
Negotiate Like a Trial Lawyer

Win better deals and handle hard conversations with lessons from 40 years of courtroom battles and million dollar negotiations.

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Introduction

You negotiate every single day. You negotiate with your landlord over a rent increase, with a supplier over a late shipment, with your teenager over curfew, and with your spouse over where the family goes on vacation next summer. Most people never notice they are doing it, and that blind spot quietly costs them money and relationships year after year.

I wrote this book for you. You run a business, you manage a team, you raise a family, or you sit at a kitchen table trying to work out something hard with someone you love, and you want to walk into your next conversation with confidence and integrity. Negotiation belongs to everyone.

Here is my main goal, stated plainly. I want to help you avoid the 20 most common mistakes I have watched people make over four decades of negotiating million dollar cases. Every one of those mistakes kills deals. When a mistake happens, the deal stalls and the opportunity disappears, often for good, and I have watched it happen in courthouse hallways and on late night Zoom calls more times than I care to count. Keep this list close,

because every chapter that follows shows you how to avoid these mistakes.

- 1 Skipping your homework.** New negotiators walk in unprepared, and the first unexpected twist knocks them flat.
- 2 Failing to listen.** They spend so much energy pushing their own points that they miss what the other side keeps telling them.
- 3 Never confirming understanding.** Misunderstandings stall deals.
- 4 Talking too much.** Every extra sentence you volunteer hands the other side information and weakens your position.
- 5 Neglecting the relationship.** Some people chase the deal so hard they forget a human being sits across the table, a person they will likely need again next year.
- 6 Showing impatience.** Impatience pushes you into rushed decisions, and rushed decisions produce bad outcomes.
- 7 Fixating on price.** Price matters, and so do quality, delivery time, service, and payment terms. People who ignore those other terms leave money on the table.
- 8 Lacking confidence.** Without self assurance, you will struggle to persuade anyone of anything.
- 9 Missing the moment to walk away.** Some agreements work against your best interest. Know your BATNA, your Best Alternative to a Negotiated Agreement, before you ever sit down.

- 10 Letting emotions run the show.** Lose your temper or let anxiety take over, and your position weakens on the spot.
- 11 Arguing positions and ignoring interests.** Dig past what someone demands and learn why they want it.
- 12 Ignoring cultural differences.** Across cultures, one careless gesture or phrase triggers a misunderstanding that takes weeks to repair.
- 13 Making outrageous demands.** Outlandish asks bog down the whole process.
- 14 Missing nonverbal cues.** Faces and posture often tell you more than words.
- 15 Caving too early.** Eager to reach agreement, inexperienced negotiators give away concessions long before they need to.
- 16 Assuming a fixed pie.** This is the mistake I see most often among smart people who should know better, the belief that negotiation is a zero sum game where every dollar the other side gains comes straight out of your pocket, and that belief turns a conversation that should feel like two people solving a problem together into a tug of war that nobody enjoys and almost nobody wins.
- 17 Forgetting to follow up.** The deal keeps going after the agreement. Check that every commitment gets met.
- 18 Overplaying your power.** Heavy pressure tactics damage relationships and poison future negotiations.
- 19 Ignoring concessions.** Concessions sit at the heart of every negotiation.

- 20 Skipping contingencies.** Surprises happen. Build backup plans into the key parts of every agreement.

The goal of this book reaches far past winning. You want agreements where every person at the table walks away feeling understood and respected. Every conversation you have counts as a negotiation, from a business contract to a family vacation destination, and once you see that, you start to handle each one with more skill.

Chapter 1 shows you how much negotiation shapes your daily life, the decisions that affect you and the people around you, and it lays the foundation for everything after it. The chapters that follow get specific. You will learn to build a negotiation strategy and to understand the psychology driving the people across the table. You will sharpen your listening, read body language, use persuasion, and handle difficult conversations and conflict.

The chapter on negotiating across cultures walks you through the sensitivities of cross cultural deals, and it shows you why empathy and respect for cultural differences produce better outcomes. The chapter on ethical boundaries carries special weight for me, because fairness and honesty decide whether people want to deal with you a second time.

Then we step into the digital age. When I negotiated my first case, the internet, email, text messages, and video calls did not exist, and videos were something you went to a movie theater to see. Today you need to know how to use these tools to negotiate well in virtual and digital settings.

The final chapter pulls everything together. It gives you a practical way to keep learning new negotiation approaches and ideas long after you finish the last page.

Every negotiation teaches you something. Experienced negotiators make mistakes too, and they learn from those errors and keep refining their approach. With preparation and practice, you will become a sharper negotiator yourself.

This book holds 40 years of lessons from the courtroom and the mediation table, packed into one place so you walk into every negotiation with the skill and confidence to get what you deserve.

CHAPTER 1

Why Negotiation Runs Your Life

You negotiate far more often than you realize. Negotiation shapes your decisions and your relationships, and it shapes how you see the world around you, usually without you noticing it is happening at all. It shows up when you haggle at a local market, and it shows up when governments hammer out a multinational trade agreement. Learn to use it well and you put yourself on the path to success.

The Coffee Shop Lease

Maria has run a small coffee shop in a neighborhood strip center for nine years. She knows her regulars by name, and she knows which ones want oat milk before they reach the counter. One morning her landlord, Frank, slid a renewal letter across the counter along with his latte money. The rent was going up fifteen percent.

Maria felt her stomach drop. A jump that size would wipe out most of her profit, and moving meant losing the corner spot her customers walk to every morning. Frank held the stronger hand on paper. He owned the building, and he knew how much Maria loved that corner.

Maria did her homework before she called him back. She learned that two storefronts in the center had sat empty for over a year, and she noticed that the faded sign out by the street still listed a video store that closed a decade ago.

So Maria moved first, and she moved by creating value before she asked for anything. She offered to sign a five year lease, which gave Frank something every landlord craves, a steady tenant and one less empty storefront to worry about, and she offered to repaint her worn storefront and rebuild the wobbly patio at her own cost, an upgrade that would make the whole center look better to the next tenant Frank hoped to sign.

Frank liked what he heard, and he came back with an offer of his own. He dropped the increase to four percent, and he put Maria's coffee shop on the big sign out by the street, free of charge.

Both of them walked away happy. Frank got a long term tenant and a nicer looking center. Maria kept her corner and gained a sign that pulled in new customers from the road. That handshake over the counter was only the start of a better relationship between them.

Maria and Frank show you what negotiation is at its simplest. Two or more parties work to settle their differences and reach an agreement. Each side gives some and takes some, asserting what matters and bending where it makes sense, all in search of common ground that satisfies everyone.

A negotiation reaches far beyond the conversation at the table. It starts long before anyone sits down, with preparation and planning, and it continues long after everyone stands up, with

follow through and relationship management. Every phase matters, and each phase calls for its own set of skills.

Before you go further, lock in four terms. They form the foundation for every strategy in this book.

Interests. Interests are the needs, desires, fears, and concerns that move people. They are the why behind the what, the real reasons that push someone toward a particular demand.

Positions. Positions are the stated demands people make at the table. A position is what someone says they want, usually expressed as a hard number or a specific outcome.

