



# NEGOTIATION AND PERSUASION: CORE COMPETENCIES FOR TODAY'S PROFESSIONAL

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# SPEAKER- LEIGH ANN ROBERTS, JD, ACC

## RULE 31 LISTED CIVIL MEDIATOR



- Attorney, mediator, conflict consultant & coach
- Founding member of Brentwood firm Papa & Roberts, PLLC and Circle Center Consulting, LLC, a professional development and organizational alignment firm.

**These are just some of the services we provide to organizations:**

- Workplace Mediation (Groups and Individuals)
- Training on a full range of soft skill development topics
- Retreat and team facilitation for strategic planning, skill building and more
- Executive and professional development coaching
- Post-investigation professional coaching
- Conflict management systems design services
- Culture management & ongoing team Circles





# NEGOTIATION: WHAT'S THE BIG DEAL?



# WHY NEGOTIATE?

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“You make more money negotiating per minute than any other activity.”



# WHY NEGOTIATE?

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Negotiation is the #4 professional skill that recruiters are looking for in their recruits.



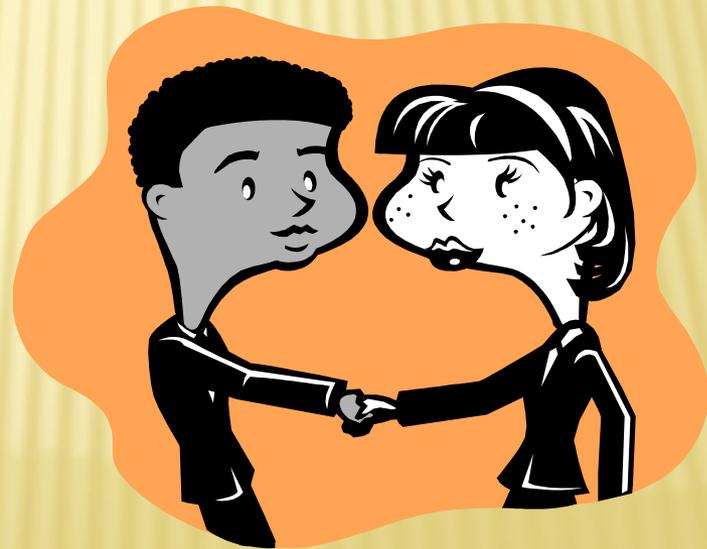
# THE TOP 10 LEADERSHIP COMPETENCIES:

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1. Social Intelligence
2. Interpersonal Skills
3. Emotional Intelligence
4. Prudence/Wisdom
5. Courage
6. Negotiation & Conflict Management
7. Decision-Making
8. Political Skills
9. Influence Skills
10. Area Expertise/Competence

# NEGOTIATIONS- A BASIC DEFINITION

- “Any decision-making process where you can’t make the decision by yourself, but you need the cooperation of another to reach a final decision.”



**WHAT ARE THE BARRIERS FOR  
PEOPLE WHEN IT COMES TO  
NEGOTIATING EFFECTIVELY AND  
BEING PERSUASIVE?**



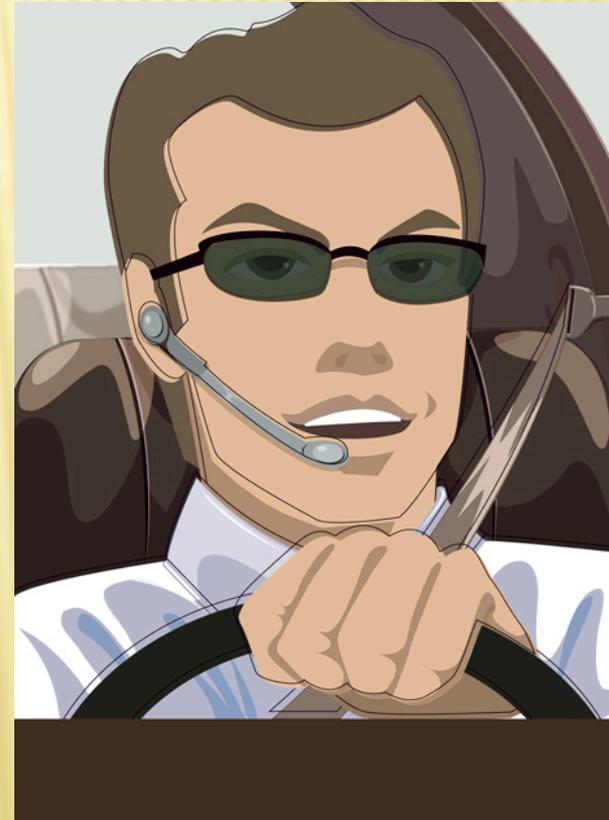




**DISTRIBUTIVE  
BARGAINING-  
BUSINESS AS USUAL.....**

# THE DISTRIBUTIVE BARGAINING SITUATION

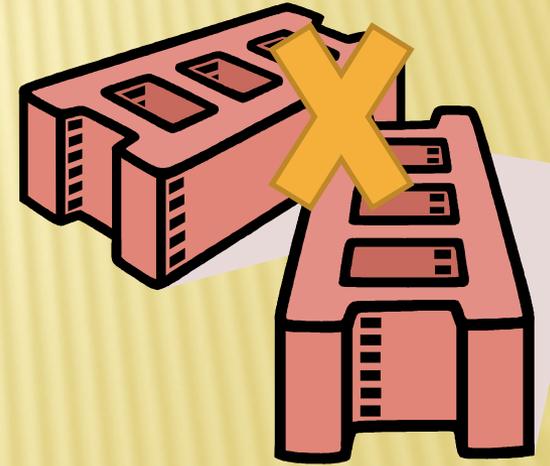
- Goals of one party are in fundamental , direct conflict to another party
  - “Win-Lose” -- “Slicing the Pie”
- Resources are fixed and limited
  - “The more one gets, the less the other gets”
- Maximizing one’s own share of resources is the goal





A “Softer” Set of Skills:

**WHAT ABOUT TRYING TO MAKE  
EVERYONE HAPPY?**



**NOT SOFT, NOT HARD- JUST RIGHT.....**

Where can you find a 3<sup>rd</sup> option for negotiating?

