

YLD News

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Negotiation hooks

BY IRYNA SOKHATSKA

William Shakespeare, the greatest English poet and playwright, said, "We know what we are, but know not what we may be." The article is focused primarily on studies helpful in understanding negotiation insight that one, unfortunately, can't always control but for sure should be aware of. The negotiation hooks described in the article are not exhaustive and only the most important ones are analyzed here. The information is based on studies provided by Professor of Psychology and Pedagogical Proficiency, member of the International Academy of Information Technologies, Sheinov V.P, in the book "The Art of Controlling People," 2005.

"Good communication skills are vital to a successful, rewarding practice. You need to communicate well with your clients, staff, partners, associates, other lawyers, and vendors. Improving your communication skills will let you express yourself with more confidence"¹ and some knowledge of negotiation insight or so called "negotiation hooks" will let you achieve the results fast and smoothly. It will also let you recognize techniques by which you could become a marionette in someone's skillful hands. Some guidelines, like these, will make a difference because "before anything else, getting ready is the secret to success."² Here are some rules and techniques to remember:

1. The "Two yes" or Socrates' rule³

(Socrates is a classical Greek philosopher born circa 470 BC, in Athens,

Greece).

Under this rule the most important question should be preceded by at least two simple short questions, which will be answered positively by your counterparty for sure. In this case most likely (s)he will say, "yes" to the most important question too.

Why and how does it work?

By saying "yes" our blood fills with specific hormones—endorphins (the brain's "feel-good" chemicals) that lift our mood. After two portions of "yes," the next "yes" will be a result of a pleasant feeling caused by hormones. One portion of "yes" is not sufficient and can't switch momentarily our blood to the "pleasant" condition.

"Solomon, the writer of Proverbs, was right when he wrote, "Pleasant words are as a honeycomb, sweet to the soul and health to the bones," Proverbs 16:24."⁴

If some question requires "no," put it into "pleasant form" to create appropriate basis for negotiations. For example, almost any negative question can be answered: "Excellent question!" or "I'm glad that you ask that." Of course, all further statements should be worded preferably positive, if possible, too.

If there is doubt about the "positive response," take your time and keep silent. Silence is golden when you can't think of a good answer.⁵

Homer's rule⁶

(Not Homer Simpson from "The

Simpson Family" but Homer, an ancient Medieval Greek who was born sometime between the 12th and 8th centuries BC, known for "Odyssey" and "Iliad" as well as for speeches that provided models in persuasive speaking and writing).

The core of Homer's rule is that the order of the arguments matters: it influences the persuasiveness of the speech. The most persuasive speech will be based on the following order of arguments:

- Strong;
- Middle strong;
- The strongest.

Why is that order preferable?

Strong arguments create confidence and if there is confidence, the next arguments will be perceived as having more strength. The need of the strongest argument at the end of the negotiation is desirable because this is the time when the counterparty makes the decision – it's "the last shoot time." Even if making the decision is postponed, the memory peculiarity will come into play: as a rule, everything that was at the end and at the beginning of the discussion is remembered very well. The middle of the discussion is usually remembered the worst.

As to the weak arguments - they have to be excluded from negotiations at all. Even one weak argument attracts the counterparty's attention and ruins confidence. The effect of one weak argument is often compared with an effect of a software virus. And here is an example

of a weak argument:

A: It's too late for me to quit drinking.

B: It's never late to quit.

A: Excellent, then I will do it somehow later on.

One more point - the strength (weakness) of the argument should be evaluated from the counterparty's prospect.

3. Pascal's rule⁷

(Blaise Pascal, 19 June 1623 – 19 August 1662, was a French philosopher, mathematician, physicist and writer).

Very often the counterparty doesn't agree only because (s)he wants to avoid humiliation or embarrassment. For most of us, it's difficult to admit that we are sometimes wrong or lack knowledge, or experience. That's in the human nature.

So, under Pascal's rule if you stalemate the counterparty, there is little or no chance to compromise or find a favorable solution for both sides. Let the party save the face—that's the key under Pascal's rule.

Let's turn to IRS for the example:

As ridiculous as it sounds, the federal government requires that money acquired through illegal means be reported and taxed just like legitimate income. It's right there on the official IRS tax instructions: "Income from illegal activities, such as money

from dealing illegal drugs, must be included in your income on Form 1040, line 21, or on Schedule C or Schedule C-EZ (Form 1040) if from your self-employment activity.⁸

The nuance of the income form and the line referenced above is the following: there is no mentioning about "illegality." Here is how the line is spelled: "Other income. List type and amount."

"Saving face" (in addition to some other factors and reasoning) is, thereby, present as well.

4. "Psychological Aikido" rule

The psychological aikido's main principle is the same as a classical physical aikido: using the force of the other party to gain control; switching the counterparty's attention to succeed.

How does that work in negotiations?

One of the excellent examples of this approach is the fairytale "A fox and a crow." A crow was on the tree having a piece of cheese in the beak. The fox wanted to obtain the cheese and started to praise the crow saying, "Sing, sing, please, your voice is so sweet, so unique." After a couple of similar compliments the crow forgot about the cheese, opened the beak to sing, so the cheese fell down and was happily eaten by the fox.

If the crow had had the negotiation

training, the crow would have taken the cheese out of the beak before singing. To sum up, don't be distracted by something pleasant since it can be counterparty's maneuver. "Think twice before you speak, because your words and influence will plant the seed of either success or failure..."⁹

On a final note, remember that being focused and alerted helps to realize and avoid negotiation hooks. There are no ideal negotiators but there are a lot of very well trained, experienced and educated ones among whom you may be (or, hopefully, already are). ■

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1. Irene Leonard "Seven Keys To Effective Communication."
2. Henry Ford.
3. Sheinov V.P. The Art to Controlling People. Minsk, 2005.
4. Charles Williams "Words have the power to hurt or heal."
5. Muhammad Ali.
6. Sheinov V.P. The Art to Controlling People. Minsk, 2005.
7. Sheinov V.P. The Art to Controlling People. Minsk, 2005.
8. "The IRS wants to tax your illegal income," <<http://money.cnn.com/2013/02/28/news/economy/illegal-income-tax/>>
9. Napoleon Hill

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