BATNA. Your BATNA, short for Best Alternative To a Negotiated Agreement, is your fallback if talks fail. It is your plan B, and it measures your bargaining strength. The better your BATNA, the stronger you stand.

ZOPA. The Zone of Possible Agreement is the overlap between what every party will accept. Deals happen inside that zone.

Understanding these terms is your first step toward mastering negotiation. Every strategy and technique you learn rests on them.

Negotiation carries so much force because it centers on solving problems for everyone involved. Done right, it builds trust and lasting relationships. It turns conflicts into collaborations and competitors into partners, and it puts opportunities in front of you that you never saw coming.

Negotiation strengthens you personally too. It gives you the confidence to say what you need and to stand up for a fair

outcome. It gives you the skills to handle hard conversations and disagreements with grace and respect.

The chapters ahead go deeper into strategy and into the psychology of the people across from you. Each chapter builds on this foundation and puts new tools in your hands.

Treat every negotiation as a problem you and the other side solve together. The real strength of negotiation comes from lifting everyone at the table, and that is the art in its truest form.

CHAPTER 2

Build Your Strategy Before You Sit Down

Once you see how much negotiation shapes your life, your next move is building a strategy. A strategy is your roadmap. It guides your decisions through the whole process and keeps you focused on the outcome you want.

Tacos Behind the Brewery

Rosa runs a taco truck. Dave owns a small local brewery across town, and his customers keep asking for food on busy weekends. Dave called Rosa and asked her to park out back every Friday and Saturday night.

Both of them walked into that meeting prepared, and both knew their BATNA cold. Dave had two other food trucks asking about the same spot. Rosa held a standing offer for a Saturday slot at the busiest farmers market in the county, so she felt no pressure to take a bad deal.

Dave opened by asking for twenty percent of Rosa's weekend sales as rent. Rosa smiled. She knew the brewery needed food to keep people ordering past nine o'clock, and she knew the other two trucks served burgers that Dave's regulars had already

complained about, so she used that knowledge as a tailwind every time Dave tested how badly she needed his parking lot.

Rosa countered with ten percent of sales, and she sweetened it with a special menu built around Dave's beers, beer battered fish tacos and a carne asada plate marinated in his dark ale.

Dave studied the offer and pictured the line of hungry customers. Then he made his own move. He agreed to the ten percent, and he threw in a free power hookup so Rosa no longer had to run her loud generator, as long as she stayed open until closing time.

They shook hands and clinked pint glasses over the deal. Both of them came prepared with a clear BATNA, and that preparation produced a win for each side.

Here is how you build your own strategy.

- 1 **Set clear, realistic objectives.** Know exactly what you want from the negotiation. Make your objectives SMART, which stands for specific, measurable, achievable, relevant, and time bound. Clear objectives give you a target to aim for and a way to grade yourself afterward.
- 2 **Know your BATNA.** Your BATNA is your safety net, the thing you will do if no agreement happens. Knowing it gives you security and confidence, and it gives you permission to walk away from any deal that fails to meet your requirements.

- 3 Study the situation.** Learn the other party's needs and constraints, and understand the bigger picture surrounding the deal. Research the people across the table, because what you learn becomes your advantage once talks begin.
- 4 Choose your style.** The five main negotiation styles are competitive, collaborative, compromising, avoiding, and accommodating, and each one carries its own strengths and weaknesses. Match your style to your objectives and to the kind of negotiation in front of you. When the relationship matters and you need a long term solution, go collaborative.
- 5 Anticipate the other side.** Think through their strategy and the objections they will raise. Predict the questions they will ask and rehearse your answers. Decide in advance which concessions you will make and what you want in return for each one.
- 6 Pick your communication method.** Face to face meetings, phone calls, video calls, and email each carry advantages and drawbacks, and your choice shapes the process and the outcome.
- 7 Build an agenda.** An agenda gives the negotiation structure. It lists the issues in the order you will cover them and names the outcome you want on each one. A well built agenda protects your time and makes sure every important issue gets covered.

Building a strong strategy takes careful thought and planning, and the effort pays you back every time.

Preparation is the one advantage nobody across the table gets to take away from you.

A clear strategy raises your odds of hitting your objectives and gives you the confidence to negotiate well.

Negotiation combines planning with adjusting on the fly. Your strategy gives you a solid foundation, and the magic happens in how you connect with the person across the table and how you adapt as the conversation unfolds. The chapters ahead show you how to do both.

CHAPTER 3

The Winning Psychology of Negotiation

Negotiation is a strategy game and a psychology game at the same time. Your success depends on understanding the human mind, your own and the mind of the person across from you. This chapter walks you through the mental shortcuts and emotions that decide outcomes long before anyone signs.

Thirty Years of Pizza

Tony and his wife Gina ran a family pizza shop for thirty years. The time came to retire, and a young couple named Sam and Priya wanted to buy it. Sam had managed a restaurant for a big chain. Priya had grown up eating Tony's pizza after her Little League games.

They met after closing on a Tuesday night, in the same red booth where Tony had signed his first lease. Sam brought their accountant. Gina brought a folder of handwritten recipes and a stack of tax returns.

Tony opened with anchoring. He set a high first number, \$450,000, and he laid out his reasons with pride: three decades of regulars, a sauce recipe nobody in town had cracked, a

catering list of every church and school team within ten miles, and a brick oven Gina's father built by hand.

Sam understood reciprocity, so he answered with \$340,000 and gave something right away. He promised to keep Tony's nephew Marco on staff as head cook. Every person played a part.

Priya watched Gina's face as the numbers went back and forth, and she saw Gina's eyes fill up every time anyone mentioned the oven her father built, so Priya leaned in and offered to keep the name Tony's on the sign and to hang the family's old photos on the wall, a promise that cost the buyers little and landed right in Gina's heart.

The mood in the booth changed. Gina relaxed, and Tony stopped defending every dollar. They met at \$395,000, with the name and the recipes staying with the shop. Each person at that table understood how emotions and cognitive biases quietly steer decisions, and they balanced pride with reason the whole night.

Here is what they knew that you need to know.

Cognitive biases are systematic errors in thinking that shape the decisions and judgments you make. Spot them and you make better calls, and you start to understand why the other side behaves the way it does.

Two biases show up in almost every negotiation. Anchoring bias is the habit of leaning hard on the first piece of information offered, the anchor, when making decisions. Confirmation bias is the habit of searching for and favoring information that confirms what you already believe. Learn to recognize these and

other biases, and you adjust your strategy to make smarter, more rational decisions.

Emotional intelligence carries enormous weight at the table. It means recognizing and managing your own emotions and reading the emotions of the people around you. High emotional intelligence keeps you calm under pressure, and it helps you respond to the other side's feelings in a way that moves both of you toward agreement.

Empathy sits at the center of emotional intelligence. Empathy means understanding and sharing what someone else feels. It lets you step into the other person's shoes and see the deal through their eyes. Empathy builds rapport, earns trust, cools conflict, and opens the door to creative solutions where everyone wins.

Perceived fairness drives outcomes too. People say yes to terms they see as fair, and researchers call this pull the fairness heuristic. Frame your proposals so they speak to the other side's sense of fairness, and watch how much faster people agree.