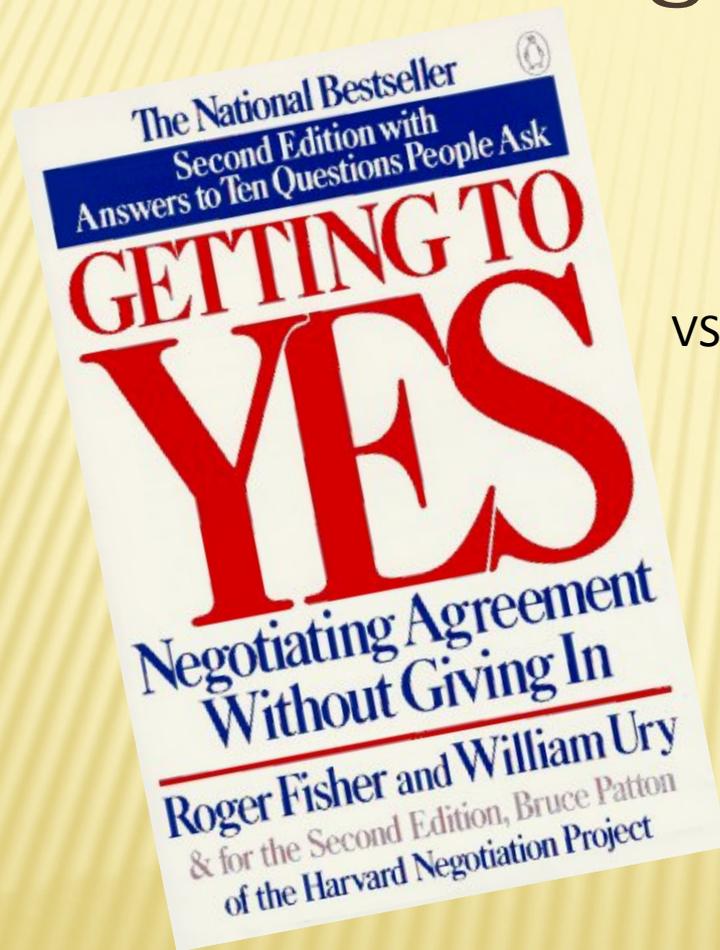


## NAMES FOR NEW METHOD:

- Principled
- Mutual gains (~~Win/Win~~)
- Interest-based

- INTEGRATIVE not  
Distributive (Positional)  
Bargaining

# Interest-Based (principled) Negotiation vs. Positional Negotiation



vs.

## Positional Bargaining:

People focus on series of proposed solutions which they defend or alter depending upon the circumstance.



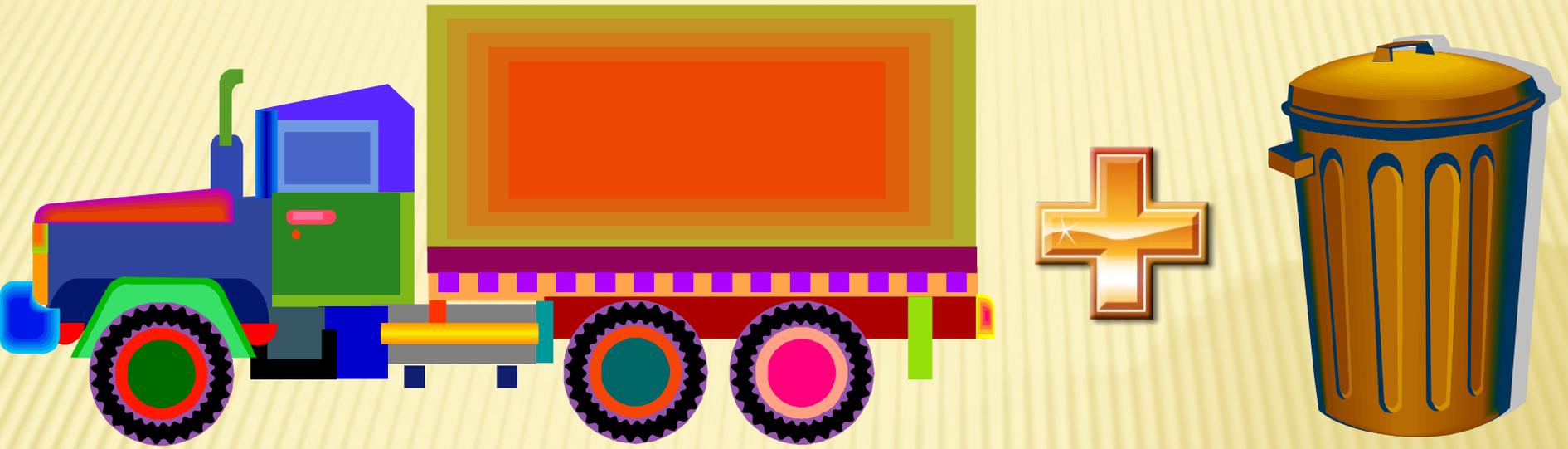
# MUTUAL GAINS NEGOTIATIONS: A PRINCIPLED PROCESS

- Interests
  - Options
  - Standards & Legitimacy
  - People & Relationships
  - Alternatives (BATNAs)
  - Closure & Commitments
  - Get to “yes.”
- 
- 
- 

