

Negotiating Like Lives Are on the Line

The Essentials of Crisis Negotiation for Use in Everyday Situations

by Jonathan Pultz

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for Use in Everyday Situations*



JONATHAN PULTZ

This book is dedicated to those out there who are driven to make a difference. May your determination and work ethic push you to be your very best.

“Waste no time arguing what a good man should be. Be one.”

MARCUS AURELIUS



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Introduction



Our thought process exactly matches our evolution: First, survival. Then, social relationships. Finally, problem solving.

— OREN KLAFF, 2011 —

This book covers crisis negotiations, lessons learned, and small suggestions that can make a big difference in the outcome of an interaction. We will examine how these skills can be used during everyday negotiations—business, family, or crisis. The negotiations are ones I have taken part in firsthand.

You may not realize it, but you negotiate more often than you think. Negotiation skills are essential in our daily interactions. I have instructed thousands of students on how to be effective crisis negotiators. Now, I want to share that knowledge with you. Take the advice and lessons in this book to heart. Keep an open mind and practice these skills daily. You will evolve into a more effective and confident communicator and enhance your ability to quell disputes and negotiate mutually beneficial agreements.

During the past twenty-four years, I have had the incredible privilege to serve and protect the public as a crisis negotiator in the city of Los Angeles. In addition to my years of experience, I hold a Master of Arts degree in dispute resolution and have completed the Negotiation Mastery certificate program through Harvard Business School Online.

My goal in writing this book is to share with you the lessons I have learned from negotiating high-stress, crisis situations. I have had the pleasure to learn from a wide variety of negotiators and academics. They taught me that negotiation skills reach far beyond talking

someone off a ledge or convincing someone to voluntarily follow police instruction. I have altered names in order to protect the identity of the involved persons. The views expressed in this book are solely my own, and some situations have been fictionalized for teaching purposes.

CHAPTER ONE:

The Last Stand of an Attempted Murderer

Speak softly and carry a big stick!

– THEODORE ROOSEVELT, SEPTEMBER 2, 1901 –

Upon arrival I met with officers from the Special Weapons and Tactics Team, better known as SWAT. They quickly attached a harness and safety line to me in the event things went sideways. The situation was chaotic. We were standing atop a multimillion-dollar mansion. The structure was under heavy construction with scaffolding and debris all over the place. Daylight was quickly fading, and the potential for tripping and falling was significant.

The team was staged at a staircase that led up to the roof, which appeared to be designed as an observation deck. I stayed on the stairs below the roofline with SWAT officers in close proximity. SWAT was acting as cover for any potential lethal threats. They were also equipped with multiple nonlethal options.

“Jorge!” I yelled. “My name is Jon.” I kept my feet firmly planted on the dusty stairs. “Are you doing all right out there?”

Jorge’s startled eyes met mine. Drops of sweat raced down his forehead. “Stay back! I’ll jump!” He leaned out away from the railing, suspended high above the canyon. His knuckles were white, and his arms were shaking. “Don’t even think about coming up here.”

Shaking my head, I said, “Jorge, I am not coming up.” I pulled at my harness. “Look. They got me tied into a rope. I couldn’t come up there if I wanted.” The sun dipped below the horizon. The clock was ticking.

At the sight of the rope, Jorge offered a curt nod. Good, he believed me.

But then he frantically looked back and forth—between me and the rocky death below. “Can you guys just shoot me?” he asked. “I know I killed them. I can’t go to jail, but I don’t know if I can jump either.”

Jorge continued to talk about not going to jail and wanting to end his life. I intently listened to what he had to say and compared it with the knowledge that I had obtained prior to making contact with him. I knew that all the victims were going to be physically fine and believed this was something I could use in the negotiation. As I listened to Jorge, I couldn’t help but think to myself, man this is just a kid. What drove him to this?

Jorge was skinny, about five foot seven. His clothes were torn, and he was covered with dirt and blood that had dried black. I didn’t know if the blood was his or if it had been from the victims.

Turning my attention back to Jorge, I said, “Are you all right? That was one hell of a car crash. I can’t believe you walked away from that uninjured.”

Jorge looked up with an almost proud look on his face. “Man, it happened so fast; I didn’t even realize what happened.”

I wanted to know if he was injured and needed any medical attention.

Jorge looked at me blankly. “I am fine. Go away. I don’t need any medical attention because it’s about to be over.”

I increased the volume in my voice to overcome the numerous helicopters overhead. “Jorge, they are all going to be okay. No one is going to die.”

Jorge looked amazed. His eyes widened, and his jaw gaped. “Are you sure?”

I now had his undivided attention. “Positive.”

That moment of conversation when you grab the attention and intrigue of an individual or audience is critical. Will you maintain their undivided attention, or will you lose it? What was the catalyst that swayed the direction of the conversation so dramatically?

Having the ability to pinpoint and identify those moments is key. In these situations, one must have the ability to process information quickly. What is working? What isn't working? What direction can I go from here?

We have all been in situations where it is easier to defer to our fight-or-flight instincts. People let emotion dictate what they say and fail to assess the long-term implications. When you find yourself in a situation where your counterpart is on an emotional rant, listen! Wait for an indicator of what is causing the emotional behavior. Acknowledge that behavior and work with it until you gather additional information. Then use that information to reach your goal of resolution. Like a rock climber moving from hold to hold, assess what is happening around you and intelligently react.

