

Influence of Negotiator Styles

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Negotiator Style & Approaches Influences Outcome

- Baseball
- Nagin – Chevron Building
- Draft
- BP Contracts



Main Styles

- Competitive: Optimal results for self-adversarial/non-pleasant
- Cooperative: Mutually beneficial results more pleasant
- Cooperative/Problem Solver: Open, sharing, seeks mutual needs with client
- Competitive/Adversarial: Maximizes own return
- Competitive/Problem solving: Composite style; competitive objectives/ problem solving strategy
- “Mix and Match”



Study

- 59% of competitive/adversarial negotiators are ineffective
- 4% of cooperative negotiators are ineffective
- People will look for ways to say “NO” to people who behave badly!



Dealing With Difficult Opponents

- Inevitable
 - Win/lose, competitive/adversarial only feel successful if annihilate or humiliate people with whom interact
 - Generally undermines interests of own clients/excessive number of non-settlements and insufficient agreement
 - Situationally difficult (stress)
 - Strategically difficult (intimidate)
 - Simply difficult (unpleasant people)



Attitudinal Bargaining

- Politely but forcefully indicate unwillingness to participate – suggest alternatives – “let’s talk”
- Studies show “situational” or experimenters will modify approach
- Stress: Issue-related - can address through bargaining
 - Define negotiation process as pleasant
- Strategic: Let them know it’s not working
 - Name the game
 - Change the game



Benefits of Attitudinal Bargaining

- Promises v. threats
- Reciprocity
- Give yourself an out
- Take a break
- Questions/Seek interests/needs – “Why?”
- Shadow negotiation



Set Examples, Offer Objective Analysis, Appreciate Opponents' Perspectives

- Don't confront
- Separate personalities from problems
- Active Listening
- Give rationale
- Reframe negotiating issues
- Take a break
- Calm...“Soft Speech”
- Self-Control – Not Quid Pro Quo
- Negotiation, non-trial
- Emphasize areas of overlap/minimize highly controversial items



Telephone/E-mail Negotiation

- Phone:
 - Typically shorter, less small talk (rapport)
 - Less personal
 - Easier to be overly competitive/adversarial
 - More deception
 - Easier to reject
 - Shorter time results in less psychological commitment to negotiation process



- **Cell Phones:**
 - Shorter discussions
 - More distractions
 - Less confidential
 - “Hushed” tones
- **If must talk on cell phone, get to isolated area**
- **Non-Verbal Cues:** More distinct to trained ear
 - Verbal leaks
 - Voice – changes in
 - Pitch
 - Tone
 - Pace
 - Inflection
 - Rhythm
 - Volume

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- **Pregnant Pause:** Consideration of position when otherwise immediately rejected. Pause before most recent positional rejection would indicate entered in other parties' zone of agreement
- **Voice Inflection:** Increased levels of excitement
- **Topic Sequences:** First either most or least important issue
- **Deception:** (Professor Ekman) prevarication spoken deliberately and uttered with higher pitched voices
 - “to be candid” ...“to be truthful”: Proceeds misrepresentations

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Phone Dynamics

- **Advantages of surprise...** preparation issue
- **Recipient defense**
 - Assess degree of preparedness
 - Pertinent facts
 - Law
 - Prior settlement discussions
 - Call Back – “I’m returning your call” – Puts ball in their court
 - Use same techniques/tactics as in person

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E-mail

- Efficient and practical but impersonal
- Careful drafting – Does it say what I want, how I want to say it?
- Initial phone conversation to establish minimal relationship (schmooze)
 - More pleasant/more efficient
 - More cooperative behavior, more trusting
 - Fewer impasses/more agreement (Thompson/Nadler Study)



E-mail cont.

- If not immediate response, phone to ask for comments/questions.
- Intemperate Communication easier
 - Feel slighted
 - Draft intemperate response
 - Quick nasty response, whoosh, gone! – Oops too late
 - “Letters in drawer”



Shadow Negotiations

Whether parties are discussing price or performance, they're also negotiating their relationship.

Moves: Techniques for challenging legitimacy

Turns: Responses to counter moves



Moves

1. Challenging competence or expertise
“your fees are way out of line...”
2. Demeaning ideas
“You can’t be serious about...”
3. Criticizing style
“calm down” or “that offer is unreasonable”
4. Making threats
“see you in court”
5. Flattering or appeal for sympathy
“I know I can count on your integrity and skill to do the right thing in this case”



Turns

1. **Interruption:** Take a break, pause. Never in exactly the same position after a pause
2. **Naming:** “You and I both know that creates more work for you”
3. **Questioning:** “If you were in my position, I wonder how you would respond to the offer you just made?”
4. **Correcting:** Use criteria i.e. case law
5. **Diverting:** “I’d like to explore some other options with you”

RESTORATIVE, PARTICIPATIVE OR BOTH

If both testing, use naming and correcting turns

If later stages, use questioning and diverting turns


