

30 GOLDEN RULES OF NEGOTIATIONS

Jacob A. Stein, a well-known, if not great, Washington, DC lawyer, who often functions as negotiator and mediator in resolving private sector disputes, offers 30 “golden rules” that experience has taught him. While a number of his rules are not applicable to negotiations in the federal employment arena, most are well worth remembering and observing:

1. Patience, patience, and more patience. Persistence, persistence, and more persistence.
2. Don't negotiate in a hurry.
3. If knowledge is power, you lose power when you talk and gain power when you listen. Be a dangerous listener. Don't interrupt.
4. Get used to being told no. Saying no often leads to getting to yes.
5. “No” may mean “maybe,” “not at this time,” “not exactly.”
6. At the conference table, don't be clever, be useful.
7. Know when to suspend negotiations to let time bring a better setting.
8. Avoid repeating your best points.
9. Avoid having your client available at the table.
10. Keep something in reserve. Your adversary may be doing just that.
11. Once there is agreement on the main issues, immediately settle the details, including the precise language of the closing documents.
12. Have an associate take notes.
13. Have in mind what your next move is if the negotiation fails.
14. What does your adversary really want: prestige, to look good to his principal, to get home before 7 p.m., to catch a plane, to delay so he will be better prepared at some later date?
15. What can you give away without affecting what you really want?
16. How is payment to be made: all cash, periodic payments, or personal guarantees?

- 17.** Emotion is to be used only as a device. Separate yourself from the case. Indignation and sarcasm are to be used, if at all, with care.
- 18.** When a document is presented, read it line by line, noting the date, who received copies, and whether it refers to other writings. Is it the original?
- 19.** When the session is over, identify all your papers, and put them in order before leaving the room. Make sure your adversary has none of your papers.
- 20.** What you say casually may be turned against you at a crucial time.
- 21.** “In the range of” means the lower figure.
- 22.** Don’t correct every mistake of fact when asserted by your adversary. Reserve as many as you can for later use.
- 23.** Don’t deal with absolutes. Beware of standing on principle.
- 24.** Patience, patience, patience.
- 25.** Make up your mind what you want before the negotiation begins.
- 26.** Don’t be afraid of leaving something on the table.
- 27.** Although everything is off the record, nothing is off the record.
- 28.** When you obtain a concession, write it down. Don’t ask that it be repeated. It will be modified.
- 29.** A bully is to be met with dignity and infinite resources of silence, interrupted by an occasional undisputed fact.
- 30.** And above all, not too much zeal and always patience, patience, and more patience. What’s the rush?