

# *Harmony*<sup>TM</sup>

FORUM OF THE SYMPHONY ORCHESTRA INSTITUTE  
NUMBER 13 • OCTOBER 2001

## A New Direction: Transforming Relations within the San Francisco Symphony

by

Robert Mnookin, with Gary Friedman  
and Joel Cutcher-Gershenfeld



To subscribe to *Harmony* or provide support to the Institute, contact:

### **Symphony Orchestra Institute**

P.O. Box 1040

Deerfield, IL 60015

Tel: 847.945.3050 Fax: 847.945.1897

e-mail: [information@soi.org](mailto:information@soi.org)

[www.soi.org](http://www.soi.org)

## **Publisher's Digest**

### ***A New Direction: Transforming Relations within the San Francisco Symphony***

**A** few years back, I expressed to Robert Mnookin the hope that someday he might chronicle the transformative developments within the San Francisco Symphony organization, a process of change in which he and two colleagues played an important consulting role. Bob responded that he did intend to write about the San Francisco experience, and that when he did, he hoped the story might be published in *Harmony*. He was true to his word, and we thank him and his colleagues for permission to publish this article. Special thanks, too, to all participants in the San Francisco Symphony organization, mentioned and unmentioned, for sharing their organizational experience and learning with the industry at large.

The story Bob tells centers on the step-by-step process through which a collective bargaining agreement within a major symphony organization—one with a history of conflict—was successfully completed using mutual-interest principles as applied in a design created and implemented by the consulting team. The nominal culmination of the process was a trade agreement with which all parties were highly satisfied. But the new approaches taken in the negotiation were intended to have a much broader and more enduring effect. As the author says, “[As] consultants . . . our goal from the outset was to make ourselves dispensable and to help the symphony develop the internal capacity to renew itself as a learning organization.”

Getting true organization change started is itself a tremendously challenging task which can take many forms, each requiring, as the author points out, a substantial, genuine, and mutual commitment of time and energy. But then come the tasks—perhaps even more challenging—of maintaining if not increasing momentum, addressing previously undiscussable topics, and creating truly innovative and even more highly effective organizational behavior patterns and performance. From what we hear, this is taking place within the San Francisco organization.

## A New Direction: Transforming Relations within the San Francisco Symphony

In December 1996, the 105 musicians of the San Francisco Symphony walked out on strike. They demanded better pay, a new pension plan, longer vacations, greater limitations on out-of-town tours, and the continuation of generous health benefits. They emphatically rejected management's requests for additional Sunday concerts and greater flexibility in scheduling. They would not return to work for 67 days, forcing the cancellation of 43 concerts. The strike had no winner, only losers.

After forfeiting nearly 10 weeks of wages, the 105 musicians disintegrated into squabbling camps. Overriding the recommendation of the majority of their own negotiating committee, which wanted to hold out longer, the players narrowly accepted a settlement that differed little from a prestrike offer. As for management and the board, they maintained fiscal discipline, but they suffered a public-relations disaster. The strike elicited ridicule from the public and the San Francisco press. Concertgoers canceled subscriptions and cut donations.

*“In less than two years, head-butting antagonists became effective problem solvers.”*

This terrible strike was the impetus for a transformation of the way the San Francisco Symphony—musicians, management, and board alike—addressed their differences. In less than two years, head-butting antagonists became effective problem solvers. By late 1998, having learned to do business together, the musicians and management sat at the negotiating table again. This time the result was a true collaboration, one that won management ongoing fiscal health and a more flexible concert schedule, and won musicians better pay and pension benefits, a continuation of excellent health-care coverage, and an innovative system of “string relief” to reduce the risk of repetitive-motion injuries to string players.

The contrast is stark. During the 1996-1997 strike, management refused to pay for the musicians' health insurance, in part to pressure them back to work. Bassoonist Rob Weir responded by holding his ill two-year-old son in front of

television cameras to shame management. In January 1999, negotiations on the new contract were completed nearly a year before the old contract expired. Showing unusual unity, the musicians voted to ratify this new contract with a six-year term, twice the usual three-year term. The new agreement, extending to 2005, was announced at a joint press conference that was a virtual love-fest involving musicians, managers, and board alike. Within weeks, bassoonist Weir actually kissed the board president, Nancy Bechtle, on the cheek.

In this article, we summarize what we learned from our work with the San Francisco Symphony during this transformative period. As will become apparent, we are hardly disinterested observers. For two years, thanks to the generosity of the William and Flora Hewlett Foundation, we designed and implemented a program to augment the San Francisco Symphony's capacity, at both the individual and organizational levels, to resolve conflicts in a constructive way. Through a combination of activities, musicians, board members, and management were introduced to interest-based bargaining. They then worked to develop their negotiation skills to resolve conflicts in a more constructive way.

## **The Old Negotiation Culture**

One experienced labor arbitrator has suggested that symphony musicians have "the reputation among many of being the angriest and most militant group in the whole field of entertainment and the performing arts."<sup>1</sup> While not true of all orchestras, in many of America's top symphonies, musicians and management have long had contentious labor relations. Over the years, elite players in major orchestras have struck—in Chicago, Cleveland, New York, Atlanta, and Philadelphia, as well as San Francisco. Never mind that these gifted violinists, cellists, flutists, and trumpeters don't fit the mold of typical union activists. Never mind that, as top symphonic performers, they rank among America's elite musical talent, with reasonably generous pay, short workweeks, roughly 10 weeks of vacation per year, and substantial job security.

In the San Francisco Symphony, relations between the musicians and management had a deserved reputation of being, if anything, even more contentious than most. Between 1967 and 1997, six of ten contract negotiations resulted in rehearsals or concerts being canceled. A new agreement was rarely completed by the date in November when San Francisco's three-year labor contracts expired. Players might sometimes "work and talk," but there would typically be some sort of work stoppage before a new deal was signed. In 1984, there had been a two-week strike, and three years later, a twelve-day work stoppage. In 1993, a four-day strike caused the cancellation of music director-designate Michael Tilson Thomas's only scheduled appearance. The orchestra was to have performed Tilson Thomas's own composition, "From the Diary of Anne Frank," with excerpts from the *Diary* to have been read by Debra Winger.

Over the years, San Francisco management and musicians made brinkmanship a way of life in their triennial contract negotiations. Each side developed targets

in advance and then boldly overstated opening positions. Parties characteristically committed to these positions early and publicly and then channeled negotiations through a spokesman. There was often an attempt to keep the other side off balance, to mobilize support from constituents, and to develop tactics designed to divide the constituents on the other side.

