

**THINK  
LIKE A  
LAWYER  
DON'T  
ACT LIKE  
ONE**

NL

**AERNOUD BOURDREZ**

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Text and concept: Aernoud Bourdrez  
Design and concept: buro van Ons  
DTP: Deck vormgeving  
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ISBN 978 90 6369 307 7

BIS Publishers  
Building Het Sieraad  
Postjesweg 1  
1057 DT Amsterdam  
The Netherlands  
[www.bispublishers.com](http://www.bispublishers.com)  
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## **INTRODUCTION**

Conflicts are part of life. Usually they're small, but sometimes they blow up into battles that grind your life to a halt. Unfortunately, many conflicts just drag on and on, or worse, escalate. As a lawyer and negotiator, my job is to solve conflicts. Few people know how to avoid or solve a conflict. One person focuses on the issue at hand, but forgets that there's a human being on the other side of the table. Another opts for a friendlier approach, but ends up making too many concessions. And yet another reacts impulsively, lets his ego get involved, worsens the conflict and creates a resentful opponent.

In my practice, I have observed that every conflict – large or small, personal or professional – reveals similar patterns. There are only a few patterns, and they keep resurfacing again and again. In order to solve a conflict, you have to recognize and break through these patterns. In this book I explain how you can do this. There are 75 lessons, not all of which I have come up with myself, but which I have always been able to apply successfully. I show you, for example, that you shouldn't be hard or soft, but both: hard on the problem, but soft on the person. I explain why Freddy Heineken was a good negotiator, how to deal with "cowboys" and hysterical women, why "sorry" is such a great word, and when you should share a bite with someone.

Once you have read this book, you will be able to solve almost any conflict in a simple manner.

Aernoud Bourdrez

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**#1**

# **BEGIN WITH THE END IN MIND**

What is this conflict really about? What actually matters? And what doesn't matter at all? If you feel cheated, it is very likely that you're not seeing straight. You've lost sight of what really matters to you. You're so disappointed, frustrated and furious, that you can only think of one thing: retribution! But getting back at the other person won't make you feel better. And it certainly won't get you what you want. At best, he will lick his wounds for a while. At worst, you'll have a full-blown escalation on your hands. At such times, stop and ask yourself: How do I want to remember this conflict? What will still seem important to me ten years down the road? Will I be proud of the way I handled it? In other words: Begin with the end in mind. ■



**THE END**







#2

# NEVER LOSE SIGHT

A conflict can arise when two people have opposite – thus clashing – interests. That makes it difficult to keep your focus on the goal. Take the Taekwondo fighter in the picture. He's missed out on the bronze medal and he's pissed. You can't really blame him: he's trained his whole life for an Olympic medal. But, in his rage, he kicks the referee in the face. No doubt he's blowing off a lot of steam, but he's also saying goodbye to any chance of an Olympic medal – which, after all, is what he wants. You'll only achieve your objective if you focus on it. ■



**#7**

# **HARD ON THE PROBLEM SOFT ON THE PEOPLE**

*Mr. Wolf in Pulp Fiction: 'So pretty please, with sugar on top, clean the fuckin' car'*

Be hard when it comes to the issue at hand, but be gentle on the person across from you: this may be the most valuable lesson in conflict management. Being hard means that you stand by your principles, by what is essential for you. You don't make any unacceptable concessions. No tampering with market access, artistic freedom, payment obligations, and so on. But be gentle on the person. If you're hard on him, you'll create a conflict. While if you're gentle on the issue, you'll end up regretting the concessions you make. By being hard on the issue and gentle on the person, you'll be successful in your negotiations and gain what there is to be gained. ■



# EVOKE EMPATHY

In a room full of babies, if one starts crying, the rest will follow. Nobody escapes empathy. But, as is the case with babies, we feel empathy the strongest when the other is physically present. Therefore, make sure you meet your opponent, in the flesh. Live. Let him see with his own eyes who and what you are: a human, just like him. This increases the chance that he'll empathize with you and your interests. Once this happens, an agreement won't be far off. ■



A photograph of a man in a dark suit and glasses sitting on a yellow leather sofa. He is smiling and looking at a large sheet of paper he is holding. To his left is a fireplace with a fire burning. A small table next to the fireplace holds a white cup and saucer. The background is a stone wall. The overall scene is warm and cozy.

**# 9**

# HAVE A BITE

Ronald Reagan and Mikhail Gorbachev met for the first time in 1985. Before sitting down, they agreed that they would not be entering into any agreement (yet). This meeting in front of the warm fireplace marked the beginning of the end of the Cold War. Invite the other party for a chat and agree beforehand not to (aim to) enter into an agreement just yet. Have a bite together, or lunch. Just by sitting down and openly exchanging views without any pressure to produce anything has led to countless peace treaties – both big and small. ■





**#70**

# **KNOW YOUR EGO**

Your ego is your self-image. But it's an image that often clashes with reality. Egos often get in the way of negotiations. Does your self-image say you're intelligent? Or the prince of negotiators? Or that you're always right (except when you think you're wrong)? Then you have a problem if these qualities are not confirmed – or actually disproved – in the real world, around the negotiations table. Your reaction will then be to try to rescue your ego. But the conflict has nothing to do with your ego. Deal with it when you get home. Take a good look at your ego. Get it to fit reality. And if this isn't possible, make sure your ego doesn't obstruct your path to an agreement. ■



**#71**

# **BEWARE OF COWBOYS**

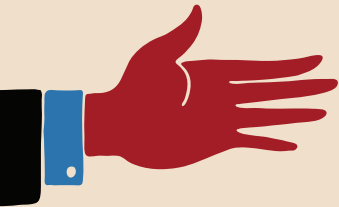
“What do you mean?! I never borrowed that gun. Anyhow, I gave it back to you. And, also, the thing was already broken when you lent it to me!” Someone who talks like this is a “cowboy”. Cowboys use the most puzzling arguments. They are not very impressed by a summons or a writ, and they don’t take agreements too seriously. Even if your legal case is strong, if your opponent is a cowboy it can be very difficult to get any justice. Ask yourself whether he’s a cowboy. If he is, then pull out some heavier artillery. ■



**#74**

# **IT WILL BE USED AGAINST YOU**

Avoid making mistakes, however trivial they may be. And never mention facts that you can't prove. Princess Margarita de Bourbon de Parma said that she was being bugged during a chat with her aunt, former Queen Beatrix of the Netherlands. She had seen a microphone in the room. A fact that she could not prove. The Dutch security services immediately invited a couple of photographers to take pictures of a screw-head that the princess had mistaken for a microphone. We will never know who was right. But we do know that the princess lost her credibility in the incident. ■



**#75**

# **YOU'LL LAUGH ABOUT IT, AFTERWARDS**

A conflict often involves passionate emotions. And emotions make everything bigger and more intense. One question that I ask my clients in the aftermath of a conflict is: "Did it turn out alright?" The answer is always "yes". When you're in the middle of the storm of a conflict, it always seems more serious than it is. Try to be conscious of this during the conflict. It will give you serenity. ■