Power matters as well. Power in negotiation means influence, your ability to move the other side toward the outcome you want. It comes from expertise, information, resources, and personal qualities like charisma and confidence. Know where your power comes from and use it with care whenever the room tilts out of balance.

That night in the red booth proved that a winning negotiation takes many moving parts working together, the way a good kitchen does on a busy Friday night.

The psychology of negotiation runs deep. Understand the thinking and the emotions behind every move, and you will negotiate with more insight and more success. Your goal reaches past getting what you want. You want to understand what the other party wants too, and then find the solution that satisfies both of you, and the tools in this chapter prepare you to do exactly that.

CHAPTER 4

Listen Harder Than You Talk

Listening and asking the right questions matter as much as stating your demands, and in many negotiations they matter more. This chapter shows you how to sharpen both skills.

What the Dentist Truly Wanted

Jenna owns a small commercial cleaning company with six employees and two vans. She bid on a contract to clean a busy dental office twice a week, and the dentist, Dr. Patel, called her in to talk.

Dr. Patel opened by saying her price was too high. Most business owners would have started cutting. Jenna asked a question.

"What happened with your last cleaning company?" she said.

Dr. Patel sighed and told her the whole story. The last crew skipped the exam chairs more than once. A patient noticed a smudge on a chair arm and posted a one star review that still sits at the top of his page. He had spent years building his reputation in town, and one sloppy night had put a dent in it that he still felt every time a new patient called the front desk and mentioned that they had read the reviews before booking.

Jenna listened closely and heard the real concern sitting under his words, his reputation. Dr. Patel asked sharp questions of his own. "How do you train your crew?" "Who checks the work?" Jenna answered each one, and then she offered a written sanitizing checklist for every exam room plus a quick Friday walkthrough with his office manager.

Dr. Patel signed at her original price. Careful listening and good questions turned a price fight into a deal built on what he truly needed.

Listening in negotiation means more than hearing words. It means understanding the other side's interests and the emotions behind them. It means catching the small signals in what they say and how they say it, and then responding in a way that shows you understand and respect their view. Professionals call this active listening.

Active listening asks for your full attention. Let the speaker finish without interrupting, and give feedback that proves you understood. It takes patience and openness. Stop building your reply as the other person talks, and stay fully present in the conversation.

Active listening builds trust and cuts down on misunderstandings, and it sets the stage for honest communication. It also hands you valuable information about the other party's needs and strategy, information you then use to shape smart responses and proposals.

Listening brings information in. Questions go out and get it. The right question carries as much weight as the right answer, because questions gather facts and get people thinking.

You will use two kinds of questions. Open ended questions are broad and invite detailed answers that reveal thoughts and feelings. They often start with what, how, why, describe, or explain. Closed ended questions are narrow and draw short or one word answers, and they work well for confirming information or narrowing your options.

MAKE OPEN ENDED QUESTIONS WORK FOR YOU

An open ended question refuses a simple yes or no. It demands a thoughtful, detailed answer, and it prompts people to share what they think and feel. That makes it an essential tool for negotiators and mediators, because it brings the hidden issues and motivations behind a dispute to the surface. Here is what open ended questions do for you.

They surface the real issues. Ask open ended questions and people talk about their concerns and needs in detail, and you see the root cause of the dispute. In a business dispute over contract terms, skip "Are you unhappy with the contract?" because you will get a yes or a no. Ask, "What concerns do you have with the current contract?"

They get people talking. Open ended questions get both sides talking and working together. People who feel heard cooperate more and compromise more. In a family mediation, replace "Do you want the children to stay with you?" with "What living arrangement do you see working best for the children, and why?"

They build rapport. An open question gives the other person permission to speak, and it tells them their thoughts and feelings count.

They hand you information you never knew to ask for. People who talk freely mention the deadline driving their decision, the boss they answer to, the budget ceiling they must stay under, and the fear keeping them up at night, and in my experience those unplanned details settle more cases than any prepared argument ever does.

ASKING QUESTIONS THAT GET REAL ANSWERS

Be curious for real. Ask because you want to understand the other side's view. That intention shapes the question, and your tone of voice carries your interest across the table.

Invite detail. Starters like "Tell me more about..." or "What led you to feel..." pull out the specifics you need.

Avoid leading questions. You want the other person's honest view.

Listen actively. Summarize or reflect back what you heard. When people see that you understand, they keep talking, and every extra minute they talk gives you more to work with.

Keep your goal in front of you. You ask questions to understand the other side and to settle the conflict, and winning the conversation has nothing to do with it. Used this way, open ended questions become one of the strongest tools you will ever bring to a negotiation or mediation.

One last thought on questions. Timing matters as much as wording. The art of inquiry means asking the right question at the right moment, and it means creating a safe environment where the other party feels free to share. Show genuine interest

in their view and respect it, including the parts you disagree with.

Listening and inquiry give you a real edge. They build strong relationships and bring hidden interests into the open, and that combination gives you what you need to negotiate well.

CHAPTER 5

What Your Body Says First

Words tell only part of the story at the negotiation table. Body language carries enormous weight, and most people overlook it. Facial expressions, gestures, posture, and eye contact often say as much as your words, and sometimes more. This chapter breaks down how body language shapes the course and outcome of a negotiation.

Reading body language gives you information words never carry. Your counterpart says yes to a proposal, and their crossed arms, tight smile, missing eye contact, and restless fidgeting tell you they feel uncomfortable or disagree. Your own body sends signals too. Sometimes those signals contradict your words or reveal your true feelings, and they weaken your position without you realizing it.

Arms Crossed at the Auto Shop

Ray owns a two bay auto repair shop. Linda walked in on a Monday morning because her brakes were squealing, and Ray quoted her \$480 for new pads and rotors.

Linda said, "Okay." Her body said something else. She crossed her arms and kept glancing down at her phone, where a competitor's quote sat open on the screen.

Ray read every signal. He stepped out from behind the counter, which put him on her side of the room, and he walked her into the bay where her car sat up on the lift. He kept his hands open and his eye contact steady, and he showed her the worn pads and the deep grooves in the rotors, so she saw exactly what he saw and understood why the quote landed where it did.

Linda's arms came down. She leaned in and started asking questions. Without thinking about it, she matched Ray's relaxed posture, and Ray matched her slower pace of speech.

Each of them read the other without saying a word about it.

Linda approved the repair, and then she asked Ray to look at her daughter's car the following week. Ray's body language backed up every word he said, and that match built the trust that turned one brake job into a loyal customer.

Watch these elements of body language at the table.

Facial expressions. Faces usually reveal the most. Happiness, sadness, anger, surprise, fear, and disgust all show clearly on a face. Watch your counterpart's expressions for clues about how they feel and how they react to what you say.

Eye contact. Steady eye contact signals confidence and sincerity, and it shows you are engaged and interested. Push it too far and intense, prolonged eye contact comes across as aggressive or invasive.

Posture. An upright, open posture signals confidence and a positive attitude. A slouched, closed posture signals defensiveness, insecurity, boredom, or fatigue.

Gestures. Nodding, pointing, shrugging, and hand movements all count. Gestures reinforce your words, and sometimes they contradict them and expose deception or unease.