If an agreement was reluctantly accepted—after hard bargaining extending beyond the expiration of the old contract—this was taken as a sign of success. And how else could management and the board assure fiscal discipline that until 1994 had achieved an unparalleled 15-year record of running the organization in the black, while steadily improving its musical quality? How else could musicians know they were getting their due from management and, in particular, from Peter Pastreich, one of the most capable symphony orchestra managers in the United States?

Peter Pastreich became executive director of the San Francisco Symphony in 1978. In the years that followed, he played a remarkably productive role in the symphony's development. At the time of his arrival, the symphony was running a deficit and shared an orchestra with the San Francisco Opera, then a more prestigious local institution. The symphony's concerts were held in the Opera House. After his arrival in San Francisco, the symphony split from the opera, added many gifted young musicians, established a 52-week salary for its players, and moved into Davies Symphony Hall, a beautiful new concert facility. For the first time, the symphony regularly undertook both national and international tours.

*“... rough-and-tumble negotiation with the musicians, with the possibility of a short strike, had become part of business as usual.”*

For Pastreich, rough-and-tumble negotiation with the musicians, with the possibility of a short strike, had become part of business as usual. It was a game he knew and even enjoyed. In his own mind, and in the opinion of many others, he had the stamina and courage to be good at hard bargaining. With some pride, Pastreich noted that the San Francisco musicians once even passed a resolution forbidding bargaining past midnight for fear that Pastreich would wear down musician negotiators.

Nor did Pastreich view the threat or use of strikes by musicians as unfair or dysfunctional. His brother was a well-known and highly effective labor organizer, and Pastreich himself was not unsympathetic to the musicians' plight. Indeed, in 1981 he wrote that one should not “. . . underestimate the value of grievances, negotiations, and even strikes as a safety valve for . . . frustration. . . Why should the musicians be denied their tri-annual opportunity to talk back, even shout back, to management, and through management, to the conductor and the board?”<sup>2</sup> Because orchestra boards and managements always had to raise the dollars to make up the gap between ticket proceeds and the amount musicians were paid, Pastreich suggested that before symphonies were

unionized, managements and boards “. . . did the minimum necessary, believing correctly that the musicians would continue to play, whatever they were paid.” He added: “[T]his situation continued until musicians realized that their orchestras had become important enough so that strikes would be a social embarrassment to the boards and managements.” Some years before, he had concluded that the system of collective bargaining in the symphony world, notwithstanding hard-bargaining and strikes, “. . . works remarkably well. . . . [S]trikes are generally resolved without very much effect on the orchestra or community.”<sup>3</sup>

But the 1996 symphony contract negotiations were hardly business as usual at all. The musicians came to the table to get more than their financial due. They were united in wanting to gain more respect from management. Some musicians wanted to exact retribution for what they perceived as assaults on their dignity by Peter Pastreich. The musicians’ negotiating committee hired I. Philip Sipser, an experienced labor lawyer, known to be as tenacious and tough as Pastreich. Sipser was counsel to the International Conference of Symphony and Opera Musicians (ICSOM) and had organized and represented symphony orchestras throughout the country.

In May 1996, after expressing skepticism about management’s announcement that staff had to be laid off because of a deficit, Sipser and the committee opened the bargaining. They presented Pastreich with a list of 65 demands that would have sweetened nearly every aspect of the 25-page contract.

How had the negotiating committee come up with these demands? The San Francisco contract (like that of other major orchestras) is an extensive document spelling out in remarkable detail rules governing rehearsals, scheduling, touring conditions, auditions, parking, orchestra size, the tenure process, and the like. In addition the contract contains provisions dealing with salary, pension, and various conventional benefits. Each musician in the orchestra received a questionnaire with a long list of possible topics for the 1996 round of bargaining. A member of the six-person committee then interviewed each musician with a copy of the old contract in hand. Each person was asked, among other things, “What are the 10 most important things that you think should be changed in the next negotiation?” Not surprisingly, the committee came up with an extensive list of desired changes. The old contract limited bus travel time on tours to a maximum five hours. Some players thought the maximum should be reduced to three hours. The old contract provided a fee related to radio broadcasts of \$30. Some musicians wanted it increased to \$40. The old contract provided a supplementary payment for out-of-town concerts of \$26. Some musicians wanted it raised to \$50. If overtime started after 15 minutes, some asked that instead it start after 10 minutes. Some musicians hated long rehearsals; others hated playing on Saturdays.

Pastreich was appalled with the laundry list of demands the committee compiled.<sup>4</sup> He asked the committee, “Which of these things really matter?” He reports that the response was, “All of them matter to us.” “Well, wait a minute,”

Pastreich said. They can't all be of the same importance. Which ones are the most important?" The committee refused to respond, saying (according to Pastreich), "No, it's not our job to prioritize. . . . It is our job to deliver what [our colleagues have] asked for."<sup>5</sup>

*"It was a game of chicken to see if the other side was willing to drive off the cliff."*

Pastreich ended up responding in kind. He submitted a counterproposal with an almost equal number of counterdemands. As he had found in earlier negotiations, the only way to get many of the minor items off the table was not to argue them off. "I have to trade them off," he reported. Pastreich says he was trapped into the following kind of conversation: "You want overtime to start at 10 minutes? We want it to start at 20 minutes. Eventually, we'll get back to 15 minutes, which is where it was to begin with. You want to increase radio fees by 33%? We want to decrease them by 33%. And so on. It couldn't have been more positional. Because they've taken 65 positions, we've taken 65 counterpositions." In the end, Pastreich concluded, "The only way to see what was really important to them was to see what they would strike about and vice versa. It was a game of chicken to see if the other side was willing to drive off the cliff."<sup>6</sup>

The resulting collision led to a calamitous negotiation failure. Both management and the players limped away from the clash bloodied. There were deep conflicts among the musicians themselves. Tom Hemphill, a percussionist who was chairman of the players' committee, later reported: "Following the strike, there was a profound split among the musicians and tremendous bitterness and a sense of betrayal among colleagues."<sup>7</sup> Some musicians believed that if they had been willing to hold out longer many more of their demands would have been met—a failure of solidarity was the reason that so little had been accomplished, notwithstanding the high cost. Others felt that a majority of the negotiating committee had led the musicians astray by adopting an unnecessarily adversarial negotiation strategy that had ended in catastrophe. At the same time, both militant and conservative musicians resented management in general and Pastreich in particular.

As for Pastreich, the experience was searing. He later reported, "I've had a number of strikes in my life and I don't think a strike is a terrible thing. Sometimes a strike is the only way to get what you are after. . . . But this strike wasn't just a strike. It was an outpouring of anger and frustration and it was terribly damaging and essentially pointless. . . . I hated the idea of retiring—leaving the symphony field with that as my last major act—an act of destruction."<sup>8</sup>

## **A New Start**

This painful strike provided the impetus for change, not just for managers and board members, but also for the leaders of the musicians. In the aftermath of

the 1996-1997 strike, Tom Hemphill met with Peter Pastreich to explore what might be done to begin the process of rebuilding relations. As a short-term fix, Hemphill pointed to about a dozen pending grievances. Could they get them resolved promptly?

