

# Problem Solving Negotiation for Legislators

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## 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

## Trusting

- 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

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**"WIN AS MUCH AS YOU CAN"**

Round	Record Your Choice (Black or Red)	Score this Round	Total Score Thus Far
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

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

Your net score \_\_\_\_\_

4 Black cards:  
Lose 1 point each

3 Black cards: Win 1 point each  
1 Red card: Lose 3 points

Net Score player 2 \_\_\_\_\_

Net score player 3 \_\_\_\_\_

Net score player 4 \_\_\_\_\_

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