Personal space. Proxemics, the study of personal space, tells you a lot. The distance between negotiators signals comfort, intimacy, aggression, or dominance.

Touch. Touch is tricky territory. A light touch sometimes conveys reassurance or agreement, and the same touch feels invasive or inappropriate to someone else, depending on cultural norms and personal preference. When in doubt, keep your hands to yourself.

Micro expressions. These brief, involuntary flashes cross the face when someone hides or holds back an emotion. Catch one and you get a real look at what the person feels.

Body language gives you a strong tool. Use it to read your counterpart, and use it to keep your own signals under control.

Above all, keep your words and your body in agreement. Consistency builds trust. When your nonverbal signals contradict what you say, the other side starts to question your sincerity and your honesty, and once that doubt takes root in their mind it follows you through every remaining minute of the negotiation and often into the next deal you try to do with them.

CHAPTER 6

When the Other Side Digs In

Every negotiation hits obstacles. The other side raises objections and pushes back, sometimes hard, and sometimes the talks stall completely. This chapter gives you the skills and strategies to handle those moments and turn potential deal breakers into progress toward agreement.

| Twenty Weddings and a Patient Baker

Carmen owns a small family bakery known for its wedding cakes. Diane runs the busiest wedding planning business in the area, and she wanted Carmen as her go to baker for about twenty weddings a year.

That contract would change Carmen's year. Diane knew it, and she came ready with objections.

First Diane pushed on price, saying another bakery charged a dollar less per slice. Carmen listened without interrupting, then walked her through the real butter and the hand piping that made her cakes worth it.

Next Diane worried about delivery, because one late cake had nearly ruined a reception she planned last spring. Carmen asked what went wrong that day and learned the old baker had no

backup driver. She offered a two hour delivery window with her husband on call as a second driver.

Then came last minute changes, and then came the fear every planner carries, a cake damaged on the way to the venue. Carmen answered each one calmly. She agreed to accept flavor changes up to two weeks before the wedding, and she promised a free replacement sheet cake waiting in her cooler on every wedding day, an insurance policy that cost her little and told Diane that Carmen had thought about the worst day long before it ever arrived.

Diane pushed hard, and she pushed fair. Carmen stayed patient. By the end of the afternoon, every objection had a clear answer, and the two women shook hands on a deal for the whole wedding season.

OBJECTIONS

An objection is an expression of concern or disagreement about a proposal or some part of the negotiation. Objections come from different interests, missing information, misunderstandings, or emotional reactions. Treat every objection as a signal pointing to an issue that needs more discussion and a bit of creativity. Use these four strategies when an objection lands.

- 1 Listen and understand.** When someone raises an objection, listen closely without interrupting. Work to understand the concerns and needs driving it. Empathy and respect lower the tension and make room for productive conversation.

- 2 **Clarify and confirm.** Ask questions to clarify the objection and confirm you understood it correctly. Those questions often reveal a misunderstanding or bring out information that settles the issue.
- 3 **Respond thoughtfully.** Once you understand the objection, answer with thought and respect. Defensive or dismissive reactions raise the temperature and stall progress. Offer the facts or the alternative proposal that speaks directly to the concern.
- 4 **Check that it is settled.** Ask the other side whether your answer resolved their concern, because an objection you think you handled has a way of coming back at the worst moment, usually right before signing.

RESISTANCE

Resistance runs deeper than an objection. It shows up as stubbornness, avoidance, silence, or a flat refusal to cooperate, and it usually grows out of fear, mistrust, wounded pride, or a power imbalance. Handling resistance takes patience and a deep understanding of the other party's view. Here are five ways through it.

- 1 **Diagnose the source.** Figure out what drives the resistance. Fear of change, mistrust, embarrassment, and a perceived power imbalance top the list. Ask open ended questions to find out, because once you know the source, you know how to respond.

- 2 Build trust and rapport.** When mistrust fuels the resistance, invest in trust. Communicate openly, show empathy, keep your word, and stay consistent from one meeting to the next.
- 3 Give the other side more control.** When a power imbalance drives the resistance, level the field. Share information, bring the other side into decision making, acknowledge their concerns and interests, and give them a real say in the timeline.
- 4 Offer alternatives.** Put forward alternative proposals that speak to the concerns behind the resistance. Alternatives prove your flexibility and your commitment to an agreement that works for everyone.
- 5 Be patient and persistent.** Breaking through resistance takes time, so stay committed to your objectives and keep the conversation going.

IMPASSES

Impasses happen all the time in negotiations and mediations. They grow out of different interests and priorities, and they feel frustrating in the moment. Every one of them has a way through. These ten tools work.

- 1 Reframe the discussion.** Impasses usually happen when people dig in on positions. Shift the conversation to interests and ask about the needs and values sitting behind each position. Talking about those opens the door to creative solutions and common ground.

- 2 Bring in a mediator or facilitator.** A neutral third party moves a stalled conversation forward. A good mediator spots the real issues and helps both sides generate solutions. Labor disputes use this tool all the time, with a neutral mediator helping management and union representatives reach agreement.
- 3 Listen actively and show empathy.** Show the other party you understand their position and their feelings. People who feel heard and valued get less defensive and more open to compromise.
- 4 Break the problem down.** A large, complex issue feels overwhelming and freezes people in place. Break it into smaller parts. Each small win builds momentum, and momentum carries you toward the bigger issue.
- 5 Use objective criteria.** Some impasses come from clashing opinions, and objective standards point everyone toward a fair answer. In a salary negotiation, industry salary data gives both sides a useful benchmark.
- 6 Take a break.** When tempers run hot, call a break so everyone cools down and comes back with fresh eyes.
- 7 Revisit your BATNA.** Know your Best Alternative To a Negotiated Agreement. When the talks stop delivering a satisfactory outcome, your alternatives tell you whether to keep negotiating or take another route.
- 8 Picture the future.** Ask each party to picture a future where the conflict is resolved, then work backward to identify the steps that lead there. This exercise produces new insights and makes compromise easier.

- 9 **Run what if scenarios.** Propose hypothetical scenarios to spark new ideas. A good what if helps people see the problem from a new angle and spot solutions they missed.
- 10 **Change the environment.** A change of scenery shifts mindsets. Hold the next session somewhere different, a neutral location or even outdoors when the situation fits, because a new room with new light and new chairs often gives people the permission they need to let go of an old position and try on a new one in front of the person they have been fighting with.

METAPHORS THAT GET PEOPLE MOVING

One more tool fits perfectly here. A good metaphor shifts perspective and breaks a deadlock during resistance or an impasse. Here are ten metaphors I use to keep the conversation moving in the right direction.

- 1 **The stuck wheel.** "Sometimes a stuck wheel needs a little nudge to get rolling again. Let's work together and get this conversation moving."
- 2 **Building a bridge.** "Think of this negotiation as a bridge between our positions. We start on opposite sides, and every plank we lay brings us closer to meeting in the middle."
- 3 **The knot.** "Negotiations sometimes feel like a giant knot. Every knot, no matter how tangled, comes loose with patience and persistence."