About this same time, Melanie Beene, the Hewlett Foundation program officer responsible for the performing arts, met with Pastreich, expressed concern about management's relations with the musicians, and suggested that the foundation had a long-standing interest in conflict resolution. As a result of this conversation with Beene, Pastreich suggested to Hemphill that together they visit the Hewlett Foundation and explore seeking assistance. Hemphill agreed enthusiastically, and in mid-July 1997, Pastreich, Hemphill, and Linda Lukas (a flutist who was a new member of the players' committee) met with Beene and Stephen Toben, the Hewlett Foundation program officer responsible for the conflict resolution program. Toben suggested he would do some research about the availability of appropriate consultants who might work with the symphony.

Later that summer, Toben contacted Robert Mnookin at the Harvard Law School. Toben indicated that the foundation was interested in supporting a project that, in Toben's words, "would teach the people at the San Francisco Symphony a better way to negotiate." Mnookin initially expressed reluctance. His schedule was full. As teacher, scholar, and mediator, he had substantial experience in the field of dispute resolution. But he had no experience working with symphony orchestras and did not consider himself a collective bargaining expert or a specialist in labor-management negotiations. Most important, he asked: What evidence was there that the musicians, the management, and the board were motivated to learn better ways of managing the tensions in negotiation? Although the symphony could hardly say "no" to the Hewlett Foundation, a major donor for many years, Mnookin could not move ahead unless the critical stakeholders were genuinely willing to put in the necessary time and effort to work on changing the organization's negotiation culture.

*"Mnookin could not move ahead unless the critical stakeholders were genuinely willing to put in the necessary time and effort to work on changing the organization's negotiation culture."*

At Toben's request, Mnookin made a preliminary visit to the symphony during the fall of 1997 to learn more and see for himself whether this was a project that he wished to undertake. He met with Tom Hemphill and the full players' committee; with Peter Pastreich and his management team; with board president Nancy Bechtle and several key members of the Board of Governors; and with Michael Tilson Thomas, the music director. The wounds created by the strike were plainly visible, and there was a great deal of mutual suspicion, resentment, and distrust. But Mnookin was impressed by their expressed commitment to try to find some better way.



Out of that visit and ensuing conversations, Mnookin suggested the creation of a San Francisco Symphony Conflict Resolution Program, with Hewlett funding. He insisted, however, that any Hewlett grant application should come not from Mnookin but from the symphony itself—management and musicians—and that the grant should be *administered jointly* by the players' committee and management. Together the committee and management could then hire Mnookin, and a small team he would assemble, to provide services to the program, services that he would spell out in an accompanying letter. Moreover, the committee and management would retain the right to fire Mnookin and his team if the program did not serve the symphony's interests.

The six members of the players' committee, reflecting a broad spectrum of opinion within the orchestra, very much supported the idea of the new conflict resolution program. But they were worried about the perceptions of their constituents, the other members of the orchestra who had not participated in these discussions. Tom Hemphill was later to report: "Given the profound split among the musicians, the tremendous bitterness and the sense of betrayal between colleagues, asking the orchestra to explore ways to develop a collaborative relationship with management seemed a nearly impossible stretch. It would probably have been easier to sell the orchestra on the idea of building up a huge strike fund for use in three years."<sup>9</sup> Wouldn't some musicians believe that any program acceptable to Peter Pastreich or the board must, by definition, be bad for the musicians? Might others who had never heard of interest-based bargaining question whether it was somehow inconsistent with the collective bargaining process? Might some fear it would undercut the union and its effectiveness in representing the musicians? Pastreich was also somewhat skeptical, but for another reason: Did Mnookin have enough experience in the collective bargaining arena and did he understand enough about the special challenges facing major symphony orchestras?

To answer these questions and to involve more musicians in the initial process, Mnookin assembled his team and made a second trip to the Bay Area. The team included Gary Friedman, an experienced Bay Area mediator who for many years had worked with Mnookin both at Stanford and at Harvard, and Joel Cutcher-Gershenfeld, a labor-relations expert who is now a member of the faculty at the Massachusetts Institute of Technology and part of Harvard's Program on Negotiation.

During this second visit, Mnookin and Friedman met with the orchestra at an open session arranged by the players' committee. In the meantime, the members of the players' committee had laid the groundwork for this session by spending many hours discussing with their colleagues the idea of a conflict resolution program. The full orchestra, a few days after the open session, voted (with some dissents) to accept the players' committee recommendation of participation in the creation of this new program. Throughout this process, members of the players' committee exhibited political courage and real leadership for, in Tom Hemphill's word, some musicians viewed the committee's supportive stance as a "betrayal."

On November 24, 1997, a grant application was sent to the Hewlett Foundation proposing the creation of the program. It was jointly submitted by the board, management, and the players' committee on behalf of the orchestra, and indicated that the program's purpose was to:

... strengthen the institution's capacity to manage the process of conflict resolution between musicians and management, particularly in the areas of contract negotiation and administration. Our goals are to improve relations between board, staff, and musicians, and to create a more effective, cooperative team within the San Francisco Symphony.

In the accompanying letter, the Mnookin team endorsed these goals, described the activities that had been discussed, and suggested the "assumptions about negotiation" that would underlie their work.

- ◆ We assume that labor and management have both common and competing interests; that in negotiations there are both opportunities to expand the pie and create value and distributive issues that involve dividing the pie.
- ◆ We assume that important negotiations occur at the table—between labor and management, and behind the table—among the players and within the management team.
- ◆ We assume that there are many internal and external stakeholders whose interests need to be considered in the context of dialogue on dispute resolution and labor-management relations in the orchestra.
- ◆ We assume that there are unique aspects of a premier orchestra that will require adapting existing approaches to interest-based bargaining and labor-management relations.

The application to Hewlett was signed by all the members of the players' committee, by Peter Pastreich as executive director, and by two board members—Nancy Bechtle, the board president, and Leonard Kingsley, the vice president who had served as head of the labor relations committee. Not surprisingly, a Hewlett grant was forthcoming. Equally important, the very process of applying for the grant laid a helpful foundation for the project that was created: the stakeholders had "bought into the process" and key leaders discovered they could work together to design and ultimately control a program that served their needs. They could modify its design and assure that the team was responsive to their concerns. From the team's perspective, empowering these stakeholders in this way served to underline the stakeholders' ultimate responsibility for changing the symphony's negotiation culture.

