

# The Positive—Not Negative—Client Agreement

STEWART LEVINE

All successful consulting engagements happen because we collaborate successfully with others. Collaboration requires agreements, which may be expressed (spoken or written) or implied (assumed.) Too often, however—especially in executive coaching, process consultation, and certain OD interventions—clients and consultants are off and running, everyone with their own vision of the destination and how to get there, without taking the time to make explicit the implicit agreement they think they have. Missing is the clarity needed to settle on the destination, chart a pathway, and minimize the potential for detours or roadblocks.

We all know this but may put off taking the necessary steps because we think we need lengthy legal documents to protect ourselves from things we don't want to happen. All too often, the process of forming an agreement is a "we versus them" negotiating process in which each party tries to gain the advantage. I call these "agreements for protection" because the negotiation is not intended to express a clear joint vision with a road map to desired results.

I recommend a fundamental shift: Rather than focus on fixing anticipated problems, engage instead in a joint visioning process and focus on results that satisfy everyone. The idea is to shift our thinking from "you *or* me" to "you *and* me."

Ten elements must be discussed in order to create a vision and a map to get the results we want. Each element is presented below along

with examples of a *results* orientation versus a *protection* orientation.

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## ELEMENT #1 Intent and Vision

*Results:* Focus on what you want to happen.  
*Protection:* Focus on all the "what if's" that could go wrong

This is the big picture of what we want. The clearer and more specific the desired outcomes, the more likely we will succeed as visualized. We can tell what will happen in our life by paying attention to our dominant thoughts. If we focus on the calamities, we increase the chances that bad things will happen. What we really want in all of our collaborations is for everyone to concentrate on *desired outcomes*—the best possible vision of the future. That greatly improves the chances of creating what we want to happen.

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## ELEMENT #2 Roles

*Results:* Making sure someone has responsibility for all critical tasks.  
*Protection:* Narrowly defining responsibility to limit accountability and liability.

Roles encompass the duties, responsibilities, and commitment of everyone we need in or-

■  
***Build success  
into your  
next  
agreement.***

der to achieve the desired results. Making sure we have what we need to get the job done without anything slipping through the cracks is a critical aspect of planning any project. We want clarity about who can be counted on, and for what. We don't want anyone saying, "that's not my job!" While some people always will tend to avoid risk, the fear of making mistakes is no longer the powerful driver it once was. Many of us have learned that innovation requires experimentation and that in order to encourage risk taking, the heart of entrepreneurship, we can't punish mistakes.

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### ELEMENT #3

#### Promises

*Results:* Contribution—committing wholeheartedly to doing your part, not out of coercion, but from belief in the project's mission.

*Protection:* Hiding behind qualifying words that cloud and condition what you are promising.

Specific commitments tell us which actions will get us to the desired results and which actions are missing. Who will be doing what? Promises serve as a checkpoint—if everyone delivers what they promise, will the desired results happen? In the "An Agreement for Results" sample (see page 16), promises are made about securing financing, sales goals, producing collateral material, and time frames for creative design deadlines.

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### ELEMENT #4

#### Time and Value

*Results:* Clear time commitments and satisfaction with the value given and received.

*Protection:* The most for the least.

Every agreement must include clearly stated "by when's" and for how long the promises will be kept. Is the exchange fair and does it provide enough incentive? Everyone needs to be satisfied that what they get from the project is worth what they are putting in. If people are

### RESULTS VERSUS PROTECTION

INTENT & VISION: desired outcome vs. "what if's"

ROLES: taking responsibility vs. limiting accountability

PROMISES: commitment vs. qualifiers and conditioners

TIME & VALUE: "by when's" and fair return vs. most for least

MEASUREMENTS OF SATISFACTION: inspiring goals vs. excuses and escapes

CONCERNS & FEARS: compassion and understanding vs. edge for advantage

RENEGOTIATION: dealing with unknowns and changes vs. striking a hard bargain

CONSEQUENCES: reminder of promises vs. punishment

CONFLICT RESOLUTION: getting back on track vs. exacting some premium

AGREEMENT: trusting enough vs. looking for possible escape

not getting what they think they deserve, they become resentful—and resentful participants do not produce extraordinary results, as people committed to a vision do when they think they are being taken care of.

