Problem Solving Negotiation for Legislators

Former Senator David Landis

Definition

A negotiation is a trade

"I'll do Y, if you'll do X."
Two Strategy Options

- Seeking Advantage
- Seeking Joint Gain

Advantage Seeking

- Good short term results
- Hard to exploit
- Relatively easy to do
Advantage Seeking

- Hard on relationships
- Misses joint gain
- Breeds reciprocity

Joint Gain Seeking

- Expands the pie
- Benefits grow over time
- Builds relationships
Joint Gain Seeking

- Risks exploitation
- Takes more time and preparation
- Requires skill to be effective

Taming the Advantage Seeker

- Align your incentives
- Cooperation on terms is reciprocal, not individual
- Lift the horizon
- Develop "walk away" alternative
Trust:

- A two-sided coin: trusting, being trusted
- A shared problem
- Some assume trustworthiness
- Some assume untrustworthiness

Being Trustworthy

- Say what you mean, mean what you say
- Does not require full disclosure
- Worth its weight in gold
Trust:

- Operate independent of trust
- Reciprocal consequences

3 Characteristics of Negotiation

- Recurring pattern
- Tension
- Asymmetrical information
Tools for Mutual Gain

- Interests not positions
- Priorities traded across differences
- Fair process norms
- Objective criteria
- Trust through authentic communication

Use Objective Criteria

- Learn marketplace
- Frame dispute as a joint search for fair standards
- Adjust standards for unique circumstances
- Open with an offer you can justify
Focus on Interests, Not Positions

- Interests = underlying motivations
  - The answer to "why?"
- Positions = "yes or no" options
  - The answer to "how much?"
- Focusing on interests induces problem solving because they are flexible and create satisfaction.

Invent Options for Mutual Gain

- Brainstorm method of advancing parties' interests
- Invent first, then decide
- Link differences, priorities
- Maximize shared interests
Separate People from the Problem

Be unconditionally cooperative on process
- Good listening
- Fair characterizations
- Symbolic gestures

Separate Problem from the People

Be firm on fair outcomes
- Trade cooperation
- Reason, be open to reason
- Results need a fair, reasonable basis
Problem Solving Negotiation

"Good luck and good negotiating,

Dave Landis
dlantis2@unl.edu
**"WIN AS MUCH AS YOU CAN"**

<table>
<thead>
<tr>
<th>Round</th>
<th>Record Your Choice (Black or Red)</th>
<th>Score this Round</th>
<th>Total Score Thus Far</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Scoring Key (Five possible outcomes):**

- **4 Black cards:** Lose 1 point each
- **3 Black cards:** Win 1 point each  
  1 Red card: Lose 3 points
- **2 Black:** Win 2 points each: 2 Red: Lose 2 points each
- **1 Black:** Win 3 points  
  3 Red: Lose 1 point each
- **4 Red:** Win 1 point each

**Your net score**  
Net Score player 2  
Net score player 3  
Net score player 4