## **Our Theoretical Perspective**

A negotiation theory underlay the grant application and our work during the months that followed. In our view, negotiation requires the *management* of three discrete tensions:

- ◆ the tension between opportunities to expand the pie (by creating value) and the inevitable necessity of dividing the pie (i.e., distributing value);
- ◆ the tension between communicating with empathy and communicating with assertiveness; and
- ◆ whenever an agent is negotiating on behalf of a principal, the tension “behind the table” between the person or group doing the negotiation and the actual constituents.<sup>10</sup>

None of these tensions had been managed well by either side during the 1996-1997 negotiations.

During the 1996-1997 negotiations, both sides focused exclusively on claiming as large a slice as possible of what they saw as a fixed pie. They often exhibited a zero-sum mindset, and negotiated as if whatever benefits the other party gained must necessarily hurt themselves. The exclusive focus on distributive gain typically inhibits the sharing of information that can lead to value creation. It can also lead to the use of hardball tactics and the escalation of conflict. Each side employed a variety of hard-bargaining tactics in the attempt to influence the other. These tactics included:

- ◆ extreme demands followed by small, slow concessions;
- ◆ take-it-or-leave-it offers;
- ◆ personal insults and feather ruffling;
- ◆ bluffing and puffing; and
- ◆ turning the negotiation into a game of chicken.

*“The exclusive focus on distributive gain typically inhibits the sharing of information that can lead to value creation.”*

Nor was the second tension managed well in the 1996-1997 negotiations; the quality of communication between the two sides was poor. Both parties adopted highly competitive postures, and their communication with each other was very ineffective. Partly as a result of our training, leaders on both sides learned the importance of utilizing good listening skills in the context of collective bargaining. Peter Pastreich later reported: “I came to understand how important it was for me to listen to the other side. . . . It became clear to me that one of the things that the musicians were angry with me about was they felt . . . I wasn’t even listening to what they were saying. And I think it is true. Nor do I think they were listening to us.”<sup>11</sup> At its core, according to Pastreich, the 1996-1997 negotiation went as follows:

We [management] said, “We have a serious deficit so we are not going to be able to give you a really good contract. We’re not going to be able

to give you anything special this time because we have a financial problem.” And they said, “We don’t believe you. We don’t think you have a deficit. We don’t think you have a problem.” And they came in and said, “We are working harder than any other orchestra in the country and we are getting sick and injured as a result of all that so we need some serious relief.” And we said, “We don’t believe you. We don’t think that injuries have anything to do with overwork, we don’t think you work harder than anyone else.” So with respect to the two most contentious issues we didn’t believe one another. . . . Each side knew that the other side didn’t really believe them. . . . A kind of desperation set in on both sides where each of us said to ourselves, “We’re not going to get anywhere with these people. They don’t even hear what we are saying.” And that turned into great anger.<sup>12</sup>

The principal-agent tension proved extraordinarily difficult to manage in the 1996-1997 negotiations. The San Francisco musicians’ negotiating committee was well intentioned and wanted to be responsive to varying views within the orchestra. But the committee failed to agree on clear priorities and then failed further in leading a consensus-building process within the orchestra. Instead, the committee pushed for a long laundry list of demands. It engaged in positional bargaining by staking out extreme positions and then receding slowly. When management responded in kind, the committee mobilized its constituents largely by stoking the already widespread resentment of management, and in the process secured an almost unanimous vote to strike. The final result was a costly war of attrition, which ultimately resulted in the players voting to return to work over the objections of a majority of the committee. In the aftermath, relations among the musicians were badly frayed. On the management side, the “behind the table” tensions, while less conspicuous, also existed. Some board members were critical of Pastreich’s approach to the negotiations.

Our key challenge was to help those responsible for labor-management negotiations at the San Francisco Symphony learn how to manage all three tensions more effectively.

### **Initial Workshop Activities**

During the initial months of the program, our goal was to introduce the symphony’s stakeholders to our theory of negotiation and to work to develop the negotiation skills of those responsible for negotiating and implementing the symphony’s collective bargaining agreement. Two two-day workshops were held at a Marin County retreat facility owned by San Francisco State University.

All the members of the players’ committee, Peter Pastreich and his key staff, and selected board members, including Nancy Bechtle and Len Kingsley, attended the first workshop. This same group, plus the newly elected musicians’ negotiation committee, attended the second. The purpose of these workshops was to introduce the participants to a new way of thinking about negotiation and to help them identify and develop relevant negotiation skills. Through

*“The purpose of these workshops was to introduce the participants to a new way of thinking about negotiation and to help them identify and develop relevant negotiation skills.”*

negotiation simulations and exercises—none of which dealt directly with symphony orchestra issues—the participants were introduced to the first two negotiation tensions. Using simulated exercises having nothing to do with the symphony world gave the participants a sense of safety that made learning easier.

A number of our training exercises related to helping board members, players’ representatives, and management better understand and manage the tension between creating value and the inevitable need to distribute it. Much of our advice concerned the critical importance of adequate preparation; the need to focus on interests and not simply formulate “positions” or demands; and the importance of paying attention to process. Positions and demands are what

people say they must have, while interests are the underlying reasons, needs, or values that explain why a person takes the position in the first place. Adequate preparation requires consideration not only of your own interests, but also those of the other side. In San Francisco, we suggested the importance of “brainstorming” as a process to permit parties to work together to search for value-creating opportunities.

We made an important distinction between “forcing” and “fostering” strategies in bargaining and emphasized that each may sometimes be necessary.<sup>13</sup> When there are many common interests and the possibility of easy trades, fostering strategies and collaborative activities such as joint brainstorming work well. A more complicated challenge comes when there are issues that one side wants to bargain over but the other side wants to avoid. We pointed out that even interest-based bargaining will involve some of these issues that one side or the other would rather not even see on the agenda, let alone be driven toward agreement on. In such circumstances “forcing” is inevitable, but we observed that it is essential for the dialogue to be grounded in interests and data. We demonstrated how difficult distributive issues could be treated as “a shared problem,” with the parties being hard on the problem, not each other.

Our initial workshop activities also emphasized the second tension, that between empathizing with the other side, which requires demonstrating an understanding of the other party’s interests and point of view, and asserting effectively one’s own views, interests, and concerns. Why the tension? When faced with conflict, many negotiators may have a tendency to undervalue one or both of these essential negotiation skills. The implications of this tension for good negotiation practices are profound. Effective communication is an essential part of good negotiation, and this requires both empathy and assertion. The best negotiators can both speak persuasively and listen well. Good negotiators are masters of the art of persuasion and getting people to see things their way.

