WIN-WIN

OR NO DEAL!

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NEGOTIATING INTANGIBLES

- Tangible interests can be quantified.
- Intangible interests cannot be quantified or measured directly in monetary terms.

TANGIBLE	INTANGIBLE
• MONEY	• RELATIONSHIPS
• DATES	• FEELINGS
• TERMS	• FAIRNESS
•	•
•	•
•	•

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WHAT ARE THE "INTANGIBLES" WORTH?

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WIN-WIN AGREEMENTS

POSSIBLE NEGOTIATION OUTCOMES

Win-Lose, Lose-Win, Lose-Lose, Win-Win, No Deal.

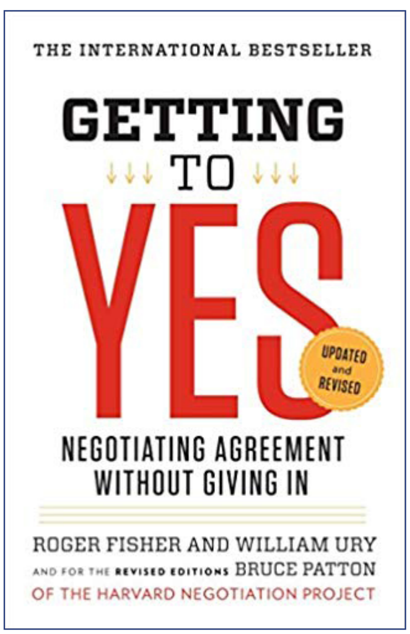
POSITIONAL BARGAINING

Each side takes a position, argues for it, and makes concessions to reach a compromise. This often results in lose-win, win-lose, or lose-lose (e.g., splitting the difference). Default move for most amateurs.

PRINCIPLED NEGOTIATION: A WIN-WIN APPROACH

An alternative to positional bargaining designed to produce “wise outcomes efficiently and amicably.”

A “Wise Agreement” meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account.



THE METHOD:

- Separate the people from the problem
- Focus on interests, not positions
- Invent options for mutual gain
- Insist on using objective criteria

KNOW YOUR BATNA

(Best Alternative To a Negotiated Agreement)

The Four Principles of *WIN-WIN* NEGOTIATION

*Based on the Principled Negotiation Method from **Getting to Yes** (Fisher & Ury, 1991)*

1 | SEPARATE THE PEOPLE FROM THE PROBLEM

- Negotiators are people first
- Every negotiator has an interest in the result, and in the relationship
- Separate the relationship from the substance; deal directly with the people problem (perception, emotion, and communication).

2 | FOCUS ON INTERESTS, NOT POSITIONS

- Interests define the problem.
- Each side has multiple interests. Discover underlying interests by asking directly. Ask yourself: “Why?” and “Why not?”
- The most powerful interests are basic human needs.

3 | INVENT OPTIONS FOR MUTUAL GAIN

Major obstacles to inventing an abundance of options:

- Premature Judgment
- Searching for a single answer
- Assumption of a fixed pie
- Thinking that their problem isn't your problem

4 | USE OBJECTIVE CRITERIA

Frame each issue as a search for objective criteria:

- “Let’s figure out what a fair price would be.” or "How did you arrive at that figure?”
- Reason and be open to reason

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WIN-WIN LANGUAGE

- What's most important to your client?
- What would a good outcome look like for your client?
- What if…?
- Help me understand…
- Tell me more about that…
- What is your biggest concern?
- What is your client's biggest concern?
- What matters most besides price?
- What would make this work for both sides?
- Where do you think we have some flexibility?
- What am I missing?
- Is there another way we could structure this?
- Let me see what I can do.
- Give me something I can work with, and I'll see what I can do for you.
- How can I help you?
- I'm looking forward to working with you.
- If my client were willing to ______________________________, would your client ______________________________?

ACTION PLAN

☐ **IDENTIFY HOW YOU WILL APPLY ONE PRINCIPLE IN YOUR NEXT NEGOTIATION**
(Example: Separate the people from the problem by pausing before reacting and asking, *“What’s the issue here, not who’s to blame?”*)

☐ **PRACTICE UNCOVERING WHAT MATTERS MOST**
Write one question you’ll use to uncover the other party’s real interests, not just their position.

☐ **DEVELOP YOUR GO-TO PHRASES**
Pick two phrases from the Win-Win Language list that you’ll use to reduce tension and open dialogue in your next conversation.

Evan Fuchs is a longtime broker-owner, national speaker, and instructor with three decades of experience serving at the local, state, and national levels. Known for his down-to-earth style and real-world insight, he delivers practical, engaging programs that help professionals communicate more effectively, make better decisions, and turn ideas into action. Outside the boardroom, Evan is a proud husband and girl dad, accomplished concert-goer, and lifelong learner.

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