

Garden State CLE presents:

A Pop Corn CLE:

"An Offer You Can't Refuse"

**Winning Negotiating Techniques as Portrayed in
Cinema**



Lesson Plan

Part I - Negotiation as a Process

Negotiating Requires Multiple Steps

Knowing:

1. What you really want, why and how badly you want or need it, and at what point you're willing to walk away without getting it.
2. Know what the other party wants and why it's important to them.
3. How much do they need or want what you have to offer?
4. What would make them really happy?
5. Are they being honest & sincere?



This is vital information if you're going to craft a creative resolution that will satisfy everyone.

Two Critical Process Issues:

- 1.) Get your adversary to invest time and effort in the process. The more time, energy & resources invested, the harder it will be for him to walk away.**
- 2.) Build a foundation of consensus by agreeing to as many (usually smaller, insignificant) things as possible early on in the process and leave the highly disputed matters until the end.**

Negotiator Personality Types

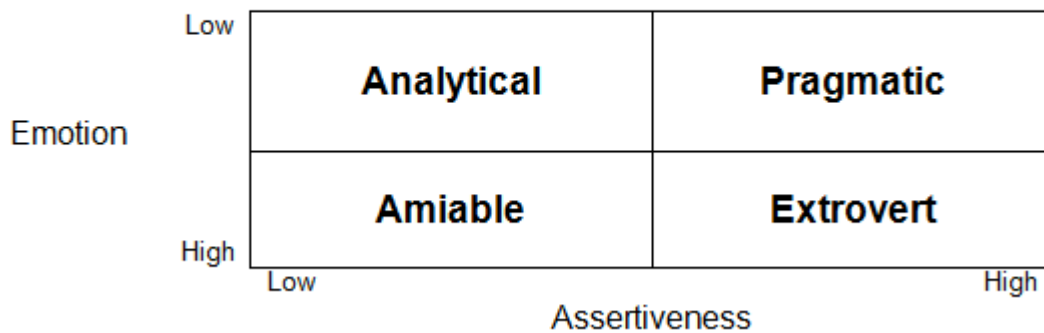
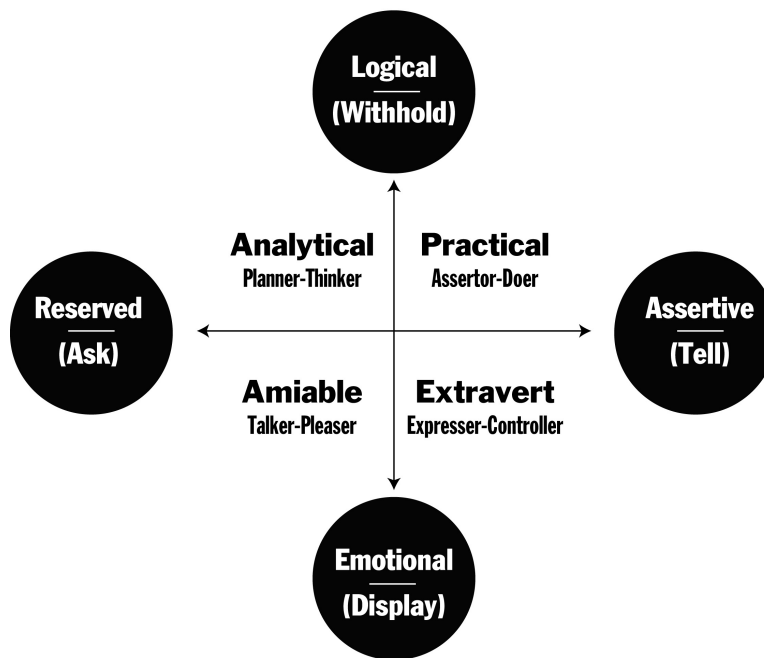