- 4 **Sailing against the wind.** "Negotiating is like sailing against the wind. Sailors make progress by tacking, moving in a zigzag pattern, and we will reach our destination the same way."
- 5 **The garden.** "Negotiations need care like a garden. We plant the seeds, water them, pull the weeds, and eventually we grow something that flourishes."
- 6 **Climbing the mountain.** "Reaching agreement is like climbing a mountain. The climb is tough and we will lose our footing at times, and every step takes us closer to the summit."
- 7 **Clearing the stream.** "Right now our conversation feels like a stream blocked by debris. If we work together, we clear the obstacles and let the conversation flow freely again." Sometimes I add a little Ted Lasso philosophy and say, "Let's be beavers."
- 8 **The orchestra.** "Negotiations work like an orchestra. The music comes together only when every instrument plays in harmony, so let's tune our instruments and make something worth hearing."
- 9 **The lighthouse.** "Think of our shared goals as a lighthouse in the fog. We don't see the whole path right now, and if we keep steering toward the light, we will get there."
- 10 **The jigsaw puzzle.** "Finding a resolution is like finishing a jigsaw puzzle. All those scattered pieces look impossible at first, and with patience every piece finds its place and the whole picture appears."

Every one of these obstacles belongs to the negotiation process. Objections and impasses force both sides to rethink their

positions and understand the conflict more deeply, and that hard work leads to better resolutions. Use the tools in this chapter and treat every obstacle as a chance to move forward.

CHAPTER 7

The Art of Persuasion

Persuasion is the performance that turns the tide at the negotiation table. It sways opinions and shapes outcomes. Strong arming the other party into submission wins nothing that lasts. Real persuasion influences how the other side thinks and feels about the deal, and it builds mutual understanding and agreement along the way.

Two Open Chairs

Nina owns a busy hair salon on Main Street with two empty chairs to rent. Marcus is a talented stylist with a loyal following, and he wanted one of those chairs.

Nina moved first with scarcity. She told Marcus that five stylists had already asked about the two chairs, and she made those spots sound as rare as a Saturday morning appointment. Then she used authority. She pointed to the framed award by the front door naming hers the best salon in town three years running, and she reminded him that her books stayed full six weeks out.

Marcus answered with the contrast principle. He set his 400 loyal clients next to the slow Tuesdays and Wednesdays her salon sat through every week, and his offer suddenly stood out

from every other name on her list. Then he used commitment and consistency. He pulled up a newspaper story from last spring where Nina said she wanted to build the most talented team in the county, and he asked whether she still meant it.

Nina laughed, because he had her. She agreed to a lower chair rent for his first six months, and Marcus agreed to fill those slow weekday afternoons with his regulars, a deal that turned Nina's emptiest hours into steady income and handed Marcus a chair at the best salon in town.

Right there between the hair dryers, the lesson came through loud and clear. Read the other person's position and play the right card at the right moment, and you walk out with the deal.

Aristotle, the ancient Greek philosopher, broke persuasion into working parts more than two thousand years ago, and four decades of courtroom work taught me to add one more part of my own, so here are all four, the elements that move juries and business partners alike every single day.

Ethos, or credibility. Ethos covers your character and your competence. People say yes to someone they trust and see as knowledgeable, someone who wants a deal that helps both sides. Build credibility through honest communication and real expertise, and keep your words and actions consistent.

Pathos, or emotion. Pathos means appealing to the other side's emotions. Manipulation has no place here. Understand what the other person feels and respond in a way that builds rapport and connection. Stories and vivid language stir the emotions that move people toward agreement.

Logos, or logic. Logos means clear, rational arguments behind your proposals. Bring facts and sound reasoning that justify your demands and show the other side the benefits of your solution. Keep one thing in mind. What feels logical to you sometimes feels illogical to the other side, given their interests and values.

Timing. Timing is the element I added from the courtroom. Deliver your strongest point after the other side has vented and feels heard, because that is the moment people are ready to listen.

Layer the principles of influence on top of those four elements. Social psychologist Robert Cialdini identified six principles of influence, backed by decades of research: reciprocity, scarcity, authority, consistency, liking, and consensus. They show you how people make decisions, and they guide how you shape those decisions at the table.

Reciprocity. When someone receives a favor or a benefit, they feel obligated to return it. Offer goodwill or an early concession and the other side feels a pull to respond in kind. Show flexibility early and you set a cooperative tone for the rest of the negotiation.

Scarcity. People want what is rare or limited. Point out what makes your offer exclusive or time sensitive, and its value rises in the other side's eyes. Scarcity motivates people to act quickly and favorably.

Authority. People follow and respect authority figures. Position yourself as an expert, or bring in the expertise of others, and your persuasive weight grows. Share your qualifications and relevant wins to build confidence in your proposals, and cite respected industry authorities or data from credible sources to add even more weight.

Consistency. People want to act in line with what they said and committed to before. Point to shared goals and earlier agreements. Remind the other party of their previous statements, or show how your proposal fits the values and objectives they already hold.

Liking. People say yes to people they like. Build rapport, find common ground, listen actively, and show real interest in the person across from you. Likability raises your persuasive influence and improves your outcomes.

Consensus. People look at what others do to decide what to do themselves. Share testimonials and success stories from people and organizations who benefited from similar agreements. That social proof shows the other party that others already endorsed your approach, and they follow suit.

Build these principles into your strategy and you guide the decision making process with real persuasive force. Use them ethically and with honest intent, so every outcome benefits both sides and your relationships stay built on trust.

Remember this. Persuasion at the other party's expense costs you in the long run. Persuade to find solutions that satisfy both sides and create value for everyone. Used with respect and

integrity, persuasion turns negotiation from a battle of wills into a creative collaboration.

CHAPTER 8

Your BATNA, Your Strength

Your ability to walk away gives you real strength at the table. That strength comes from knowing your worth and knowing your alternatives. This chapter shows you how to find your BATNA, your Best Alternative To a Negotiated Agreement, and how to use it to get better outcomes.

Negotiation scholars Roger Fisher and William Ury coined the term BATNA. It means the most attractive option you have if talks fail and no agreement happens. Measure every potential deal against it.

To find your BATNA, brainstorm every alternative to a negotiated agreement. Ask yourself what you will do if talks collapse and which other parties or solutions meet your interests. Then evaluate each alternative by how well it meets your interests, how likely it is to work, how many resources it demands, and how long it takes. The strongest alternative becomes your BATNA.

The Flower Shop's Hidden Card

Kim owns a small flower shop, and she wanted to sell fresh bouquets at Bob's family grocery store, the busiest independent

market in town. Bob knew his foot traffic was worth a lot to a small shop like hers.

Bob seemed to hold the upper hand. He had the shelf space Kim wanted, and he already had a supplier selling cheap carnations by the register. He opened with a low price per bouquet, a number that would barely cover Kim's flowers.

Kim came prepared. She held a standing offer from a local wedding venue for weekly table arrangements, and she knew exactly what that offer was worth. She told Bob she had other business on the table without naming the venue or the price, and the pressure landed exactly where she wanted it.

Bob understood. He raised his price per bouquet and gave Kim the display stand right by the front door. One well used BATNA shifted the balance of power and produced a better agreement.