# 3 GOALS OF GOOD NEGOTIATIONS:

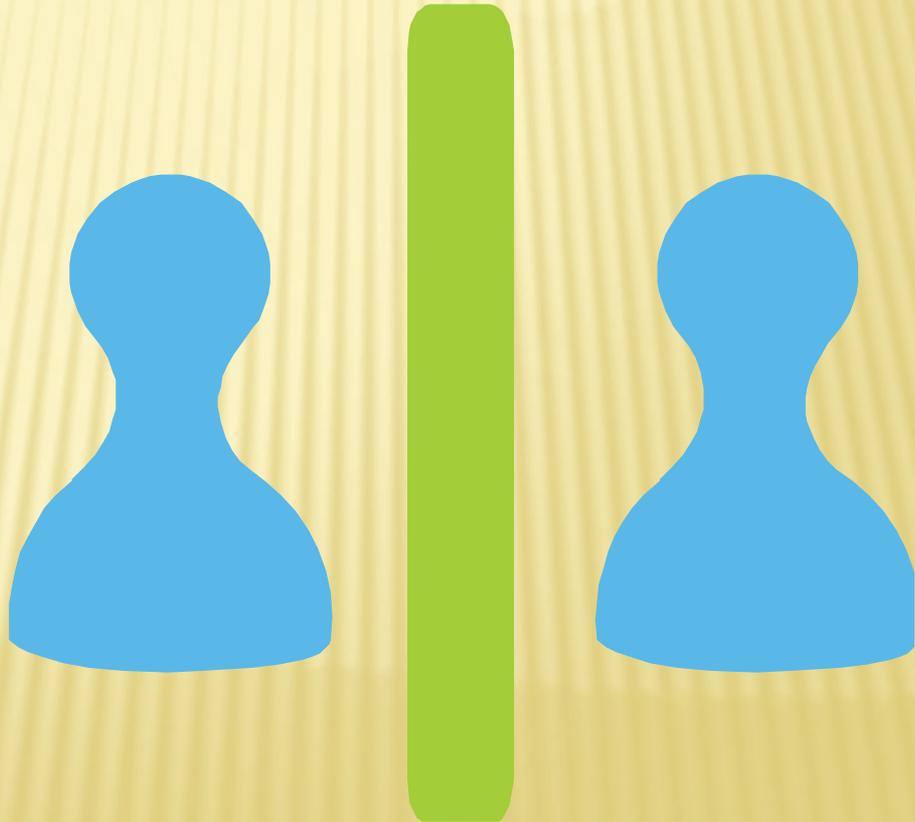
- Goal 1: An agreement that satisfies you and your partner (notice I didn't say OPPONENT!)
- Goal 2: An efficient and expedient process
- Goal 3: Enhancement of relationships- **BUILDS TRUST FOR NEXT DEAL AND DURABILITY!**





**DURABILITY**

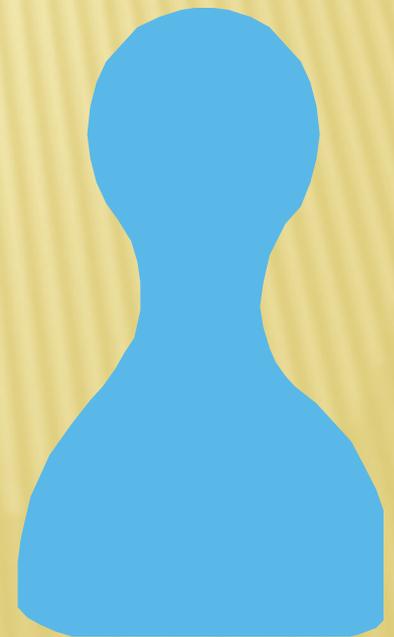
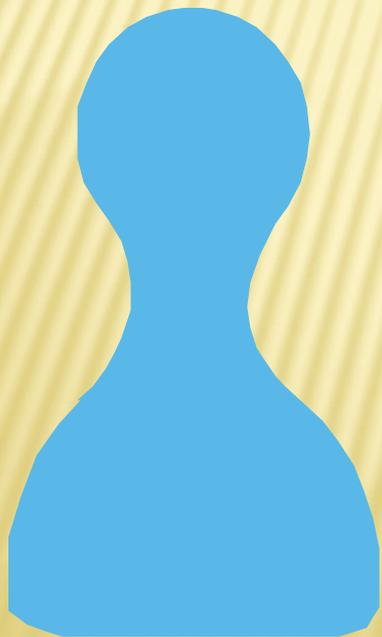
# ME VS. YOU- THE ESSENCE OF POSITIONAL BARGAINING



# CHANGE THE DYNAMIC- MAKE THE CONNECTION

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The Similarity Principle in Action.....



# Likeability: the Secret Weapon of Negotiations



**THEY LIKE ME! THEY REALLY  
LIKE ME!**



# WHAT DO YOU BRING TO THE TABLE?

## HISTORY AND STYLE...

1. Avoidant
2. Compromising
3. Accommodating
4. Competitive
5. Collaborative

# RESOURCES FOR SELF-ASSESSMENT

- ◆ TKI-

<http://>

[www.kilmanndiagnostics.com/  
catalog/thomas-kilmann-conflict-  
mode-instrument](http://www.kilmanndiagnostics.com/catalog/thomas-kilmann-conflict-mode-instrument)

- ◆ [http://www.buildingpeace.org/  
conflict-styles](http://www.buildingpeace.org/conflict-styles)



# THE POWER EQUATION

THE POWER EQUATION

**Preparation = Power**



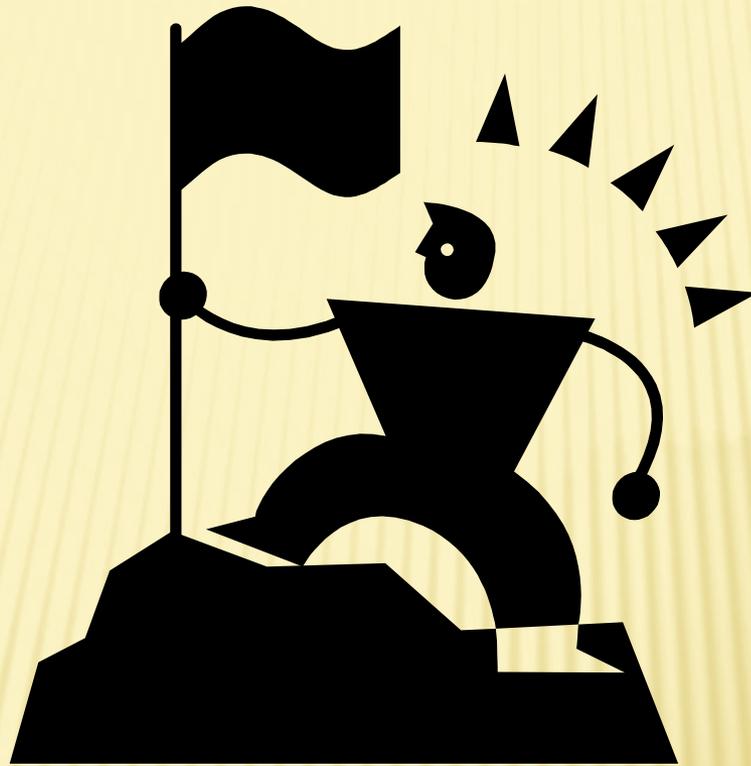
# RESEARCH SAYS YOU HAVE TO DANCE ...