Figure 7-1

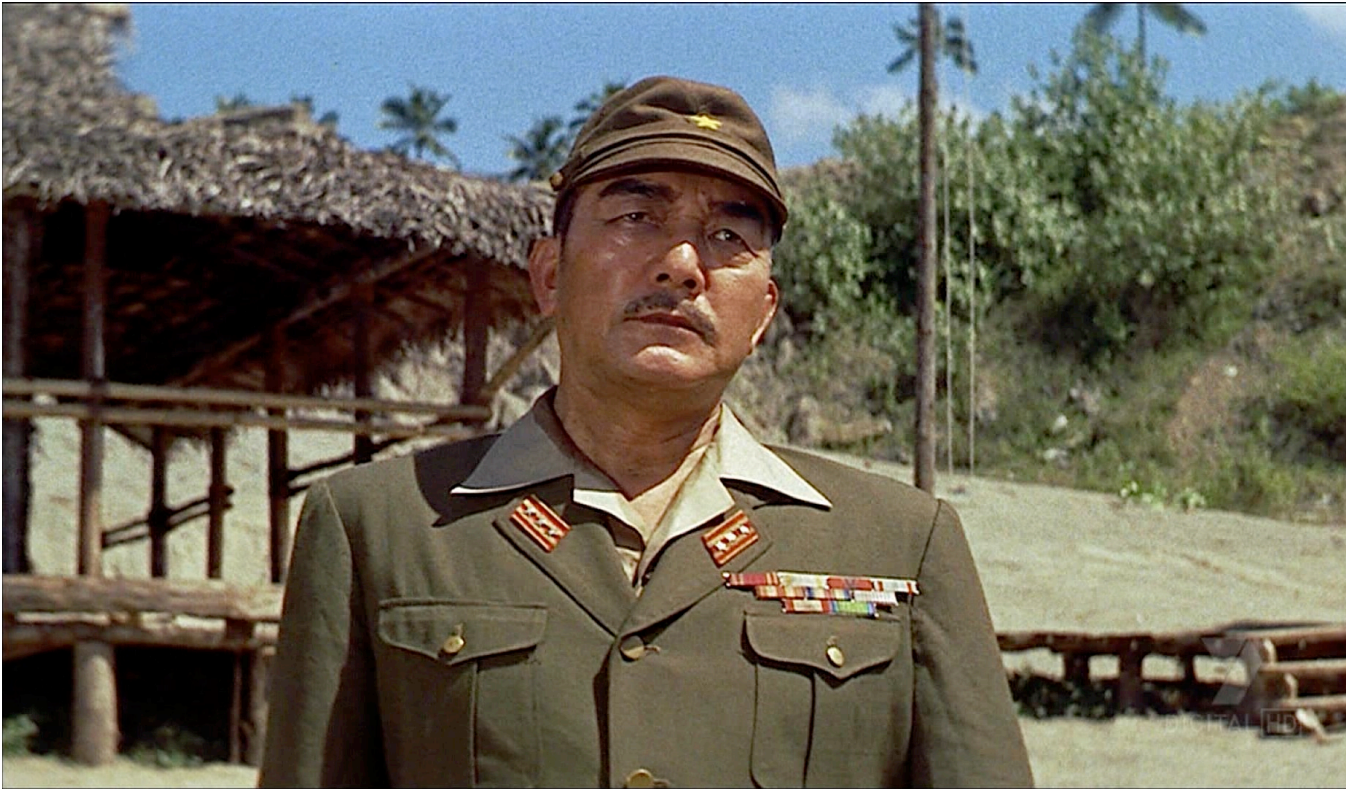
Negotiator Personalities



The following film is not about war. It is about the process of negotiation.

The Bridge on the River Kwai (1957)

**William Holden
Alec Guinness
Jack Hawkins
Sessue Hayakawa**



Negotiating Issues:

**Recognition of negotiation as a process;
Note mistake of revealing key data early in the process;
Zero-sum game;
Note the use of all negotiator styles: analytical, practical,
amiable, extrovert;
The power of time/deadlines – investing and effort time;
Late counter offer meets the needs of both parties;
Note how emotion & pride clouds judgment & delays resolution.**

Part II - BATNA

The person with the best alternative to a negotiated settlement (BATNA) has the most leverage.

BATNA

- Best Alternative to a Negotiated Agreement:
 - Know Your BATNA:
 - What's next for you if you can't come to an agreement?
 - What can you do to improve your BATNA?
 - Know Their BATNA:
 - What might their BATNA be?
 - What could you do to find out?
-

Know Your BATNA

- The reason we negotiate is to produce something better than the results you can get without negotiating
- What is that alternative?
- BATNA is a better measure and flexible to permit the exploration of imaginative solutions
- Compare a proposal to your BATNA and see if it better satisfies your interests



DEVELOPING BATNA

- List what you would do if you fail to reach an agreement
- Convert the most promising options into practical choices.
- Select the single best option; that is your BATNA
- Compare your BATNA to all proposals
- If an offer is better than your BATNA, consider improving or accepting it
- If an offer is worse than your BATNA, consider rejecting it
- If they will not improve their offer consider exercising your BATNA

The Godfather (1972)

Marlon Brando

Al Pacino

James Caan

Robert Duvall



Negotiating issues: BATNA: At the end, there was a better alternative to a negotiated settlement. Thus, the negotiation turned out to be a zero-sum game.

Part III - Weakness of the mind:

Short of a zero-sum game, a commitment to crush your negotiating partner, especially when based upon irrelevant emotional factors (pride, greed, animosity, irrationality) often results in failure.

