

Online Lecture 5 Negotiating Dirty Tricks & Emotion



Song of the Day:

[It's Tricky](#) – Run DMC

Advice from the Notorious RBG



Another often-asked question when I speak in public: "Do you have some good advice you might share with us?" Yes, I do. It comes from my savvy mother-in-law, advice she gave me on my wedding day. **"In every good marriage, it helps to be a little deaf."** I have followed that advice assiduously, and not only at home through 56 years of marital partnership. I have employed it as well in every workplace, including the Supreme Court. **When a thoughtless or unkind word is spoken, best to tune it out. Reacting in anger or annoyance will not advance one's ability to persuade.**

- [Ruth Bader Ginsburg](#)

In a negotiation, there are actually two negotiations going on:

1. About the substance of the agreement
2. About the rules of the game

Dirty tricks are a way of trying to change the rules of the game to give a greater advantage to one side when addressing the substance of the agreement.

Three Major Categories of Tactics

1. Stone Walls – refusal to budge

- a. Take-it-or-leave-it
- b. Fait accompli
- c. Burn the boats
- d. Using time to get you to give
 - i. Run out the clock
(foot dragging/delay)
 - ii. Speed up clock
(hard deadline, packed suitcase, exploding offer, diminishing offer)
- e. Company policy
- f. Refer to a prior commitment
- g. Get you to bid vs yourself
(Unreciprocated offer – “Too low, try again”)



Three Major Categories of Tactics

2. Attacks – Attempt to intimidate or make you uncomfortable so you give in

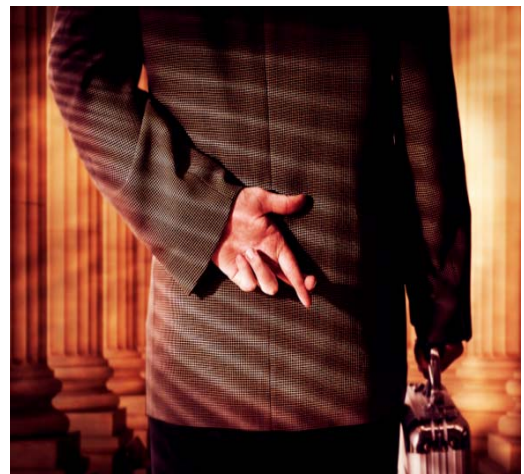
- a. Insult/badger/bully to get their way
- b. Threaten dire consequences/ “or else” warnings (show of power)
- c. Slam your proposal/your credibility/ your status or authority
- d. Yelling or physical intimidation (stand over desk/block doorway)
- e. “Good cop/bad cop”



Three Major Categories of Tactics

3. Tricks – fool you into giving in, pressure you to play their game, or try to take advantage of your good will

- a. Haggling
- b. High ball/low ball
- c. Flinching
- d. Bluff & puff – Red herrings
- e. Phony facts or data/Deliberate mistakes
- f. Claim no authority after you’ve given some
- g. Scoundrel (break/don’t honor agreement to get you to renegotiate lower)
- h. Foot in the door/salami slicing
- i. Scrambled egg - last minute “add on”
- j. Working the room





Why are people using these tactics?

- 1st: Remember the **Fundamental Attribution Error**
- Then again, it could be a hardball tactic
- Then again, they could be irrational (unlikely)

Why use them?

Gets us to narrow our idea of what options are available in the negotiation
(surrender, play their game, or quit)



Instead: Call out, ask why, step away, or ignore

1. “Put on your RADAR, not your armor”

- **Expect attacks to come** and don't let them play on your anger, fear, guilt
- **Know your hot buttons** and the early warning signs they're getting pushed
- **By recognizing the tactic**, less likely to see it as an obstacle, become or stay fearful, or be taken in by deception

2. Change the game

- Name the game
- Reframe
 - Positions to interests
 - Positions to options
 - Positions as criteria
- Change players



Remember:

Don't get mad.
Don't get even.
Get what you want.

- William Ury