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### ELEMENT #5

#### Measurements of Satisfaction

*Results:* Goals that inspire and state clearly and measurably what is expected.

*Protection:* Qualifiers to argue from and use as excuses.

The evidence that we achieved our objectives must be clear, direct, and measurable in order to eliminate conflict about whether we accomplished what we began. For some, it's frightening to make a commitment that will hold them accountable to a promise, so they look for an out. We need objective measures no one can question.

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### ELEMENT #6

#### Concerns and Fears

*Results:* Compassion for any anxiety-producing concerns and risks seen and felt by a partner.

*Protection:* Game-playing; an edge to take strategic advantage of an adversary's weakness.

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#### STEWART LEVINE

([www.ResolutionWorks.org](http://www.ResolutionWorks.org)) is the founder of ResolutionWorks. Earlier, he spent ten years practicing law and then was an award-winning marketing executive at AT&T. He is the author of *Getting to Resolution: Turning Conflict into Collaboration* (Berrett-Koehler, 1998) and *The Book of Agreement: 10 Essential Elements for Getting the Results You Want* (Berrett-Koehler, 2002).

## AN AGREEMENT FOR RESULTS

Here's an agreement I prepared for resolving management conflicts among six professionals who purchased an office building together. It is a simple agreement but clearly demonstrates how an agreement for results both details the project and sets the context. Notice that even though it is a legally binding contract to provide services, it is not an imposing, formal agreement. In most situations, a simple letter confirming what is understood and desired, what is promised, and how much will be paid is much more constructive than a formal contract. The content gets the job done, and the impact differs considerably.

### LETTER AGREEMENT

Dear \_\_\_\_\_ :

Thank you for choosing me to help you resolve the conflicts you have been experiencing in the management of your office building. I will do my best to honor that trust. I have done my best to express our conversations in the following letter agreement. Please let me know if you would like to make any changes, corrections, clarifications, or additions.

1. **INTENT & VISION:** It is our intention to resolve all conflicts that have come up related to the joint ownership and operation of your shared office building. I understand that it is your vision to have in place an agreement that will enable you to smoothly and efficiently share the space harmoniously, without conflict or divisiveness, so that you can devote all of your time to practicing your profession.

2. **ROLES:** Stewart will be the facilitator responsible for guiding you through the "Process of Agreement and Resolution." You will be active participants seeking agreement and resolution.

#### 3. PROMISES:

##### *I promise to:*

- conduct a process called "Managing by Agreement"
- speak to each one of you by telephone before the day of the process
- give each of you the opportunity to share all concerns you have
- work with you from 9 A.M. until 5 P.M. or later if necessary
- deliver an agreement that sets forth the resolution of all conflict and an agreement that will state your future relationship and the process by which you will run the office building
- meet with you for \_\_\_ day 60 days after the initial meeting to monitor your results, and address any existing conflict
- address any future conflict and modify your agreement, if needed
- meet, confer, and provide follow-up coaching for you as needed.

##### *You promise to:*

- prepare for the meeting by listing your concerns, conflicts, and the behaviors of others you find unacceptable
- acknowledge to everyone the multiple costs of the current conflicts
- come to the facilitation and fully participate
- listen to what others have to say and reflect on your own behavior and how it might be contributing to the difficulty you are having
- authentically tell your truth about the situation

- be willing to be educated by what you hear
- be willing to change your behavior in response to what you hear
- abide by the new agreement that is reached
- let go of the conflict, forgive your partners for their past actions, and step into a new era of relationship.

4. **TIME & VALUE:** We each promise to put in the time needed to get to resolution and stay resolved. We each understand it is an ongoing and never-ending process. You agree to pay me \$\_\_\_\_\_ for the services listed above. You acknowledge that is a fair price for the services provided. You agree to pay 50% upon agreement; \$25% upon being presented with your new agreement; and the final 25% at the time of our follow-up meeting.