They also have the capacity to demonstrate an understanding of the other side's needs, interests, and perspectives—what we mean by empathy. The best foundation for problem-solving negotiations exists when both sides have a mastery of these two basic communication skills.

As an element of our first workshop, we helped each participant, through a simple pencil-and-paper exercise, learn more about his or her own conflict tendencies. In the face of conflict, some tended to be *competitive*—to emphasize assertion without necessarily doing much to demonstrate understanding of the other side. Others tended to be *accommodating*—to find it easy to demonstrate that they understood the other side's point of view but to have difficulty, once they understood, to continue to assert their own interests. Some learned they had a tendency to be conflict *avoiders*—finding conflict distasteful and therefore withdrawing and neither asserting nor demonstrating understanding. Our goal was not to typecast anyone, but instead help all participants think about how they might broaden their negotiation repertoire by becoming better listeners and more effective advocates.

### **Additional Exercises and Activities**

There is an adage in labor relations that it takes three agreements to get one: one behind the table among the workers and their representatives; a second behind the table between management and the board; and a third across the table between labor and management. Our third tension relates to the first two behind-the-table negotiations, and exists whenever an agent negotiates on behalf of a principal. In symphony negotiations, a negotiating committee (and perhaps its counsel) is the agent on behalf of the unionized musicians, who as a group are the principal. Similarly, a manager acts as the agent of management, representing the board. This process of internal bargaining has long been recognized as one of the most difficult challenges in collective bargaining,<sup>14</sup> and recent scholarship has identified the even greater importance of managing this tension during interest-based bargaining.<sup>15</sup>

A stated goal of the program was to improve working relationships “behind the table” between agents and constituents. Much of the program's work was aimed at helping both labor and management leaders better manage the principal-agent tensions each side faced behind the table, and to be more sensitive to the tensions faced behind the table by the leaders of the other side.

We engaged a variety of activities aimed at achieving this goal. Some of our efforts sought to repair frayed relations among the players that had come about because of the 1996-1997 strike. Gary Friedman facilitated open meetings during which musicians could discuss among themselves their feelings about the 1996-1997 strike and learn more about their interaction with their leaders and their relationships with each other. Playing a leadership role as a player is time-consuming, unpaid, and a job for which the musicians normally receive no training whatsoever. Much of our initial consulting work involved helping the players' committee manage the understandable differences within the committee,

*“Playing a leadership role as a player is time-consuming, unpaid, and a job for which the musicians normally receive no training whatsoever.”*

and helping the committee think through how it could provide more effective leadership in the future.

As an element of this work, the players’ committee redesigned the process by which the musicians elected the negotiating committee that would be responsible for the next round of collective bargaining. Previously, these elections were held in a perfunctory way; there was no real opportunity for those musicians who had been nominated to describe to other orchestra members how they intended to approach the negotiations and what they saw as their role. A new process was developed and implemented in which, before any balloting, each nominee was

asked to address a meeting of the orchestra as a whole. Several nominees made a point of suggesting their commitment to interest-based bargaining, and all were asked whether they were prepared to participate in the program’s training.

In June 1998, using this more refined process, the musicians elected a new negotiating committee. Its members had differing views about the 1996–1997 strike, but all had expressed an interest in further negotiation training. In July 1998, we held a second two-day negotiation workshop attended by the negotiating committee, members of the players’ committee, Peter Pastreich and his management team, and key board members.

This second workshop focused on the special features of collective bargaining. It placed the first two tensions into a labor-management context, and highlighted how each side had constituents and therefore had to manage the principal-agent tension. We used an extended negotiation simulation in which mixed teams of board members, management, and musicians role-played union members or company officials in a labor-management negotiation. Those participants who were union representatives had to meet with and deal with their constituents; company management had to deal with its board; and the two sides then had to negotiate with one another. The simulation demonstrated the connection between what is done “behind the table” with one’s own constituents, and what happens across the table with the other side. In this exercise, many of the stakeholders played unaccustomed roles. Some musicians played management roles; some board members played union roles. This increased their sensitivity to the perspectives of the others, a key piece of any negotiation training.

In this exercise we contrasted traditional collective bargaining tactics—which focus almost exclusively on distributive issues—with a problem-solving approach that aimed to create value as well. We suggested that the objective of collective bargaining should instead be to secure agreements that effectively address the interests of the union, the employer, employees, and other key stakeholders in an employment relationship, and that provide a foundation for constructive future relations. A key aspect of this requires the representatives on each side to

broaden the narrow positions of various constituents, reframe them as interests, and negotiate based on those interests.

### **A New Round of Negotiations: Initial Preparations**

Although the contract ratified after the 1996-1997 strike would not expire until November 1999, both management and the musicians' negotiating committee expressed interest in completing negotiations of a new contract well in advance of that deadline, perhaps by the end of 1998. For this reason, during the July 1998 workshop, the last half-day was spent discussing this possibility. Throughout the training program, we emphasized the importance of preparation. What preparation must be done separately by each side? What preparation might best be done jointly?

The group decided that to prepare for a new round of negotiations, joint task forces, which included members of the negotiating committee and management, might helpfully develop basic factual information, define some underlying issues, and perhaps generate some options. The use of joint task forces to better prepare for negotiations is not typical in traditional bargaining, but recent survey results suggest that approximately one in five labor negotiations do use joint task forces as part of preparations.<sup>16</sup> In this case, several joint task forces were created by the end of the summer of 1998.

One task force was charged with developing the basic factual information about the latest contractual terms of other major American orchestras. This information is critical to both sides, since some issues, such as minimum weekly salary, are negotiated by reference to what other orchestras received in their most recent negotiations. Having common, agreed-upon information would avoid needless arguments about basic facts.

A second task force was created to do preliminary work relating to pension and retirement issues. For some years, a number of musicians had wanted the symphony to switch from its own defined-benefit plan to the pension plan sponsored by the American Federation of Musicians (AFM). Others wanted the AFM plan to be offered as an alternative to individual musicians. Analyzing this issue was difficult for several reasons. First, while some musicians might well benefit from the shift, there were others who might be better off under the existing symphony plan. Second, under the Employee Retirement Income Security Act (ERISA), moving to the AFM plan for some or all of the musicians would require that the existing benefits under the current pension plan be "frozen." Freezing the San Francisco plan would require IRS approval and would accelerate certain funding obligations of the symphony. Because the financial, accounting, and legal questions relating to various pension alternatives raised complex,

*"The group decided that to prepare for a new round of negotiations, joint task forces . . . might helpfully develop basic factual information . . ."*



technical issues, the parties decided that each side should retain its own pension consultant who would also be part of a joint pension task force that included musicians and management.

