

Flexing Your Negotiation Muscle

How many people are adept negotiators?

How many people feel timid about negotiating?

I submit to you that you negotiate every day.

Buying a car or house is a negotiation.

Compromises with your spouse, your children or your friends are negotiations.

Starting a new career is a negotiation.

In my professional world, divorce is a negotiation. In the last 20 years, I've negotiated dozens if not hundreds of cases, informally and through mediation.

I'm going to share three tips you can use to negotiate in any circumstance.

1. Ask for what you want

One of the most powerful tools I use every day is asking for what I want.

That includes speaking up for yourself and stating what you don't want.

People can't read our minds. No one will intuit what you want - you have to ask for it.

This doesn't mean you have to be loud and pound your chest to trumpet your desires. It does mean that you should assertively voice your wants. At the appropriate time and place.

Not speaking up for yourself could help you fall into an agreement you don't want. For example, years ago I negotiated a settlement for my client which included custody of the couple's dog. My client wanted the dog for the entire week of Thanksgiving. However, he begrudgingly agreed to return the dog to his wife the day after Thanksgiving. When the time came for him to give Fido back, he decided not to do it, which resulted in a high speed chase ending up at the local police station and later a motion for enforcement filed against him in court. The whole situation could have ended differently had he spoken up about what he wanted at mediation, rather behaving in a passive-aggressive manner and kidnapping the dog because he thought he was entitled.

MEK story - disastrous consequences because she was afraid to ask for what she wanted.

2. Go for a win-win

Whatever type of situation you are negotiating, it's going to wind up one of 3 ways:

- win-win
- win-lose
- lose-lose

How do you want your negotiation to end up? Win-win is always the preferred outcome. You must put yourself in the other party's position. In order to successfully negotiate anything, both parties must get something out of the transaction. Otherwise, why would someone give you what you want? It's about give and take and compromise. Your goal is to get what you want, but short of sitting on someone, how will you get what you want without offering something in return?

HP divorce. Moral of the story is just like the billionaire's wife who thought that a billion dollars wasn't enough in her divorce settlement, don't get greedy. There are myriad lawyers out there who would gladly handle that case for years and years and spend the money in attorney's fees that this woman could have had. Do you want your money going to your lawyer or to stay in your pocket? Don't get greedy. It will prevent a win-win every time.

Ask what the other side wants and do what you can to accommodate them so you can get something else that you want. Go for the win-win.

3. Don't stand on principle

Are you one of those people who refuses to compromise based on principle? It's the principle of the thing!

The Highland Park case I just mentioned is a great example of that. That couple didn't have \$3M in cash, so it wasn't possible for the husband to give his wife that. But it was the principle of the thing with her - because he had been a cheating husband, she was determined to get what she thought was fair based on principle, whether or not the money even existed. Taking that position nearly derailed the settlement of her case.

I'm going to demonstrate an exercise about standing on principle.

Would you rather be right or would you rather be happy? Standing on principle gets in the way of negotiating any agreement and should be avoided.

Conclusion

1. Ask for what you want
2. Go for the win-win
3. Don't stand on principle

Remembering these three simple tips, can make you a more effective negotiator.

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