Knowing your BATNA gives you power at the table. It sets a clear standard for judging every offer, so you only say yes to deals that beat it. It also gives you confidence and resilience, because other options are waiting if this negotiation fails. Every strong settlement I have negotiated taught me the same lesson.

Your best deal starts the moment you know exactly what you will do if the other side says no.

Using your BATNA means letting the other side know, quietly, that you have options and will pursue them if this deal falls short. Do it with tact and respect. Nobody responds well to threats or arrogance.

Your own BATNA tells half the story. Make educated guesses about the other party's BATNA too, because their alternatives reveal their strategy and how satisfied they feel with the current talks, and those guesses show you where both of you stand to gain from an agreement that beats whatever each of you would face walking out the door alone.

CHAPTER 9

Creating and Claiming Value

Most people treat negotiation as a zero sum game, where every gain for one side comes out of the other side's pocket. That view caps what negotiation delivers, and it costs you relationships that should last for years. This chapter teaches you to create value and to claim value, and it gives you strategies for doing both.

Round Two at the Boxing Gym

Tasha owns a small boxing gym, and after six years of packed classes she wanted to open a second location across town. Greg, a retired contractor who had trained at her gym since day one, offered to invest.

They sat down on the bench by the heavy bags after the six o'clock morning class. Tasha opened by showing Greg what the second gym would do. She laid out her waitlist of 140 people and the numbers from her first location, and she created value in Greg's eyes before she asked for a dime.

Greg liked the numbers. He also wanted his share. He asked for forty percent of the new gym.

Tasha countered by mentioning the small business loan her bank had already approved, which kept the conversation honest.

Then she offered something new. She proposed a twenty percent stake, and she asked Greg to oversee the buildout at cost along with a seat at the table on every big decision for the new location, a package that gave Greg pride and a real role and gave Tasha an expert builder at a price no other contractor in town would ever match.

Greg grinned and shook her taped up hand. Their talk on that bench proves that negotiation works a lot like a good round of sparring, because you need two skills to come out on top, setting up an offer attractive enough to draw interest and knowing the exact moment to step in and claim your share.

Creating value, also called expanding the pie, means finding shared or compatible interests and turning them into options that benefit everyone. It shifts the negotiation from a competitive battle into collaborative problem solving. Here are four ways to create value.

- 1 Find shared and compatible interests.** Open communication and active listening bring interests to the surface that you share with the other side or that fit with yours. Those interests become the raw material for value.
- 2 Generate multiple options.** Expand past a single issue or a single solution. Brainstorm options that speak to the different interests of every party, and you create value along with the flexibility to make trades.
- 3 Use objective criteria.** Standards for judging options keep the deal fair and good for both sides. Base them on industry standards, market prices, expert opinions, or scientific data.

- 4 **Build relationships.** Strong relationships breed trust and open communication, and value grows in that environment.

Claiming value means securing your share of what you created together. Claiming is competitive by nature, so bring a second set of tools.

- 1 **Know your BATNA.** Your Best Alternative To a Negotiated Agreement gives you a benchmark for every offer and tells you when to walk away.
- 2 **Be assertive.** State your interests and needs clearly, and stand ready to defend them. Balance that assertiveness with respect for the other side and for the relationship.
- 3 **Negotiate several issues at once.** Put every issue on the table together. Bundled issues let you trade concessions across them and raise your overall satisfaction.
- 4 **Use anchoring.** Make the first offer. The party who makes the first offer often holds the advantage, because that number sets the range of possible outcomes in their favor.

CHAPTER 10

Negotiating Across Cultures

Business crosses borders every day, and negotiating well across cultures has become an essential skill. Cultural differences shape how people negotiate and which results they accept. This chapter covers the challenges of cross cultural negotiation and the strategies that build strong international relationships.

Lunch Before Tortillas

Mike owns a busy burger joint, and he wanted to launch a Tuesday taco night with fresh tortillas made down the street at a family tortilleria run by Don Ernesto. Mike does business fast. He walked in with a price sheet and a pen on his first visit.

Don Ernesto smiled and poured Mike a coffee. He asked about Mike's family and his restaurant, and he left the price sheet sitting untouched on the counter.

Ernesto's daughter Lupe walked Mike out to his truck. She explained that her father had supplied the same restaurants for twenty years, and that he does business with people he knows and trusts.

Mike understood the cultural difference and held off on pushing for a quick close. He came back the next week for lunch, and the week after that he brought his own daughter to watch the

tortilla machine run, and over those visits Ernesto learned that Mike paid his bills on time and treated his cooks well, which told him more about the kind of partner Mike would be than any price sheet ever did.

Ernesto met Mike halfway too. On the third visit, he had Lupe type up the terms in a simple written agreement, because he knew Mike's world runs on paperwork. They shook hands over warm tortillas. Each man adapted to the other's way of doing business, and that flexibility produced a deal that worked for both of them.

Understanding cultural differences comes first. Cultures differ in their norms, values, communication styles, decision making, and ideas about trust and respect. Those differences shape the process and what each side expects from it. Watch these six dimensions.

- 1 Communication style.** Some cultures prefer direct communication, where the words carry the full meaning. Other cultures prefer indirect communication, where meaning lives in context and in what goes unsaid.
- 2 Time orientation.** Monochronic cultures see time as a straight line, and they value punctuality and getting things done fast. Polychronic cultures treat time as flexible, and they value relationships and adaptability.
- 3 Power distance.** High power distance cultures accept hierarchy and gaps in power. Low power distance cultures prefer equality and flat structures.

- 4 **Individualism and collectivism.** Individualistic cultures put individual rights and achievements first. Collectivist cultures put group harmony and cooperation first.
- 5 **Structure.** In many cases, American negotiators prefer a principled approach that keeps the focus on the problem and off the people, and their negotiations run issue by issue, backed by logic and hard numbers. Negotiations in many other countries run on relationships. Trust and rapport come first, and business waits until they exist. In those settings, personal connection and mutual respect decide whether the deal succeeds.
- 6 **Risk tolerance.** Some cultures feel comfortable with uncertainty and risk, and researchers call them low uncertainty avoidance cultures. Others prefer certainty and stability, and researchers call them high uncertainty avoidance cultures.

Know these differences and you adapt your strategy and build stronger relationships. Five strategies make cross cultural negotiation work.

- 1 **Do your homework.** Research the other party's culture before you sit down, including their norms and negotiation practices. Homework shows respect, and it helps you see cultural friction coming.
- 2 **Build relationships.** In many cultures, the relationship comes before any deal. Invest time in rapport and trust before you start negotiating terms.

- 3 **Communicate clearly and respectfully.** Language and cultural gaps breed misunderstandings, so keep your language simple and respectful. Use interpreters or translators when you need them.
- 4 **Stay flexible.** Adapt your style and strategy to the cultural setting, and show patience and openness as you work through differences.
- 5 **Seek outcomes where both sides win.** Every culture shares the same goal at the table, an agreement that benefits everyone. Find common ground and create value that crosses cultural lines.

CHAPTER 11

Where Ethics Draw the Line

Every negotiation carries moral weight. Ethics shape the process and the outcome, along with the reputation and the relationships of everyone involved. This chapter explains why ethical boundaries matter and how to protect your integrity as you pursue your goals.