A third task force was created to investigate the possibilities of string relief. String players spend more time on stage playing their instruments than do other orchestra members, and many have claimed that, as a consequence, they are much more prone to developing serious stress-related injuries. String relief had been a difficult and contentious issue for several years and was complicated by the fact that within the orchestra itself, bargaining for such relief had been a priority for string players but not for some other musicians. Given the competitive internal process for generating issues among the players and the adversarial process at the table, the issue had not advanced very far in the past. Careful consideration within a task force, together with extended discussions within the orchestra led by the members of the negotiating committee, laid a foundation for approaching this problem in more creative ways.

The musicians' negotiating committee invested a great deal of time thinking about how they might best involve the orchestra as a whole in the process of preparation. Within an orchestra, the preferences, interests, and orientation of different musicians typically vary widely. How could the committee best decide what issues should be put on the table and what the priorities should be in the new round of negotiations? As representatives, how could the committee play a leadership role, be responsive to the orchestra, and build a foundation that supports interest-based negotiation across the table? While no easy task, the committee did a superb job.

The negotiating committee used the following process to establish its priorities. First, during the summer and early fall, the committee spent many hours together discussing and refining its own sense of the underlying interests of the musicians that should inform collective bargaining, and of the issues that should be the subject of the next round of negotiations. In the process, the committee members learned how to solve problems *within* the committee—to negotiate effectively with one another. One strength of the committee was its composition; its membership included individual musicians with diverse points of view. Chris Gilbert, the chairman of the negotiating committee, came to understand that it was essential for the committee itself to work by consensus and not simply decide by majority rule. Operating by consensus means that everyone makes a good-faith effort to meet the interests of all the committee members. Consensus is ordinarily reached when everyone agrees they can live with whatever is proposed after every effort has been made to meet the interests of all stakeholder parties. While consensus building aims at seeking unanimous agreement, it does not necessarily require

*“... consensus building requires that everyone’s viewpoint be taken seriously and that every effort be made to meet everyone’s interests.”*

unanimity. Unanimity would allow an individual member to hold-out and veto a course of action. Instead, consensus building requires that everyone's viewpoint be taken seriously and that every effort be made to meet everyone's interests.<sup>17</sup>

Based on its own hard work, the committee reached preliminary conclusions about what the issues should be and what interests lay under those issues. The committee then sent a document to the orchestra as a whole. This survey laid out the committee's own recommendations and asked for specific feedback. Because this was so well done, it bears quoting at length. The preamble to this orchestra survey stated:

After many hours of active discussion, we have come up with a list of areas/issues, which we believe are the most important to the orchestra. We then divided this list into categories: Class I, issues that are of primary importance to this negotiation; and Class II, issues that we will address vigorously, but are of somewhat lesser importance. . . . Also, in keeping with our commitment to an "interest-based" bargaining process, we have identified what we believe are the orchestra's underlying interests for each area/issue.

The survey asked each musician to indicate whether he or she agreed or disagreed that compensation, pension, string relief, and health benefits should be the Class I issues, and whether they agreed or disagreed with the committee's characterization of the underlying interests. For example, for the issue of compensation two interests were identified:

- ◆ compensation commensurate with industry standards in light of our artistic achievement; and
- ◆ ability to attract and retain the best players.

The survey similarly listed the Class II issues, and asked whether the respondent

- ◆ agreed with the Class II characterization;
- ◆ thought the issue should instead be Class I; or instead
- ◆ thought this was an issue that need not be included in the bargaining.

Respondents were also asked to add other issues to the negotiation list, along with an explanation of underlying interests.

The survey results and orchestra meeting confirmed that a substantial majority agreed with the committee's priorities. The committee concluded that compensation, pension, and string relief would be Class I issues. Because the players were satisfied with their existing health plan, the musicians would not bring this issue to the table, "but recognize that if management brings it to the table, it will be a Class I issue."<sup>18</sup> The Class II issues were scheduling, auditions, the treatment of past retirees, the possibility of personal leave, and the use of the San Francisco Symphony's name in a way that made it clear that it included

the musicians and not simply the corporate body. Management accepted this classification of issues, and asked that health insurance be discussed because of management's concerns about costs.

In addition to this critical preparatory work establishing priorities and building a mandate, the negotiating committee also carefully considered what role it wanted its lawyer to play in these next negotiations and what lawyer might be retained to play that role. In the 1996-1997 negotiations, the musicians had hired an outside attorney to be their primary spokesman and to be the principal negotiator. For this negotiation, the committee decided that it would prefer that the committee itself be primarily responsible for negotiations, and that the committee members and the management deal directly with one another, and not act through counsel. After confirming that management also found this approach acceptable, the committee decided it should retain a lawyer who supported the concept of interest-based bargaining

*“... the committee decided [to] be primarily responsible for negotiations, and... not act through counsel.”*

and who was prepared to act primarily as an advisor and coach, but who would find it acceptable not to be at the table. After interviewing candidates, the committee retained an experienced labor lawyer who later comfortably played just that role. This proved to be a significant decision for the committee, since it confirmed both to the orchestra itself and to management that the negotiating committee would be in control of the bargaining process for the musicians.

## **Negotiations Across the Table**

During November 1998, the parties met together for two full days to set the stage for the substantive negotiations, in meetings facilitated by Mnookin and Friedman. At these November sessions, the parties set out the precise issues that would be subject to negotiation, developed a detailed schedule for the negotiations, and agreed on basic ground rules concerning confidentiality, statements to the press, etc. Five full days in December were set aside to focus on the core issues. The two parties' shared goal was to try to complete negotiations before the end of the year, so that a new contract might be ratified by the full orchestra before the orchestra left on tour in January. Because everyone recognized this might not prove possible, it was further agreed that if this goal were not met, negotiations would thereafter be suspended for several months and would only be resumed later in spring or summer 1999.

In November, at these sessions, the parties also reached substantive agreement concerning two Class II issues relating to “past retirees” and the use of the symphony's name. The musicians perceived that the name—San Francisco Symphony—was being used to apply to the organization but not to the orchestra itself. By agreement, the parties decided that, in the next contract, language would be added to frame the issue as follows: how can the various stakeholders

of the San Francisco Symphony “show greater appreciation” of the contributions of the various symphony stakeholders?