4 Possible Outcomes to a Negotiation



Weakness of the mind



Fixed pie bias
- People view negotiations as a fixed pie to be fought over, rather than a pie that can be grown

Vividness bias -
people are attracted to shiny things and lose track of original goals when shown shiny things

Framing bias -
people work harder to avoid loss than to win a gain, and are vulnerable to irrationality over prospective loss

A Civil Action (1998)

John Travolta

Robert Duvall

James Gandolfini



NEGOTIATING ISSUES: Note how pride and greed work to blind the negotiator to a winning outcome.

“Now the single greatest liability ... is pride. Pride... Pride has lost more cases than lousy evidence, idiot witnesses and a hanging judge all put together. There is absolutely no place... for pride.”

Part IV - Mutuality of Advantage

Negotiation Techniques

Definition:

- Negotiation is a method by which people settle differences. It is a process by which compromise or agreement is reached while avoiding argument.
- In any disagreement, individuals understandably aim to achieve the best possible outcome for their position (or perhaps an organisation they represent). However, the principles of fairness, seeking mutual benefit and maintaining a relationship are the keys to a successful outcome.



Negotiating Skills

**To provide you with the skills
to plan & implement successful negotiation**

At the end of the course you will appreciate how to:

- Establish objectives to be achieved by negotiation.
- Identify a range of outcomes from the desired ideal to the ultimate acceptable fall back position.
- Use interpersonal skills to influence others in both informal and formal situations to achieve your objectives.

Inglorious Basterds (2009)