A Clause Left Blank

Elena runs a small catering company built on her grandmother's recipes. Jim owns the biggest car dealership in town, and he wanted Elena to cater his monthly customer appreciation events for a full year.

The talks put both of them in front of an ethical line. Jim's sales manager asked Elena to share her recipes and her supplier list, saying he wanted to check her food costs. Handing them over would have sped up the deal, and it would have given away the secret behind her whole business.

Elena kept her recipes private. She invited Jim and his manager to a tasting and served her grandmother's mole and her famous tres leches cake. She also showed them her food safety certificate and her insurance paperwork, and the food did the selling.

Jim faced his own test. Reading Elena's draft contract, he spotted a gap. She had left the cancellation clause blank, which meant Jim was free to cancel any event the night before and owe her nothing, even after she bought the food and scheduled her staff.

A short term win sat right there on the page. Jim pointed it out. He proposed a fair fifty percent payment for any event canceled within a week of the date, because he wanted a caterer he trusted for years, and a deal that burned Elena once would have cost him that caterer along with his reputation among every small business owner who heard the story around town over the next decade.

Their negotiation produced a fair agreement and laid the groundwork for a long working relationship.

Negotiation ethics rest on honesty, fairness, respect, and responsibility. Unethical tactics like lying, manipulation, coercion, or breach of trust damage relationships and reputations, and sometimes they end in court. They also undermine the negotiation process itself and its potential to produce lasting agreements that benefit everyone.

Follow these five guidelines.

- 1 **Be honest.** Honesty is the cornerstone of ethical negotiation. Tell the truth, and disclose relevant information when the law or the situation requires it. Honesty never requires revealing everything you know, and a good negotiator understands that careful silence and dishonesty sit miles apart.

- 2 **Be fair.** Fairness means treating the other party with respect and looking for outcomes that benefit both sides. Use objective criteria to judge options and agreements, and refuse to exploit power imbalances or vulnerabilities.
- 3 **Respect autonomy.** Respect the other party's right to make their own decisions and to set their own boundaries. Coercion and undue pressure have no place at your table.
- 4 **Honor commitments.** Keep every commitment you make, because a broken commitment destroys trust and sometimes carries legal consequences.
- 5 **Be responsible.** Take responsibility for your actions and decisions. Own your mistakes, fix them, accept the consequences of your choices, and consider the broader effect of your negotiation on society and the environment.

Know and follow the laws and professional codes of conduct that govern your negotiations. Build a personal code of ethics to guide your behavior at the table too.

Ethical negotiation protects your integrity and your reputation, and it raises the quality and staying power of every agreement you reach. It builds trust and cooperation, the two ingredients every successful negotiation needs.

CHAPTER 12

Mastering Virtual Negotiations

Technology and remote work made virtual negotiation part of everyday business. Phone calls, emails, video conferences, and other digital platforms bring their own challenges and their own opportunities. This chapter gives you strategies to master virtual negotiations and get strong results through a screen.

Candles Across the Ocean

Danielle runs a candle business out of her garage in Ohio. Her customers love her candles in heavy glass jars, and she found a family glass company in Portugal, run by a man named Tiago, that made exactly the jars she wanted at a better price. The thousands of miles between them shrank to the size of a video call as they prepared to negotiate a year long order.

Before the call, Danielle read up on Portuguese business etiquette, because understanding your counterpart matters even more on a screen. She also emailed Tiago a short agenda the day before, giving them a map for the discussion.

Their first hurdle hit fast. Without sitting in the same room, neither of them read the other's reactions well, and reading reactions sits at the heart of every negotiation. Danielle began

repeating each of Tiago's points back to him in her own words, and Tiago confirmed or corrected every one. That steady feedback loop filled the gap the missing body language left behind, so neither of them hung up guessing what the other meant about the price per jar or the shipping schedule, and each of them ended the call trusting that the other had heard every word.

The time difference created the next challenge. Danielle was finishing her morning coffee as Tiago was wrapping up his workday. She heard the fatigue creeping into his voice, so she proposed a break and a follow up call the next morning his time. That small act of consideration built mutual respect and turned a potential pitfall into a stronger working relationship.

Then technology tested them. Halfway through the second call, the wifi in Danielle's garage started cutting out. They refused to let it derail them. They switched off video to save bandwidth and typed the key numbers into the chat, and the discussion kept moving.

Careful preparation and cultural sensitivity carried them through, along with open communication and the flexibility to solve problems on the spot. Their deal crossed an ocean, and it closed successfully.

Virtual negotiations lack physical presence and the instant feedback of a face across the table, and those gaps affect communication, relationship building, trust, and control of the process. They also bring flexibility and access to people

anywhere in the world. Use these seven strategies to get the benefits and manage the challenges.

- 1 Choose the right medium.** Match the medium to the situation. Complex or sensitive negotiations benefit from video conferencing, with its visual cues and real time interaction. Simple or routine negotiations move fast over email or instant messages.
- 2 Prepare your technology.** Make sure you and the other party have the technology and the know how to run the meeting smoothly. Test your equipment and your connection in advance, learn the platform's features, practice sharing your screen, and keep a backup plan ready for technical problems.
- 3 Set ground rules.** Agree at the start on turn taking, use of mute, how to handle technical problems, and time management.
- 4 Communicate with precision.** Clear communication matters more on a screen. Be concise, be explicit, use visual aids or summaries for complex points, and check for understanding often.
- 5 Build relationships and trust.** Trust takes extra work without physical presence. Invest time in small talk, show empathy and respect, prove your reliability, and use video whenever possible to create a sense of presence.
- 6 Manage time and pace.** Virtual negotiations bend more easily and drag on longer. Set timelines and respond quickly so the momentum stays alive.

- 7 **Stay secure.** Digital negotiations carry privacy and security risks. Protect your information with secure platforms and good cybersecurity habits, and use confidentiality agreements when the situation calls for them.

CHAPTER 13

Closing the Deal and Making It Stick

Closing the deal and making sure it gets carried out matter as much as everything that came before. This is where all your hard work pays off. This chapter shows you how to close with confidence and how to make sure everyone delivers on what they agreed to.

Signed at the Kitchen Table

Luis owns a small lawn and garden company with three trucks. The homeowners association for a neighborhood of 120 homes wanted to replace every front lawn with drought tolerant plants, and Luis was one signature away from the biggest contract of his career. He sat down with Barbara, the association president, at her kitchen table.

Luis opened the final round by walking through the benefits both sides stood to gain, lower water bills for every homeowner and steady year round work for his crew.

Then Barbara raised a concern. The board wanted every yard finished before summer, and she doubted one small company would pull that off. Luis proposed a staggered rollout, street by street, starting with the homes facing the main entrance. The

plan got the most visible yards done first and left room for adjustments as his crew learned the neighborhood.

With the agreement in reach, Luis stressed the importance of putting everything in writing. He proposed a short monthly check in with Barbara after the signing, so both sides would carry out the agreement smoothly and settle any problem that surfaced months down the road with a quick conversation over coffee at that same kitchen table.

Luis pulled the contract up on his tablet, and Barbara signed it right there. Luis walked away with the biggest job of his career and a partnership built on trust and transparency, and he set the stage for a smooth rollout.