The parties also collaborated effectively in laying a foundation for later finding a negotiated resolution of the nettlesome issue of string relief. At our suggestion, during one of these November sessions, everyone present was arbitrarily assigned to one of three groups, with each containing both musicians and staff. The groups were charged with an identical task: create a statement of the goals of string relief in the form of a preamble to a hypothetical document detailing the methods of providing relief. As a result of this process, after each of the three groups shared preliminary statements, an agreed-upon joint statement of goals was created:

The goals of string relief are to raise morale, promote a sense of physical and mental well being, and improve the already high level of performance of the San Francisco Symphony’s string players. Solutions will be sought to reduce the time on stage and physical demands on string players and to make stage time more rewarding. All elements of the symphony, including the music director, musicians, staff, and board will work together to accomplish these goals.<sup>19</sup>

The entire group then engaged in brainstorming to expose a variety of options that might contribute to string relief. Two ground rules for this brainstorming session were adopted: no evaluation and no ownership. In other words, during the process of generating options, no evaluation of any option would take place, and any person suggesting an option would not be tagged with responsibility or ownership of its wisdom.

*“Two ground rules for this brainstorming session were adopted: no evaluation and no ownership.”*

Through brainstorming, many different creative ideas were generated. Based on this work, three different types of action were seen as possibly contributing to the same goal:

- ◆ modifying the repertoire and/or string count, possibly to reduce the demands on strings;
- ◆ modifying the physical environment to provide string relief; and
- ◆ increasing the number of available string players.

Both the negotiating committee and management expressed interest in a deal that would establish a target for string relief, perhaps measured in terms of time on stage. To the extent that the target could be reached by changes in the repertoire, all concerned thought this would be highly desirable. But it was agreed that there would be no attempt through the collective bargaining process to control the repertoire, which was seen largely as in the music director’s discretion. Instead, the parties would aim for a deal that would provide for substitutes to the extent the target was not met. It was agreed that both musicians and

management would develop, before the December negotiations, two or more different proposals for string relief.

During the scheduled December sessions, the parties successfully and efficiently negotiated all the terms of a new six-year agreement. Mnookin and Friedman facilitated these meetings and acted as mediators. The following anecdote, relating to the pension, illustrates the problem-solving spirit with which both sides approached these negotiations.

On behalf of management, Peter Pastreich expressed a preference for simply retaining the symphony's current pension plan because of the incentives that it created for retirement at a reasonable age. But unlike his approach in 1996-1997, he indicated an openness to adopting the AFM plan, provided the total pension costs to the symphony during the next six years were comparable to what the costs would be if the existing plan alone were maintained at an improved level. For purposes of analysis, the parties reached a tentative agreement that "X" dollars would be a reasonable increase in benefits under the existing plan if it alone existed during the next six years. The following questions were then put to the expert consultants on both sides: Suppose the symphony were instead to "freeze" its existing plan? Under ERISA, what would be the necessary future contributions to this old plan during the next six years to maintain it after it was frozen? And after these amounts were subtracted from "X" dollars, how much would be left to contribute to the AFM plan?

As it turned out, the experts agreed that the costs of freezing and then maintaining the existing plan were so substantial that very little would be left over to contribute to the AFM plan. In light of this information, the negotiating committee quite reasonably concluded that the musicians would be better off simply sticking with the existing symphony pension plan. When one committee member expressed the obvious concern that some members of the orchestra might be disappointed, another member said, "We'll have to explain our thinking and show some leadership."

In the final stages of the negotiation, after it was clear that the parties had narrowed their differences on the two critical money issues, management suggested to the negotiating committee that any of three different alternative combinations of salary and pension (with essentially comparable costs) would be acceptable to management. After briefly caucusing, the negotiating committee chose the option that it believed best served the interests of the musicians. A great cheer went up in the room, and a cork was popped. Everyone in the room knew the essential deal was done.

By the end of the year, the parties reached a basic understanding on all the details, and the new proposed contract was presented to the orchestra on January 9. The musicians, voting three days later, overwhelmingly ratified the new contract, which, among other things, provided a \$2,000 minimum weekly salary in year six of the agreement. These salaries placed the San Francisco Symphony among the half-dozen best paid in the United States. Pension benefits under the

San Francisco Symphony's plan would increase, over the life of the contract, from \$42,000 to \$53,000 a year. The new agreement also contained innovative provisions relating to string relief. Scheduling changes included the conversion of a one-week individual vacation for each musician to a collective week vacation for the whole orchestra, and an option to schedule a family subscription concert on a Saturday. The increased costs of the new contract averaged 4.2 percent over the life of its term and did not jeopardize the fiscal health of the symphony. Finally, in a symbolic act that helped to promote a greater sense of unity and inclusiveness among all members of the San Francisco Symphony family, the labor contract was reworded to characterize its agreement as between the administration, composed of board and staff, and the musicians of the San Francisco Symphony.<sup>20</sup>

## **Lessons Learned**

Our experience with the San Francisco Symphony suggests four important lessons.

*Negotiation skills can be taught and organizations can change the way they manage conflict.* We've long been committed to the notion of the relevance of theory to practice, and our experience with the symphony has served to reinforce these ideas. The workshop participants embraced the importance of managing the three tensions of negotiation: looking for ways of expanding the pie and creating value and not simply focusing on its distribution; demonstrating understanding as well as being assertive; and managing the principal-agent tensions behind the table.

The workshop participants uniformly reported that they had learned or had reinforced important negotiation skills as a result of the workshops, skills that served them well later. The three negotiation skills mentioned most often were:

- ◆ Listening actively. Demonstrating to opposing negotiators your understanding of what they are saying, what their perspective is, and what their needs and interests are while remaining prepared to have them correct you;
- ◆ Framing what is important to each side in terms of interests rather than specific positions or demands; and
- ◆ Generating numerous options through "brainstorming," which suspends all evaluation until a subsequent stage of negotiation.

*"The workshop participants uniformly reported that they had learned or had reinforced important negotiation skills . . ."*

*Preparation for a negotiation is of vital importance.* Both separately and together, each side spent substantially more time preparing for the 1998 negotiation than time at the table actually negotiating. This preparation paid off. The parties

negotiated a process: they discussed together which issues they would consider at the table and what their schedule would be, what role lawyers for each side should play in the process, how they would use consultants, and the extent to which they wished to have members of the Mnookin team serve as neutral facilitators during the actual negotiations. Joint task forces developed critical facts.

*The negotiations behind the table—with each side's constituents—are critical to the success of interest-based negotiation.* To bargain effectively, the musicians' negotiating committee had to establish priorities. Because symphony musicians have diverse interests, building a mandate to support problem solving at the negotiation table is challenging. A negotiating committee must show leadership and must demonstrate consensus-building skills. In dealing with the full orchestra, the committee must both be responsive and demonstrate a genuine understanding of minority views, but must at the same time avoid being hamstrung because a small minority, notwithstanding the committee's best efforts, remain dissatisfied.