# COMMON NEGOTIATING TRAPS:

- Failure to plan for “the dance”
- Negotiating price before interests and the value of product or service is established
- Not being prepared to walk away
- Focusing on demands, not needs
- Letting emotions influence strategy AND concession making
- Setting low aspiration levels
- Becoming positional





# POSITIONS VS. ASPIRATIONS

# POSITIONS: AKA- THE WAY WE DIG IN

- Things you **say** you want
- Demands
- Terms and conditions
- Things you say you will or won't do



# IMPACT OF ASPIRATIONS ON PERFORMANCE:

- Persons with higher aspiration levels win higher rewards and achieve better results.
- High aspirants beat low aspirants

WITHOUT REGARD TO

SKILL

OR POWER!





**TED**

IDEAS WORTH SPREADING

**AMY CUDDY,  
HARVARD BUSINESS  
SCHOOL**



# MUTUAL GAINS NEGOTIATIONS: A PRINCIPLED PROCESS



## ➤ Interests

➤ Options

➤ Standards & Legitimacy

➤ People & Relationships

➤ Alternatives (BATNAs)

➤ Closure & Commitments

➤ Get to “yes.”





# INTERESTS

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- 
- Underlying motivations
  - Needs and concerns
  - Fears and aspirations



The most powerful interests are basic human needs:



safety and security, economic well-being, belonging, recognition, autonomy/control over one's life

# DISCOVERING INTERESTS

KEY ACTION STEP: ask QUESTIONS!

- Look behind positions for underlying interests.
- Put yourself in the other person's shoes.
- Ask “Why?”, “What would that mean for you?”
- Ask “Why not?” “What would be wrong with...?”



33-40%

MY INTERESTS

THEIR INTERESTS

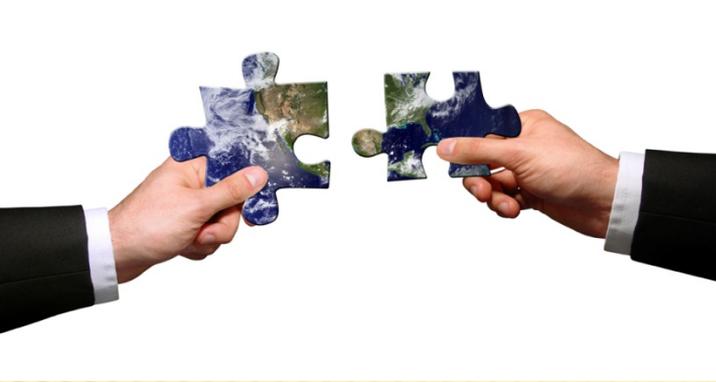
**CREATE A “T” CHART**



# MUTUAL GAINS NEGOTIATIONS: A PRINCIPLED PROCESS

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- Get to “yes.”





# OPTIONS ARE ...

OPTIONS ARE ...

- Parts or pieces of agreements
- Generated by both parties
- Created to *satisfy interests* of both sides
- Ways to get elegant solutions

AND they give you *power*

OPTIONS FOR ME

THEIR OPTIONS

**CREATE A “T” CHART**



# MUTUAL GAINS NEGOTIATIONS: A PRINCIPLED PROCESS

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# STANDARDS

- Are *facts and figures* that help you persuade the other side
- Bring legitimacy to your arguments
- Help you understand the other side's point of view
- AND they give you *power*



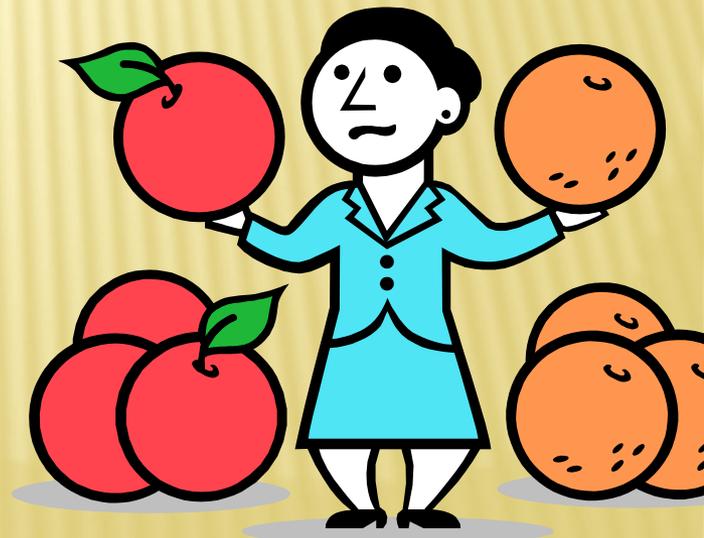


The sword and shield of negotiations.....