Closing the deal means reaching a final agreement that satisfies both sides to a reasonable degree. Four strategies get you there.

- 1 Summarize and clarify.** Summarize progress regularly and clarify the agreed terms. Summaries prevent misunderstandings and keep both sides on the same page.
- 2 Look for trades.** When issues remain open, look for compromises that meet both parties' interests.
- 3 Use objective criteria.** Base the final agreement on objective criteria, so the deal stays fair and both sides accept it more easily.
- 4 Confirm commitment.** Before you close, confirm the other party's commitment by restating the benefits of the agreement or resolving any lingering concerns.

Once the deal closes, your focus shifts to follow through. An agreement nobody carries out is worthless, no matter how well you negotiated it. Use these five strategies to make it stick.

- 1 Detail the agreement.** Spell out who does what, when, and how. Detail gives everyone clarity and makes follow through easy to monitor.
- 2 Set up monitoring.** Regular check ins, written reports, milestone deadlines, and third party audits keep everyone accountable and catch problems early.
- 3 Build in flexibility.** Leave room for surprises and changes, and set procedures for making adjustments and resolving disputes.
- 4 Protect the relationship.** Stay on good terms after the negotiation ends. Good relationships make follow through easier and lay the groundwork for your next deal.
- 5 Get it in writing.** When all is said and done, put your final agreement in writing and get it signed by every party with proper authority. I always keep a final agreement ready on my laptop. When the deal is done, my assistant or I fill in the blanks and use DocuSign so everyone signs digitally on the spot.

I have watched deals fall apart from buyer's remorse when nobody signed right away.

Get the signature the same day you shake hands, because buyer's remorse grows fastest in the hours after a deal feels done.

Wrap all that hard work in a bright red bow and deliver a complete, signed final agreement to every party.

CHAPTER 14

Getting Better Every Single Time

Mastering negotiation takes a lifetime. Every negotiation, win or lose, hands you lessons for the next one, and different tools and different times produce different methods and different outcomes. This final chapter shows you how reflection and steady learning turn experience into mastery.

| Ice Cream on the Back Porch

Jess and Amy are sisters who own a small ice cream shop near the beach. Over the years they built a reputation as tough, fair negotiators with every dairy supplier and landlord in town. Their partnership ran on shared goals and on a shared commitment to the habits in this chapter.

After every negotiation, the sisters headed to Amy's back porch with two bowls of whatever flavor was selling slowest that week. There, with the ocean breeze coming in and the workday finally behind them, they broke down what happened in the meeting and planned their next move, one honest question at a time, until both of them knew exactly what to repeat and what to fix. They worked through the same four questions every single time.

They started with strategy. They judged their opening approach and how well they adapted once talks began, and they asked whether they prepared enough and whether they spotted the interests underneath the demands fast enough to act on them.

Then they reviewed their communication the way a coach reviews game film. They studied the words they chose and the signals their bodies sent, and they asked whether they built real rapport and created value.

Next they looked at outcomes. They asked whether the agreements were fair, whether the relationships held, whether the deal got carried out as promised, and whether both sides would happily sit down together again.

Finally, they wrote down what they would do differently next time.

That habit, kept up deal after deal, is what turned two sisters with one small shop into the negotiators every vendor in town respects. They understood that negotiation, like running a small business, rewards the people who prepare and keep improving.

REFLECT

Reflection means studying your negotiation experiences for insight into your own performance. After every negotiation, set aside quiet time. Ask yourself what went well and what you would change. Notice what surprised you, and note what you learned about yourself and about the other party. Write your reflections down. Written notes lock in the lessons and let you track your progress over time. Over a year, those pages become your own personal negotiation manual.

LEARN FROM EVERY SOURCE

Learning turns those reflections into knowledge and skill for your next negotiation. Pull lessons from four places.

- 1 Your successes and your mistakes.** Every outcome teaches. Wins confirm the strategies that work, and mistakes point straight at what to fix. Truth be told, I have learned more from my mistakes and unexpected outcomes than from my easy wins, and I think you will too.
- 2 Feedback.** Ask your clients, the other party, observers, and mentors how you performed. Fresh eyes catch what you missed.
- 3 Other negotiators.** Watch skilled negotiators work, read negotiation books, attend training and workshops, and ask mentors for advice. Read and share the negotiation and communication tips I post at <https://mitchjackson.com>
- 4 Your own notes.** Reread your written reflections every few months, and the patterns jump off the page, like the same mistake showing up in three different deals, and once you see a pattern you fix it for good.

PUT IT TO WORK

Improvement means putting what you learned into your next negotiation. It calls for steady growth and constant refinement. Four habits get you there.

- 1 Set goals.** Use your reflections to set goals for your next negotiations. Decide which skills you want to sharpen and which outcomes you want to hit.

- 2 **Practice.** Negotiation improves with practice like any other skill. Look for chances to negotiate at work, at home, at your kids' school, and in your community. The more you negotiate, the more comfortable and skilled you become.
- 3 **Experiment.** Try new techniques and styles, and pay attention to what works best for you in the situations you face.
- 4 **Stay current.** Keep up with the latest research and trends in negotiation. New ideas keep your toolkit sharp.

The art of negotiation rests on relationships, understanding, creativity, and benefit for everyone at the table. Every tactic in this book serves those four things.

Walk into your next negotiation determined to listen hard and leave every person at the table better off than when they sat down, and then keep negotiating and learning for every remaining year of your life.

About the Author

MITCH JACKSON, ESQ.

Since 1986, Mitch has stood in California courtrooms helping people find justice on the worst day of their lives. He has fought for families who lost someone and for workers crushed by a system built to outlast them. He has also stood between local businesses and the large international corporations trying to bully them.

More than 70 jury trials later, he still answers the calls other lawyers send to voicemail, and he often serves as a private mediator on Zoom. When Mitch sees a way to help and add value, he steps up and makes it happen.

Mitch got here by clerking for every attorney who would let him through the door as he worked his way through law school. No family firm waited for him. He had a decision, a decision to learn how to protect people unable to protect themselves. That decision built Jackson & Wilson, Inc. into a firm recognized with AV Preeminent, Super Lawyers, OCTLA Trial Lawyer of the Year, and the CLAY Award for California Litigation Lawyer of the Year. Mitch has served as Judge Pro Tem and has mediated cases where the only way forward ran through what both sides truly needed.

Four decades of cross examination taught Mitch how power hides, and today he writes about it. His Substack newsletter, *Uncensored Objection*, delivers investigative legal and political analysis on the stories most commentators step around. He is the author of several books, including **Privacy in America**, **How to Survive Artificial Intelligence in Hollywood**, **Mastering the Art of Negotiation** and **The Mediator's Handbook**.

Mitch has spoken twice at Tony Robbins' Business Mastery events in front of thousands, and he speaks nationally on AI, deepfakes, privacy, trial strategy, and how technology is rewriting the practice of law.

Reach out if you face a fight you were told you have no chance of winning. Reach out if you need a mediator who gets both sides to yes, a sharper edge as a lawyer, a keynote that lands, or a straight answer from someone who has spent 40 years in the arena. Recommendations and more information here:

<https://linktr.ee/mitchjackson>