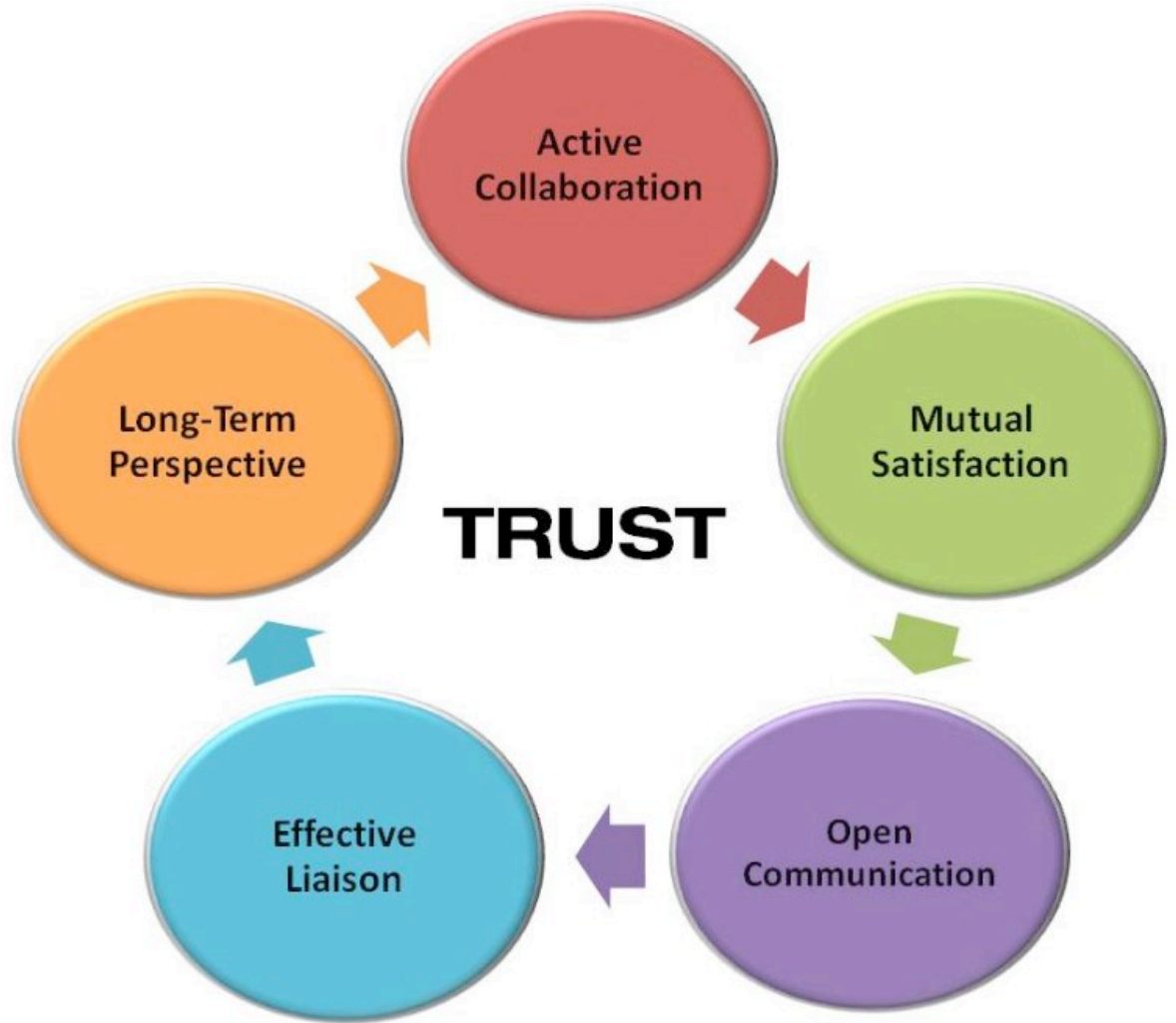
Brad Pitt

Christopher Waltz



Negotiating Issues - Note calm use of logic and control to set forth cogent arguments highlighting the mutuality of advantage.

Part V – Building Trust



Inglorious Basterds (2009)

Brad Pitt

Christopher Waltz

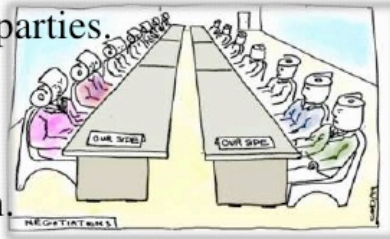


Negotiation Issues – Communication to establish trust

Part VI – Communication and Leveraging

NATURE OF NEGOTIATION

- ✓ It requires involvement of two parties.
- ✓ Requires flexibility.
- ✓ A process not an event.
- ✓ Needs effective communication.
- ✓ Continuous process(i.e. between buyer & seller, employer & employee for wages, working hours etc)
- ✓ Win- win situation for parties involved.



Improving negotiation skills:

Negotiating is not Compromising :

It is joint problem solving and to conclude on a positive note. What is your "preferred style" of communicating?

- What is the "style" of the other person with whom you will be negotiating? People Skills Make the Difference

Listening is the most powerful negotiating skill

- It begins with effective communication...understanding your preferred method and learning the method of the other party.
- Communicate with them in a way that will be most effective with their style
- This helps to eliminate the possibility of misunderstanding, as we communicate in many ways

Bridge of Spies (2015)
Tom Hanks



Negotiating issues – Clear communication, logic and leveraging. Note the power of time (deadlines) as a motivating factor toward resolution.

Part VII – Preparation and Rapport

Note how the negotiators in the following film clip ignore each one of the 10 following basic principles.

Ten Negotiation Techniques:

- ✓ Prepare, prepare, prepare.
- ✓ Pay attention to details.
- ✓ Leave behind your ego.
- ✓ Ramp up your listening skills.
- ✓ If you don't ask, you don't get.
- ✓ Anticipate compromise.
- ✓ Offer and expect commitment.
- ✓ Don't absorb their problems.
- ✓ Stick to your principles.
- ✓ Close with confirmation.

Intolerable Cruelty (2003)

**George Clooney
Catherine Zeta-Jones
Billy Bob Thorton**



**Negotiating Issues: Complete lack of preparation
squanders any attempt at building rapport.**

Part VIII – The Strategic Vision

The Negotiating Process

- Step One - Prepare *What do you want?*
- Step Two - Debate *What do they want?*
- Step Three - Propose *What wants can we trade?*
- Step Four - Bargain *What wants **will** we trade?*
- Step Five - Agree!

Moneyball (2003)

Brad Pitt



Negotiating Issue – Note that each negotiation is designed to be a part of a larger strategic vision, with some parts more important than others.

Part IX – Power Projection, Motivation & Teamwork

Negotiating Skills



A successful Negotiator can

- Build Rapport
- Network effectively
- Work in a team
- Build consensus
- Be persuasive
- Deal with conflict



The following clip incorporates all 6 of these skills.

Lincoln (2012)
Daniel Day Lewis



Negotiating issues: Use of raw power and passion to motivate and unify people on a team and move them toward a successful resolution.

Part X – It's not over yet! - Extorting Final Concessions

This will occur when:

- 1.) All the major negotiation issues have been agreed to;**
- 2.) The targeted party has invested enormous time and energy into the process;**
- 3.) Time (to a deadline) is quickly running out; and**
- 4.) The perpetrator detects fear, weakness or desperation in his adversary.**

The experienced negotiator will often walk a fine line by extorting a relatively minor concession (compared to the central agreement) at the end.

Draft Day (2012)

Kevin Costner



Negotiating Issue – Note that the extortion of last minute concessions is facilitated by the sounds of fear, uncertainty and weakness in the voice of the target.