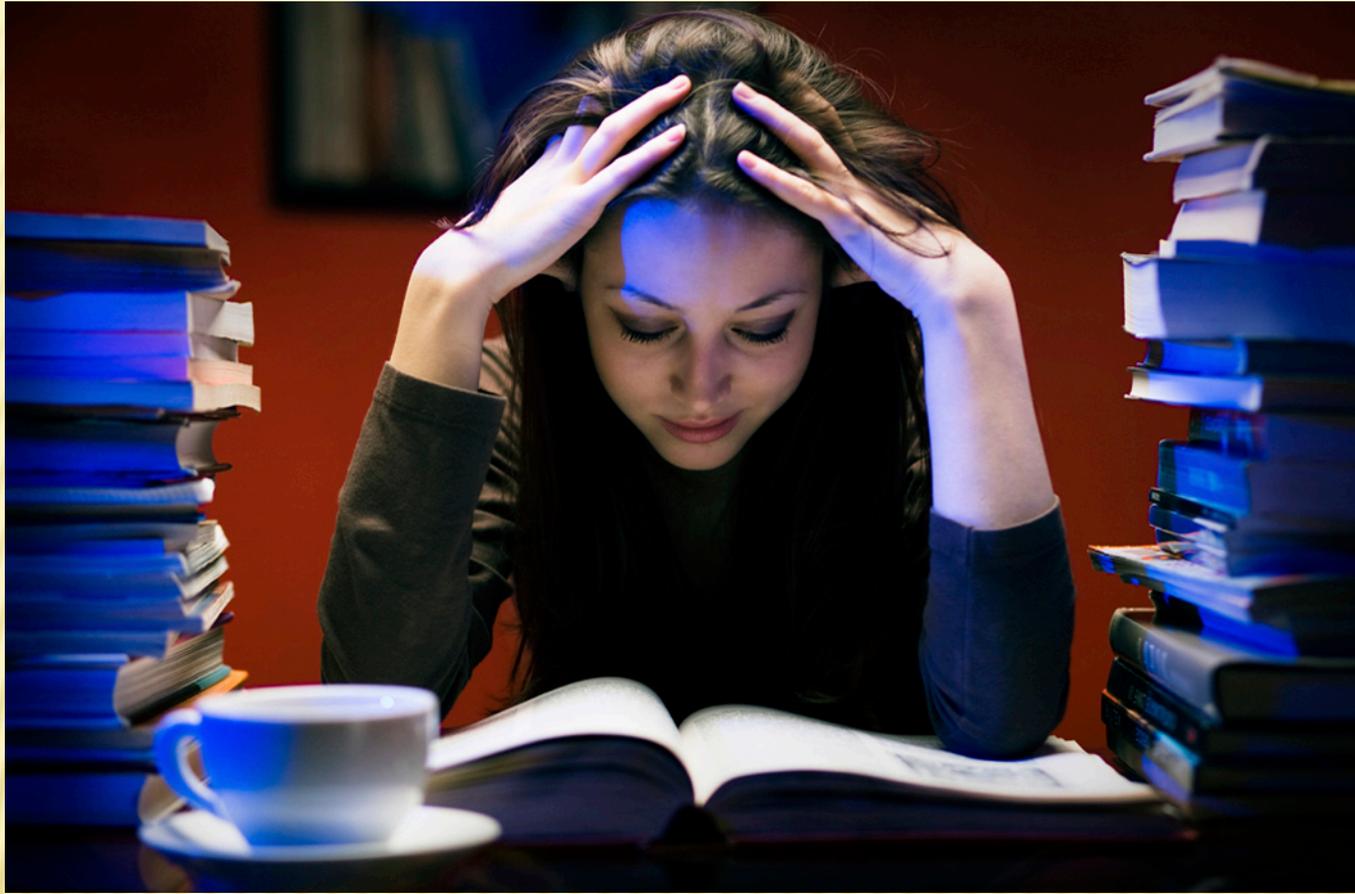
**STANDARDS**

# EXAMPLES OF STANDARDS

- ◆ Market value
- ◆ Precedent
- ◆ Industry practice
- ◆ Law
- ◆ Competing offers
- ◆ Costs
- ◆ Equal treatment



How do we find them?



**A: RESEARCH, BABY.**



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- 



**NEGOTIATORS ARE PEOPLE TOO.....**



**SMILE AND THE WORLD SMILES WITH YOU....**

# Likeability: the Secret Weapon of Negotiations



**THEY LIKE ME! THEY REALLY  
LIKE ME!**

# Separate the People from the Problem

- Take blame out of the equation.
- Focus on the future.
- When perceptions are inaccurate, look for ways to educate.
- When emotions run high, look for ways to let off steam.
- Where there is misunderstanding, look for ways to better communicate.





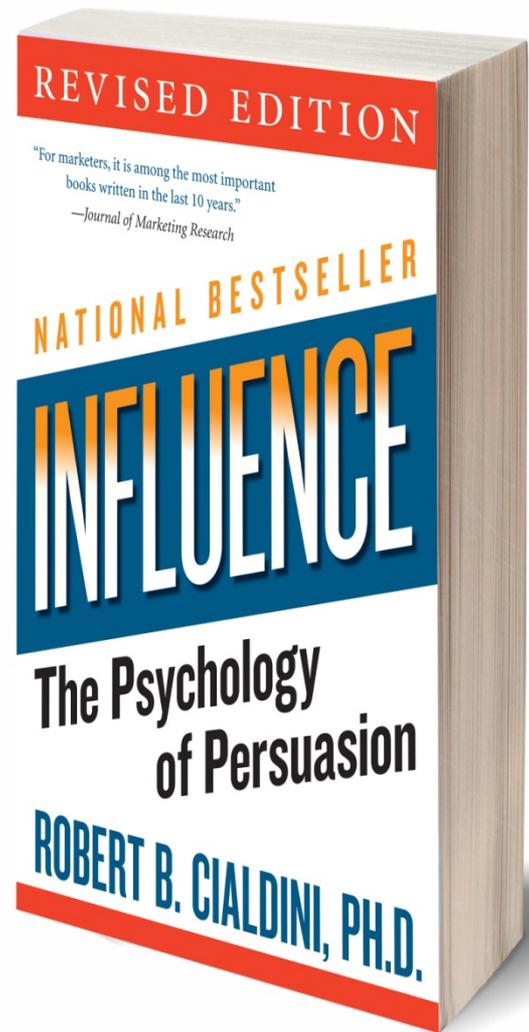
**STOP NEGOTIATING  
AND START LISTENING!**

# 4 WAYS TO DEAL WITH PEOPLE ISSUES:

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- Match intensity
- Give 'em the bucket
- Give them another bucket
- Actively listen
- Bring them back to options





# POWER OF PERSUASION TAKE-AWAYS:

- Reciprocity
- Scarcity/Exclusivity of Information
- Commitment/Consistency
- Similarity /Liking
- Authority
- Social Validation/Consensus
- Loss Instructions
- Minimize impact of “bad” information



# POWER OF PRESENTATION, BY PROF. EMINEM



# 1. RECIPROCITY

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**I.e.:** We want to repay, in kind, what another person has provided us

**E.g.:**

- give a flower then ask for a donation
- small gifts such as preprinted address labels from a charity or comped meals

# 1. RECIPROCITY- HOW IT SHOWS UP

- Concessions:
- If someone makes a concession, we often feel obligated to respond with a concession, watch out.
- Plan a few concessions/ SWEETENERS. Making a concession gives the other party a feeling of responsibility for the outcome and greater satisfaction with resolution
- Make a bigger ask first to capitalize on that moment of power after a NO: sell the costly item first; present undesirable option first

## 2. CONSISTENCY

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- Our nearly obsessive desire to be (and to appear) consistent with what we have already done
- Consistency is usually associated with strength, inconsistency as weak; we want to look virtuous

## 2. CONSISTENCY- HOW IT SHOWS UP

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- ◆ Commitment to Process and over-arching goals:

Ex. Principled Process, Keep talking until we reach a solution that works for the company.

