

RECOMMENDED READING



BUSTAMANTE
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Negotiating to Win: Essential Lessons from “Getting to Yes”

by **Roger Fisher, William Ury and Bruce Patton**



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In legal practice, we spend a large part of our time negotiating: contracts, transactions, litigation, internal policies, or simple schedule adjustments with colleagues and clients. Few works have influenced my approach to these conversations as much as “Getting to Yes” by Roger Fisher, William Ury, and Bruce Patton. Since my first encounter with this book, the strategies it presents have gained tremendous relevance in the way I approach negotiations in any setting.

What makes it so valuable? First, this book is not focused solely on lawyers; on the contrary, it is intended for anyone seeking greater effectiveness in everyday negotiations. In addition, it introduces the concept of “**principled negotiation**.” The authors propose replacing traditional haggling—centered on positions—with a method supported by four pillars:

1. Separate the people from the problem.

The book reminds us that behind every counterpart there are emotions, perceptions, and values that deserve recognition. When addressing sensitive matters (for example, a corporate dispute between family members), shifting the discussion from the personal to the technical level prevents escalation and preserves relationships that, for our clients, often hold incalculable value.

2. Focus the discussion on interests, not positions.

A position is what a party says they want; an interest is the underlying reason behind it. By identifying the true interests of each party, we uncover unexpected areas of common ground. This way of approaching a negotiation table opens the door to agreements that were not initially considered and that satisfy all parties involved.



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3. Generate options for mutual gain before deciding.

The invitation to “invent before committing” encourages creativity. The authors suggest brainstorming sessions without value judgments as a routine tool. In practice, dedicating extra time to explore and list “impossible” solutions often generates the idea that ultimately breaks the impasse.

4. Insist on objective criteria.

When everything seems to be going in circles, anchoring the conversation in external standards (market value, legal precedents, existing indexes, etc.) lends legitimacy to the proposal and makes it easier for the other party to “yield” without losing face.

To these pillars we add a tactical tool that everyone should master: **the famous BATNA (Best Alternative to a Negotiated Agreement)**. Knowing —and improving— the best possible alternative if the negotiation fails provides true autonomy. Before starting a negotiation, especially those you know in advance will be complex, each party involved should prepare a matrix of BATNAs; this allows us to calibrate offers realistically and prevents hasty concessions or refusals.

Finally, I highlight the invitation to practice “**jiu-jitsu negotiation**”: transforming personal attacks into objective problems that both parties work together to solve. This philosophy significantly reduces tension in complex mediations and preserves people’s reputations as trustworthy counterparts.

In summary, “Getting to Yes” provides a methodological framework that is simple yet profound—applicable both to large-scale disputes and to discussions about who will draft the minutes of the next meeting—and it strengthens essential skills of our profession: active listening, strategic empathy, and creative thinking. It is no coincidence that this book has been a bestseller since its first edition. Therefore, I recommend not only reading it, but above all, applying it in daily practice.

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