THE ART OF CONTRACTING: EMPLOYMENT AND PAYER

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FINANCIAL DISCLOSURE

• Mark D. Abruzzo, Esq. has no financial interests to disclose
KNOWLEDGE IS HUGE

• Subject matter
• Other party
  o Their personality
  o Their objectives
• Self assessment
  o Own personality
  o Own objectives
• Avoid disclosures about self that can adversely impact own leverage
LEVERAGE IS JUST AS HUGE

• Assessing your own leverage
  o Knowledge important
  o Unwise disclosures can be hurtful
PREPARATION

• **With knowledge and understanding leverage** (or lack thereof), have a game plan
  o Objective
  o Who to deal with
  o Negotiating style

• Be prepared to change on the fly
Negotiating Style

- Assessing own personality
  - There are lambs
  - There are bullies
NEGOTIATING STYLE

• What does the situation call for

• Most are NEITHER lambs nor bullies
  ○ However, in any event
    ▪ If you are more lamblike, you can’t be a pushover
    ▪ If you have a strong personality, you should be respectful
NEGOTIATING STYLE

- Your conduct during negotiations will leave an impression (for better or worse!)
- You are accountable for the actions of your attorney or consultant
- Understand HUMAN EMOTION and don’t underestimate the impact this can have on a negotiation
RESPECT THE PROCESS

• Put all your demands on table at the outset
  o “Piecemeal” negotiating can aggravate the other party
  o There is 0% chance you will get what you DON’T request.

• Prioritize your requests
RESPECT THE PROCESS

• Consider carefully the other party’s position and their feelings

• Concede points when appropriate
  ○ Gives appearance the negotiation is moving toward a resolution.
CASE STUDIES

• Case Study 1
• Case Study 2
• Case Study 3
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