- ◆ Elicit a Public, active, effortful commitments tend to be lasting commitments

## 3. SOCIAL PROOF

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- One means we use to determine what is correct is to find out what other people think is correct.
- The greater number of people who find an idea correct, the more the idea will be correct.
- Pluralistic ignorance: each person decides that since nobody is concerned, nothing is wrong
- Similarity: social proof operates most powerfully when we observe people just like us

## 3. SOCIAL PROOF

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### Examples:

- laugh tracks/applause
- mob behavior
- testimonials

## 4. AUTHORITY

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- ◆ We have a deep-seated sense of duty to authority
- ◆ Tests demonstrate that adults will do extreme things when instructed to do so by an authority figure

## 4. AUTHORITY

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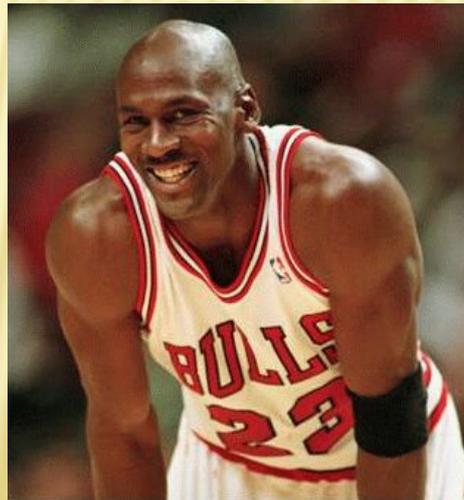
- ◆ Titles
- ◆ Uniforms
- ◆ Clothes
- ◆ Trappings of status

## How it shows up:

- Testimonials
- Who attends
- Presentation

# 5. LIKEABILITY/SIMILARITY

We prefer to say yes to someone we know and like



# Likeability: the Secret Weapon of Negotiations



**THEY LIKE ME! THEY REALLY  
LIKE ME!**

## 5. LIKEABILITY

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- Similarity of opinion, life-style, background, personality traits
- Flattery, positive feedback/comments
- Familiarity and contact
- Cooperation in shared goals

Ex. Increased tupperware sales when host/hostess well liked.



“How’s Your Mama and  
them?...”

THE SIMILARITY PRINCIPLE

AND SOMEBODY WHO IS LIKE US.

## 6. SCARCITY

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- ◆ Opportunities seem more valuable to us when their availability is limited
- ◆ We want it even more when we are in competition for it
- ◆ People anchor more on LOSS than benefit gained

# WHAT SOCIAL PSYCHOLOGY SAYS ON PERSUASION:

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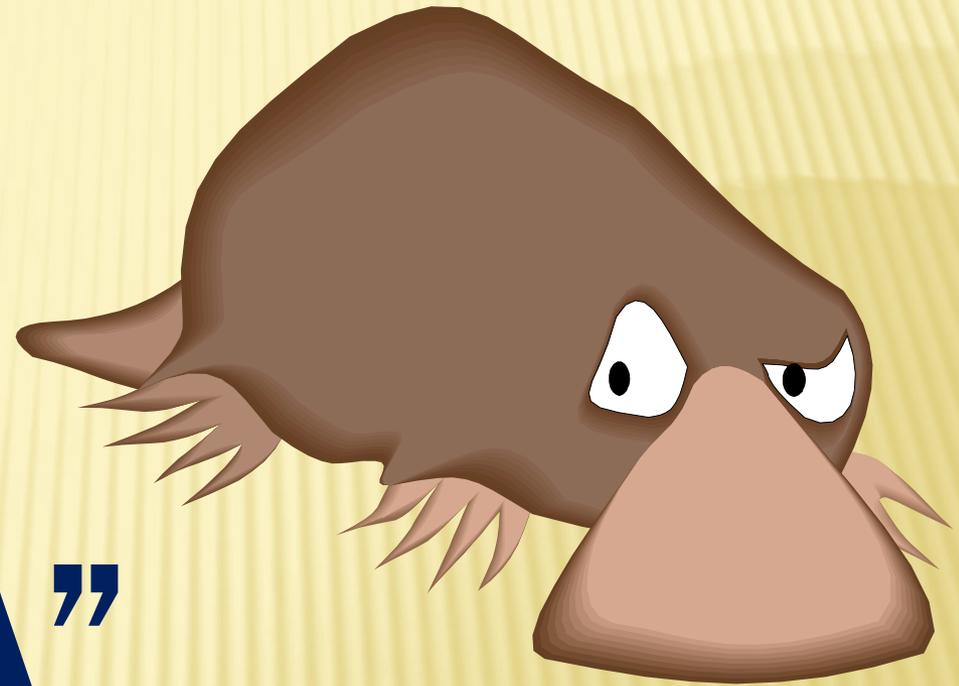
1. Reciprocity
2. Consistency
3. Social proof
4. Authority
5. Likeability
6. Scarcity

Robert B. Cialdini, *Influence: The Psychology of Persuasion*  
(revised; New York: Quill, 1993)



