of the blue and didn't send an email for saying, is this a good time to talk or send a text? I don't know, maybe maybe I'll call you Chris, or I'll call you Matt. But in terms of negotiation or or dealing with people in in a more formal context. I think there's less out of the blue phone calls and they're usually paired with an email or a text. So maybe that con is a little bit lessened. Matt, what do you think?

M

Matt Greer 34:58

Yeah, no, I totally agree with everything you said, I will put a little bit of a counter that I think I've actually used the phone more often now than I did before the pandemic. And I think part of that is because it's when you're you have a meeting, it's usually a follow up to an online meeting where I'm in there, and I'm trying to read a room or trying to get a sense for what's going on, but maybe feel like I didn't quite get everything. And so I will more often than not, more often than I did before, kind of follow up with a phone call to the parties or to somebody I was working with just to kind of see, you know, check my assumptions a little bit more than maybe I did before. So I'm using phones in a different way. But I am actually using the phone more than I did before the pandemic. So I don't know if some of that takes us into the the email piece, kind of last kind of forum we're going to talk about. And, and to be honest, I kind of think of the phone and the emails as being kind of, I have a hard time thinking of them as an independent forum for negotiation, I think of them as like the, I think before I made a tortured, buffet metaphor, where you kind of choose from the various different options you have out there. So I think of the online forum and the in person forum as being like the main course, the entree, and the email and the phone kind of as the side dishes, that can be very helpful and very important to the meal to kind of be not necessarily the primary thing that you're looking at, as part of your full buffet here. But I think email is really important and pros of that are, you know, you don't have to worry about scheduling, you can send email whenever you want to, you can send it at midnight if you want to, although you might be thinking about the messages that you're sending when you're sending in an email at odd times but but there's a lot of

flexibility in it. It's asynchronous, so you can check your emails whenever you want to, check it whenever it's convenient for you. So it has an advantage. It's easy to share documents, just attach a file and send it off and that person has that email, that document attached to it, it's real easy to do that. So it's also very easy to memorialize or document those conversations, follow up, say, Hey, this is what we talked about, make sure we're on the same page for confirming a document or a TA or MOU, attach that document to it and kind of confirm via email that yeah, this reflects what we agreed to, it's very easy to do that, so it has that flexibility in there. But some of the cons are that it is asynchronous, right. So you know, you aren't talking at the same time. And so your messages can get, if you know one person might be in the mood to get things done, and be in that mode to get things done, but the other person isn't available. So you're asynchronous, it's harder to, to capture that moment that you can do with other formats. It can be more contentious. It's easier to express insults or negative emotions through email. A lot of times I find that is unintentional, I mean, sometimes it is intentional and it's easier to do that versus the written word wherever you don't see the person in front of you. But I think that not being able to have the context and the tone, to be fully expressed, through face to face conversations, whether it's in person or online, that you can lose that context and things can be read differently through email than they can through other formats. And I find that some people feel a little more terse in their email communication, written communication, and that can kind of play into that too. So, loss of privacy. So emails do last forever, and they have a paper trail. So that's one of the things that you need to be aware of when you're using email, and they port information retention, so I don't know about you, but when I get an email, I'll look at it, but I might have 50 emails to get through. And so I'll look at it, and I may not retain a whole lot of it. And I may not do a good job of going back and kind of digging down deeper into that. So I think that can be an issue with emails. If people get a lot of emails, it's very easy for important emails to get lost in the mix with other emails. So we've all had those flood of emails that come in, and it's hard to kind of decipher quickly, which ones are really important or more urgent than others sometimes, so some some challenges there. So I don't know Emily or Chris, do you have any thoughts on those pieces?

E

Emily Martin 38:52


I think there's one little quirk about email that can, it happens rarely, but when it does, it's awful. I think sometimes when people write an email about somebody, you know, and you're angry about somebody, and you want to vent that frustration about somebody, to somebody else. I've heard of too many situations where people put the subject of the email in the To: line and they accidentally send it to the person that they're talking about. Because they're thinking about that person, so when they write the email, their fingertips end up putting the wrong person, and the email goes to the wrong person. So I just think that's a really quirk of how our brains work and how it works with email that could be dangerous in a negotiation where there's frustration, or one side's coming up with a strategy internally, and it gets across the table because it's thinking about the other side and it gets emailed to the wrong, the wrong person.


C

Chris Casillas 39:54

Yeah, that's where, "oops" can really derail things. Yeah, well, I mean, for, for me, I think the kind of the broader purpose of this all is to is to, you know, one just kind of recap all of the these different spaces that we can engage in negotiations. And as Matt said, you know, some of these are obviously, going to be more primary tools for conducting, you know, most of our

negotiations. But we have, we have a range of range of options. And and I think part of our intent here is to, as I said, kind of one, explore those different options, but to also encourage everybody to be a bit more conscious and thoughtful about, you know, what might suit your particular situation at your particular point in time, best. And not just to default into something because that's what you're familiar with, or that's what you're comfortable with, or that's what you're used to. But recognizing that it's not just, negotiations and collective bargaining is, not just about the substance of what we're negotiating over. But these these process pieces, which we've devoted a fair number of podcasts to already are really important, as part of your process in terms of thinking about setting yourself up for the most and maximum amount of success. And so I just want to kind of leave the conversation with that again, credit to some scholars out there, Schneider and McCarthy's article on choosing among modes of communication and Noam Abner's article negotiating via email for providing some of the content for our discussion today, and we'll put that in the show notes. But thanks again for another great conversation. Emily, Matt, great to hear your thoughts on these subjects.

 Matt Greer 41:50  
Great. Thanks, Chris.

 Emily Martin 41:51  
Thanks, Chris.