*Motivation is a key to organizational change* because change requires a substantial commitment of time and energy. A critical number of musicians, key managers, and board members all demonstrated openness to change and a genuine commitment to try to find a better way of doing business together. That this motivation was mutual, and was seen by both sides as mutual, proved very important. In San Francisco, the trauma of 1996-1997 strike provided part of the motivation for change. This kind of trauma is in no sense required. Other orchestras, with less adversarial traditions, might also improve the way they deal with conflict, provided key members of the orchestra, management staff, and board become committed. But "buy in" to a new process by the principal stakeholders is indispensable. Motivation is not something that can be created from the outside. It needs to come from inside the organization and be real.

## **Transformation**

Conflict is inevitable, whether between nations, among businesses, within families, or in the workplace. The goal should not be the elimination of conflict, but instead more effective ways of dealing with differences and resolving conflict. In our culture, what typically makes headlines are negotiation failures—families torn asunder, disruptive strikes, costly courtroom battles, and wars. What less often gets attention, and celebration, are the successes, when parties effectively and constructively create value through negotiations, not destroy it.

The success of the San Francisco Symphony in transforming its labor-management relations was the product of farsighted leadership and hard work on the part of musicians,

*“The goal should not be the elimination of conflict, but instead more effective ways of dealing with differences and resolving conflict.”*

management, and board alike. The six-year contract that was ratified in January 1999 deserves to be celebrated. But for us, the most important achievement of the San Francisco Symphony is the demonstration that parties to conflict have the power to change. Relationships once marked by adversarial contention, anger, and distrust can be transformed, but only through hard work and learning. Motivated parties can learn how to engage in collaborative problem solving.

This transformation took time, commitment, and considerable effort over an extended period and did not result from a few days of clever mediation at the bargaining table. It was instead the result of a process that extended over many months, a process made possible in part through the generous support of the Hewlett Foundation. While many organizations will not have the luxury of a foundation grant, the lessons we have outlined remain valid. Indeed, the leaders of the San Francisco Symphony believe that even if there had been no grant and the parties had simply shared the program's costs, the time savings for the musicians and management and the benefits of their improved relationship would have more than justified the expenditure.

Transforming labor relations of the San Francisco Symphony remains, of course, very much a work in progress. While our lead role as consultants is now over, our goal from the outset was to make ourselves dispensable and to help the symphony develop the internal capacity to renew itself as a learning organization. New leaders are now at the helm. Brent Assink has replaced Peter Pastreich as executive director; John Goldman will take over from board president Nancy Bechtle; and a new players' committee has been elected. These new leaders are deeply committed to reinforcing a problem-solving orientation to managing labor-management relations. They all recognize that changing the negotiation culture of an organization requires ongoing work. There is no one-shot quick fix. Success, instead, requires an ongoing commitment of energy to manage the tensions inherent in negotiation.

*“Success . . . requires an ongoing commitment of energy to manage the tensions inherent in negotiation.”*

---

*Robert Mnookin is the Samuel Williston Professor of Law at Harvard Law School, where he chairs the Program on Negotiation. He holds an A.B. from Harvard College and an LL.B. from Harvard Law School. Gary Friedman is a lawyer-mediator in the San Francisco Bay Area. Joel Cutcher-Gershenfeld is a visiting professor at the Sloan School of the Massachusetts Institute of Technology and the director of MIT's Engineering Systems Division.*



## Notes

- <sup>1</sup> Seitz, Peter. 1981. Orchestra Planners and Players: Harmony or Dissonance? *Symphony Magazine*, December: 14.
- <sup>2</sup> Pastreich, Peter. 1981. Orchestra Planners and Players: Harmony or Dissonance? *Symphony Magazine*, December: 62.
- <sup>3</sup> Ibid. Pastreich went on to add: “Sometimes [strikes] open the eyes of boards or orchestras to the incompetence or belligerence of their managers or elected leaders. In communities with untapped potential, strikes may generate new funds, new leadership, and a new awareness of the orchestra. In communities with little interest in our form of culture, strikes can clarify to all concerned the shallowness of the orchestra’s support, allowing better musicians to move to other cities and warning the young talents away.”
- <sup>4</sup> As it turns out, Sipser had recommended against presenting this long list, but the negotiating committee—unable to agree on priorities—presented them all.
- <sup>5</sup> Peter Pastreich, interview by Monica Parker, San Francisco, CA, January 13-14, 1999.
- <sup>6</sup> Pastreich, interview.
- <sup>7</sup> Thomas Hemphill, e-mail interview by Robert Mnookin, August 29, 2001.
- <sup>8</sup> Pastreich, interview.
- <sup>9</sup> Hemphill interview.
- <sup>10</sup> This portion of our paper draws upon Mnookin, Robert H., Scott R. Peppet, and Andrew Tulumello. 2000. *Beyond Winning: Negotiating to Create Value in Deals and Disputes*. Cambridge, MA: Belknap Press of Harvard University Press. See also Walton, Richard E., and Robert B. McKersie. 1965. *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System*. New York: McGraw Hill; Walton, Richard E., Joel Cutcher-Gershenfeld, and Robert B. McKersie. 1994. *Strategic Negotiations: A Theory of Change in Labor-Management Relations*. Boston: Harvard Business School Press; and Fisher, Roger, and William Ury, with Bruce Patton, editor. 1991. *Getting to Yes: Negotiating Agreement without Giving In*. New York: Penguin Books.
- <sup>11</sup> Pastreich, interview.
- <sup>12</sup> Pastreich, interview.
- <sup>13</sup> Walton, Cutcher-Gershenfeld, and McKersie, op cit.
- <sup>14</sup> Walton and McKersie, op cit.

- <sup>15</sup> Cutcher-Gershenfeld, Joel. How Process Matters: A Five-Phase Model for Examining Interest-Based Bargaining. In *Negotiations and Change: From the Workplace to Society*, edited by Thomas Kochan and David Lipsky. Ithaca, NY: Cornell University Press. Forthcoming.
- <sup>16</sup> Ibid.
- <sup>17</sup> See Susskind, Lawrence, Sarah McKearnan, and Jennifer Thomas-Larmer. 1999. *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*. Thousand Oaks, CA: Sage Publications.
- <sup>18</sup> Results of the 1998 orchestra survey.
- <sup>19</sup> Minutes of a November 1998 negotiating session.
- <sup>20</sup> The preamble of the new collective bargaining agreement states: “It is recognized and acknowledged that the ‘San Francisco Symphony’ encompasses the Musicians of the San Francisco Symphony, Administrative Staff, and the Board of Governors. It is also recognized that the San Francisco Symphony has a Youth Orchestra, a Symphony Chorus, a Volunteer Council, and that other volunteers and professionals work for, and are committed to, the San Francisco Symphony organization.”