# MUTUAL GAINS NEGOTIATIONS: A PRINCIPLED PROCESS

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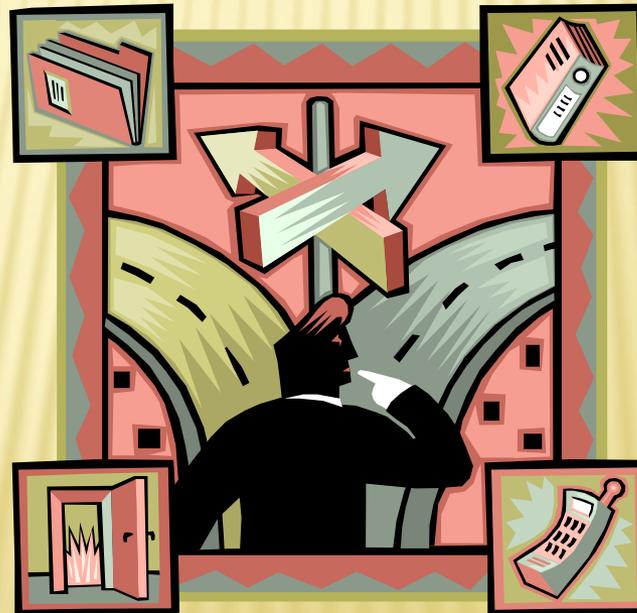
“BATNA”



# PLAN “B” - BATNA



Best **a**lternative **t**o a  
**n**egotiated **a**greement





# KNOW YOUR BATNA **BEFORE** YOU NEGOTIATE

- Explore and invent as many alternatives as possible: brainstorm.
- Improve your alternatives, if possible.
- Select your BATNA.
- Consider the other side's BATNA.
  - Is it as good as they think?
  - Can you legitimately change or worsen it?
  - If their BATNA is poor, you are in a better position.





**BATNA HELPS YOU DECIDE.....**

**SO YOU  
THINK YOU  
HAVE A  
BARGAIN?**



# INTERNAL TEST FOR A GOOD AGREEMENT:

- Is it better than your BATNA?
- Does it satisfy both party's interests?
- Is it a creative, high quality solution?
- Can you put the agreement into place - are people actually committed to it?
- Is it realistic?
- Did it improve the relationship?



# TELEPHONE & EMAIL NEGOTIATION

Harvard study:

- Email most difficult; poorest results, barely half had an agreement
- Face-to-face best; only 9% ended in impasse
- Telephone - most common result is agreement, but one side often takes greater share of the pie



# HOW TO IMPROVE EMAIL NEGOTIATIONS

- Meet face-to-face first, if possible
- Draw on rapport-building strategies
- Remember the “small things”
- Add your personal touch
- Stop conflict quickly
- Have a well-established goal
- Be sensitive to ambiguities
- Maintain a friendly, positive tone
- Write follow up email or letter to affirm





