

# Negotiating Tips: Apply Scientific Principles of Persuasion and Influence To Negotiate Better Deals

"To persuade me, you must think my thoughts, speak my words, and feel my feelings."  
Cicero, circa 50 BC

"If I could dispense just one morsel of advice to mind changers, it is to spend less time trying to convince individuals of a new perspective, and more time trying to understand and thereby to neutralize resistances."  
Howard Gardner, Harvard Psychologist, author of Changing Minds

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This article is about how lawyers can become more effective, more productive, and more successful by applying the new science of persuasion and influence to their skill of negotiations and advocacy.

A large body of scientific research has demonstrated how using principles of influence can increase the likelihood you will reach agreement and get better deals. The most notable of the social psychologists, Dr. Robert Cialdini of Arizona State University, has accumulated extensive evidence about how judgments and decisions are strongly affected by three primary factors: 1. The rapport and relationship between the persons who are engaged in a social exchange; 2. the presentation of your argument in a way that will motivate the other party to accept your request or proposal; and 2. how information is framed. This scientific evidence provides negotiators with a roadmap for developing a number of useful influence strategies to reach their goals more efficiently and consistently.

## **1. Build rapport and relationships.**

The best negotiators spend four times more effort analyzing the needs, interests and personal characteristics of their negotiating partner than their less successful colleagues. The science of influence has repeatedly demonstrated that business deals are more likely to be successfully concluded when the negotiating parties develop rapport and personal relationships on which they can judge competency and trustworthiness. The principle of liking includes three levels of rapport building – people are more likely to say yes to someone they like; people will say yes to someone who is like them (similarity); and people will say yes to someone who likes them.

Research the background of your negotiating partner so that you can discuss things of common interest. The recent Hollywood writers' strike that resulted in an economic loss of over a billion dollars is a good example of the failure of the labor and management negotiators to develop rapport. There were numerous stories about the bad blood between the union representatives and the industry reps. The breakthrough came when one of the leading writers called a studio executive to talk about the impasse, went over to his house to share breakfast, and discussed little league baseball – a topic in which both were interested. The writer actually coached the studio executive's son's little league team. The strike was resolved in less than a week after that meeting.

Another rapport builder is the reciprocity principle. This principle states that if you give a gift, make a concession, or show good behavior to your negotiating partner, it will create a feeling in the other person of an obligation to reciprocate in kind – with similar positive behavior. The rule indicated by the scientific evidence suggest that in negotiations you should be the first to make the positive gesture which will increase the likelihood that you will be rewarded in return. This may seem counter-intuitive or contrary to common experience, but the results from numerous studies show that this first to offer a gift or concession increases the likelihood that you will receive reciprocal

benefits enabling you to achieve your objectives.

## **2. Motivating others to make decisions in your favor.**

Motivating your negotiating partner to make a decision to accept your proposal is accomplished by two proven strategies: 1. show evidence that you are a credible authority whose recommendation they can trust and demonstrate that many other persons similar to them have accepted what you proposed (the consensus principle), and 2. get your negotiating partner to take a stand on a principle or value, and then show how your recommendation is consistent with their principles and values. People generally try to be consistent with their earlier commitments.

## **3. Frame the information to get better compliance.**

Framing your proposal in a proper way can be the difference between acceptance and rejection. Studies have proven that if you show someone that he will avoid a loss by accepting your proposal, then it is more likely he would be motivated to decide in your favor. Conventional wisdom tells us that if you show the other person how much he stands to gain by accepting your recommendation, then you will be more persuasive. But the studies show the opposite - that the former approach is more effective, by using the scarcity principle, you will provide greater motivation to get others to agree with you than by arguing the merits about how they will benefit from the deal.

Framing also includes providing your negotiating partner an opportunity to choose from several mutually acceptable proposals (offer a choice). Rather than make one proposal, offer multiple simultaneous equivalent choices from which the other person can choose. For example, a good negotiating strategy is to combine price, service and payment schedules in different ways that allows the buyer to choose the package that he feels meets his needs best. Receiving a multiple offer satisfies the recipient in two psychological ways – it gives him the freedom to choose the proposal he wants and making him feel emotionally satisfied that he got a bargain – the mid-price package may seem like a really good deal when presented in a side by side comparison with a higher priced package.

Being aware of the scientific principles of influence and knowing how to apply them can increase your negotiating effectiveness and success.

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*"Because of this seminar I am more confident about my speaking abilities and I also have practical tools that I can implement to help me continue to improve. Bravo Pincus!"  
Karen Simpson, Esq. (re: seminar and coaching)*

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Jeremy Glaser, Morrison and Foerster (re: coaching)*

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Jim Horen (re: coaching session and seminar)*

*"A 3 1/2 hour bang for the buck!"  
Karen D. Hill, Esq.*

*"Both Sandy and Faith did an excellent job! I have been practicing law for nearly 30 years and your analysis and suggestions were very informative. The course should be required for all attorneys."  
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*"Faith and Sandy did an excellent job!!! We were all very impressed and most importantly, we learned a lot. It really brought the rest of our day together."  
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*"Persuasion is a part of our daily lives and, for many of us as we become more senior in our careers, the essence of what we do. This workshop challenges you to think outside the box while at the same time practicing new skills— a great learning experience."  
L.B., Partner, Sheppard, Mullin, Richter and Hampton LLP*