5. **MEASUREMENTS OF SATISFACTION:** Your partnership is operating without significant conflict. More important, you have the ability to quickly resolve conflict as it surfaces. You develop the ability to quietly smile to yourself when you recall how bad it was.

6. **CONCERNS & FEARS:** My concern is that you will not devote the time needed to resolve future conflicts as they arise, and that you will not move forward in good faith. You all have expressed the fear that the others are not capable of changing and that you do not know if you are truly capable of letting go of the past.

7. **RENEGOTIATION:** We agree that even though we have been diligent in expressing all contingencies we can think of, things likely will arise that we did not anticipate. We agree to modify this agreement as needed to meet then-current realities.

8. **CONSEQUENCES:** We both understand that the failure to reach agreement will result in significant financial loss on your jointly owned building; the disruption to your individual practices of having to move; and the loss of having to leave a building you all like very much.

9. **CONFLICT RESOLUTION:** If we have any disagreement about our work together, we agree to talk about it. If we cannot resolve it, we agree to select a facilitator to help us get to resolution.

10. **AGREEMENT:** By agreeing to all of what is said in this letter, we have an agreement to move forward.

I look forward to the opportunity of working with you.

Sincerely,

Agreed and Accepted:

by \_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

Unspoken difficulties need to be expressed and the fear behind them addressed. This deepens understanding of what we are taking on and the partnership we are creating. It is a way of responding to “internal chatter” that might inhibit full participation, and it solidifies partnership by addressing what is lingering in people’s minds. Addressing concerns and fears enables us to identify risks and to make a clear choice about moving forward. We should be willing to accept a deal based on its fairness to all concerned.

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## ELEMENT #7 Renegotiation

*Results:* How to make this work as unanticipated changes take place.

*Protection:* How to use change to one’s advantage.

No matter how optimistic and clear an agreement is, it will become necessary to renegotiate promises and conditions of satisfaction because things change—this we can be sure of. Because maintaining high-quality working relationships is crucial for achieving desired results, it is essential to keep communicating when something needs attention. A commitment to renegotiation requires staying in the mind-set of solving a mutual problem, even when things happen that no one anticipated.

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## ELEMENT #8 Consequences

*Results:* Reminders of the significance of promises and failure.

*Protection:* Threats of punishment.

It is important to keep people mindful of promises they make and focused on delivering promised performance. It is equally important to realize the connection between expectations and the failure to perform. Becoming conscious of that gap is a motivator. Consequences are not about punishment; they remind us of the loss of an unrealized vision and the sanctity of our promises.

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## ELEMENT #9 Conflict Resolution

*Results:* What will get us back on track quickly.

*Protection:* How the resolution process can be used for leverage or advantage.

Conflicts and disagreements will arise. Agree to an “attitude of resolution” and a given resolution process. It is useful to embrace conflict as something that is expected and to view it as an opportunity for creatively dealing with unanticipated specifics. Understanding the magnitude of the transaction cost of remaining in conflict—and the cost of the associated loss—is key. Having a process in place is essential to success.

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## ELEMENT #10 Agreement

*Results:* Do I trust enough to be in an open, ongoing collaboration?

*Protection:* Can I get out without getting hurt? Is there an opportunity for a windfall?

When you have reflected on items 1–9, ask yourself, Has the process produced enough *trust* so I can say “Let’s do it; I’m comfortable moving forward with you and sense we’ll be able to work things out as we go forward”? Has our deep dialogue produced what Max DePree calls a relationship based on covenant—a heartfelt connection and commitment to people and results? Do not move into action unless and until you can say yes and can commit to embrace the future as an opportunity to be enjoyed.

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## Conclusion

Our clients are better served if we have clear agreements that reflect our road map to the expected results, a clear understanding of the process, and—most important—a clear statement of what may change as work proceeds. Moreover, as we demonstrate true collaboration, our clients will see the value of bringing this mind-set to all organizational relationships. ■

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**INDEXED UNDER:**  
*Contracts; Client relations, success factors*