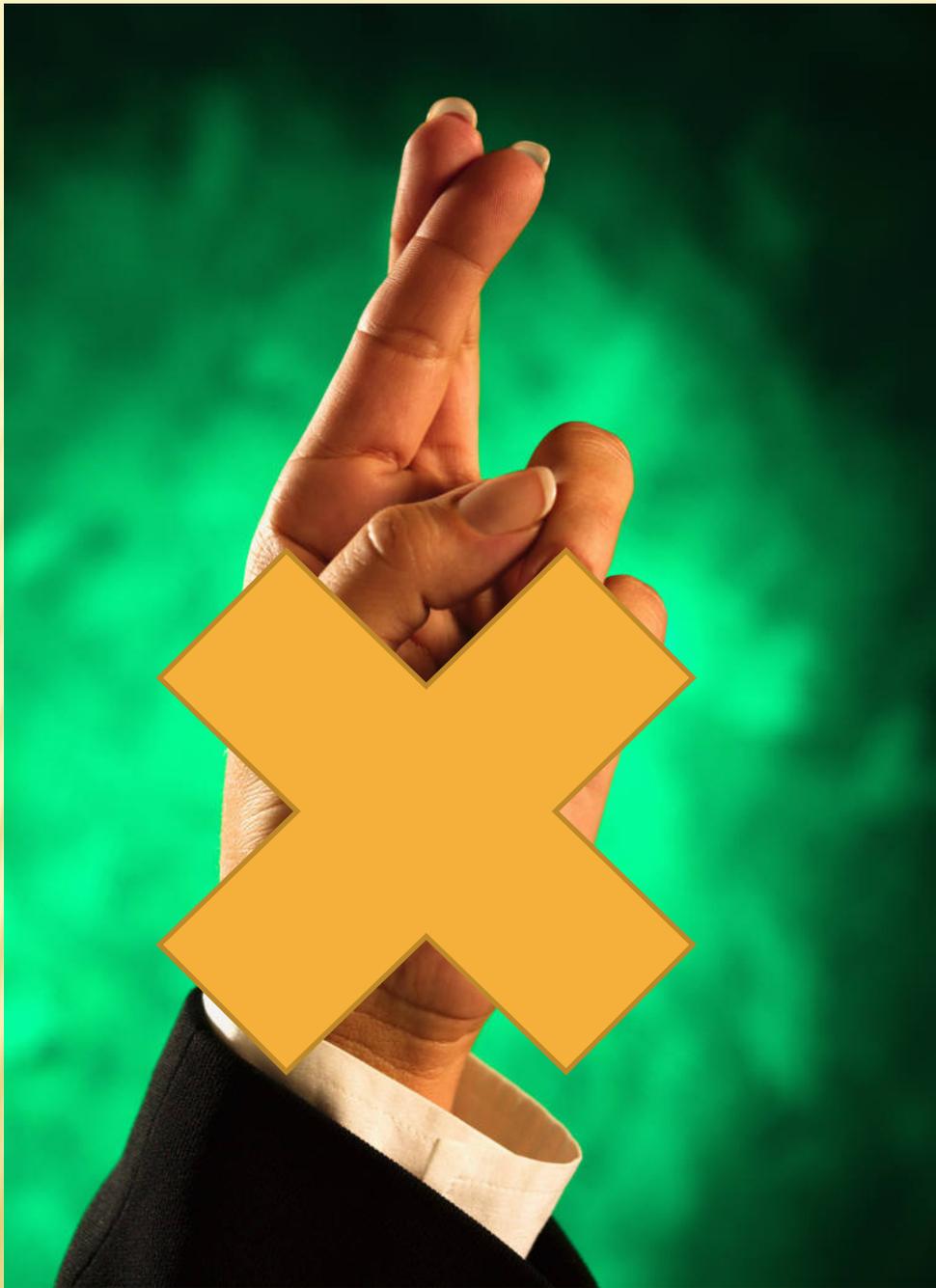
**COURAGE + SKILL = PERSUASION**

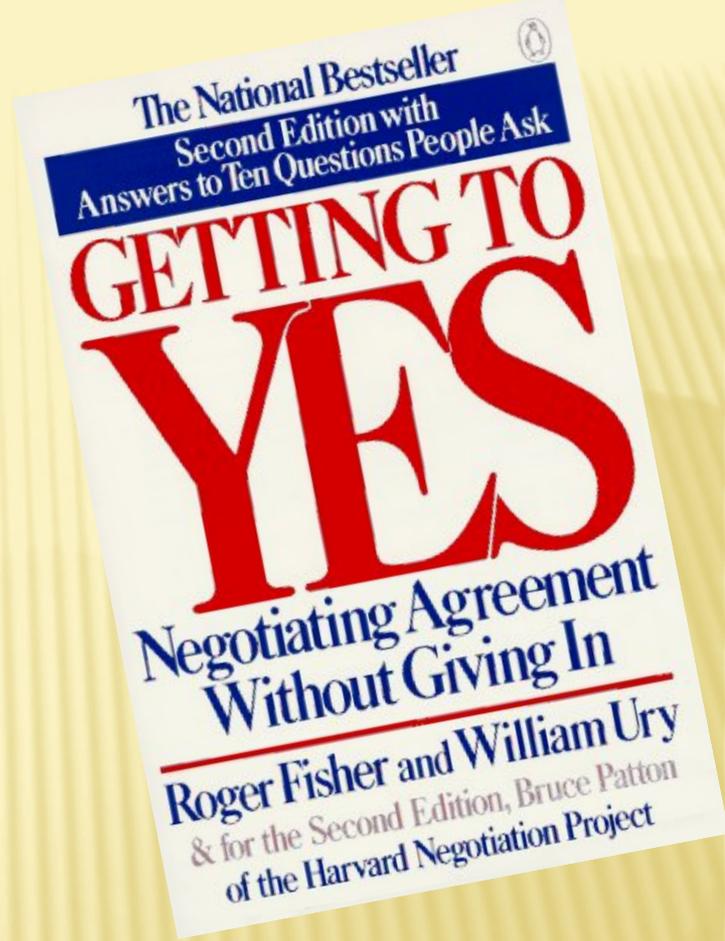
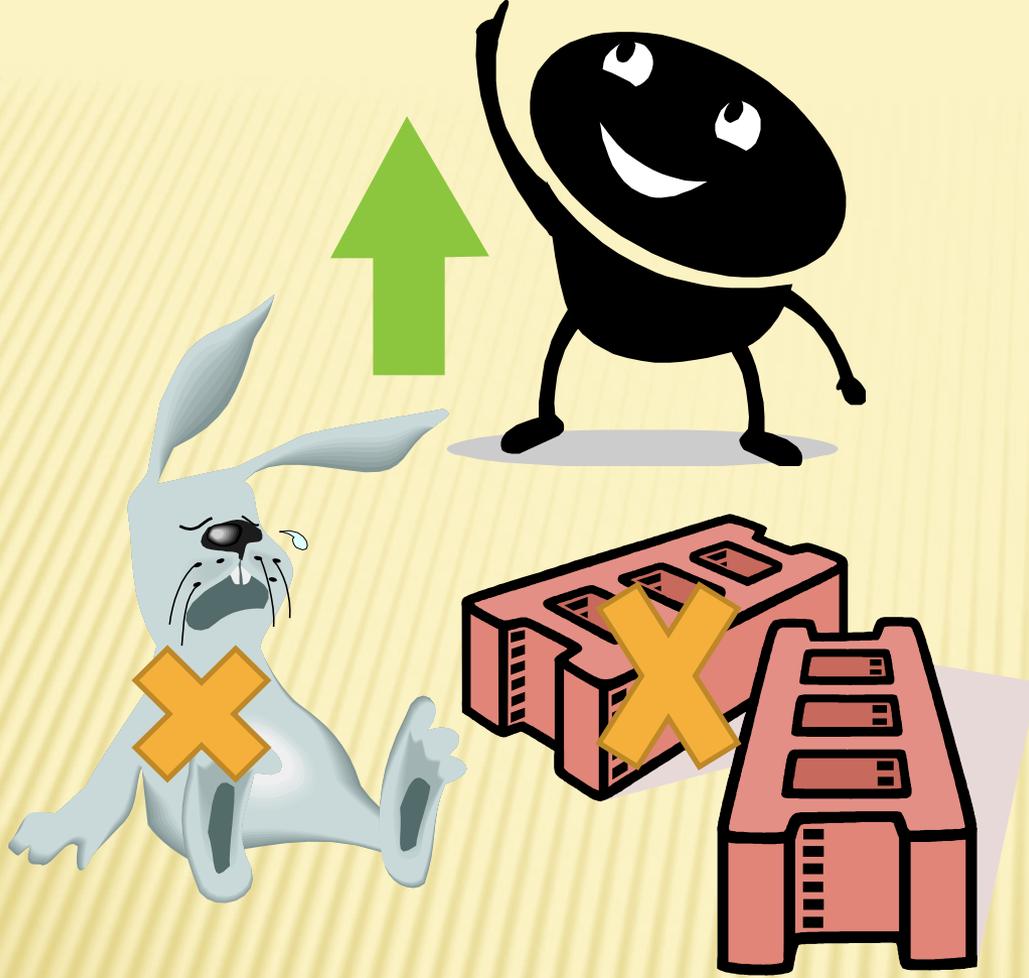
The Successful Negotiator Equation



**WHAT HAVE WE LEARNED TODAY?**

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**NOT SOFT, NOT HARD- JUST RIGHT.....**

Find that 3<sup>rd</sup> option for negotiating.

# THANK YOU FOR YOUR PARTICIPATION!

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Coach, Trainer & Facilitator

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