This whole fiasco started as I was walking into a roll call or my daily briefing. I was getting ready for my shift to begin. My supervisor called out, "Jonny, sounds like we have a CNT (crisis negotiation team) callout brewing."

In Los Angeles, you never know what can happen or when it could happen. The city of Los Angeles has approximately four million residents and is over five hundred square miles. I looked over and asked, "What do we have?"

Looking down at his notes, he said, "Looks like we have an attempted murder suspect who fled from a pursuit. He is standing on the rooftop of a residence overhanging a canyon threatening to jump. He is wanted for stabbing two adult women and a toddler."

Grabbing my notebook and a pencil, I started writing feverishly. "Roger that. Let's head out, see what we got, and figure out our best plan of action."

I was going to be the primary negotiator; the secondary negotiator would be my longtime friend Steve. The team would also include our supervisor and a tactical element consisting of five officers. They would act as an arrest team and provide support if needed.

Driving through the narrow and winding canyon roads, I get my first glimpse of the scene. The command post (CP) had shut down traffic in both directions.

Walking up, I observed an overturned vehicle, which appeared to be a Toyota Camry. The car was upside down, wheels in the air, resting on the roof in the middle of the street. The odor of antifreeze, burnt rubber, and gasoline overwhelmed my senses. On the street there was the aftermath of a violent car crash. Shards of broken glass, blood, torn clothing, and a knife were strewn around the vehicle.

I looked out into the canyon. Despite the chaos, it was picturesque. The sun was setting. The orange glow of the Southern California sky sunbathed the entire canyon. The colors were vibrant, and a cool breeze was setting in. On any other day, this would have been an iconic image of the beauty representative of Los Angeles. However, today that view also consisted of a man clinging to his last moments of freedom. Jorge was on the edge of a rooftop surrounded by helicopters from the police department and several local news agencies.

A patrol officer hurried over to me. I immediately broke from my trance and acknowledged him.

“Sir, we have tried talking to him, but every time we come near, he tells us to go away and threatens to jump.”

Nodding attentively, I say, “Okay, can you give me a rundown on how we got here?”

The officer began to explain that the incident had occurred earlier in the day in the San Fernando Valley. Our suspect, “Jorge,” was at the home of his ex-girlfriend. Once inside they began to argue about their relationship. Jorge is nineteen years old, and this was his first serious relationship.

His girlfriend had ended the relationship because Jorge had become extremely jealous and controlling. The theory is that Jorge had gone over that day to convince his girlfriend to give him another opportunity to make their relationship work. Inside the residence were the girlfriend's sister, aunt, and two young children.

His attempt at a reconciliation was not going well. The argument quickly escalated, and Jorge was beginning to lose control of his emotions. When the girlfriend rejected his attempts to win her back, Jorge lost all control and produced a knife.

Jorge proceeded to violently slash two of the women in a heated rage. Jorge rushed from the location and slashed a toddler as he fled. One of the women frantically dialed 911. Police and medical resources responded and provided them with medical assistance. Jorge had fled the area, and his whereabouts were unknown.

The first officers to arrive notified dispatch of the crime and provided surrounding units with a description of Jorge and the vehicle he was driving. The officer who was giving me the initial brief proudly stated, "That's when my partner and I found him!"

He further explained that they had seen his vehicle driving past them during the initial crime broadcast. The officers quickly maneuvered their vehicle behind Jorge's. The officers requested backup and advised additional units that they were following the attempted murder suspect. The officers attempted to conduct a traffic stop, activating their overhead lights and siren.

Jorge refused to comply, and the chase was on. Jorge drove recklessly at extremely high speeds, desperately attempting to escape. Having the advantage of a police department helicopter and multiple well-trained personnel in the pursuit was invaluable. The pursuit went on for many miles as it headed in the city of Glendale.

The city of Glendale is a foothill community at the base of the San Gabriel Mountain range located on the outskirts of Los Angeles. The canyon roads in Southern California can be extremely dangerous when driving at high speeds. They consist of narrow lanes, hairpin turns,

and extreme drop-offs. Many lives have been lost needlessly due to reckless driving on these streets.

The officers used excellent judgment choosing to back off and allow air assets to monitor Jorge's location. Jorge saw this as his opportunity to evade the ground units and increased his speed. Jorge desperately tried to escape, pushing that Toyota to the limit. Unfortunately for Jorge, his luck had run out.

Jorge overcorrected going into a hairpin turn, causing his vehicle to roll multiple times. The vehicle eventually came to rest on its roof. Jorge didn't skip a beat. He quickly fled the cab and began running from the car. He ran toward the canyon. Instead of entering the canyon to escape, he ran onto the rooftop of a residence under construction.

The home was built into the canyon, designed to take advantage of the scenic views of the surrounding area. The officers eventually caught up to Jorge. He was trapped on the edge of the building, holding onto a railing suspended above the canyon floor. When the officers reached Jorge, he climbed over the railing and yelled, "Stay back! I will jump—I am not going to jail!"

I now had a clear understanding of how we got to this point. I began to develop a plan, hoping to convince Jorge to come down. This needed to be done without using force or him jumping from the ledge. Officers from SWAT and K9 contained the area. Jorge had nowhere left to run.

Having the daunting responsibility to quickly develop a strategy that would convince Jorge it was in his best interest to surrender without incident, I got to work. Most of you are probably thinking, Why the hell would you want to convince this guy to surrender? Who cares if he jumps? Anyone who hurts innocent children and women is despicable. I myself am a father, and at the time I did not necessarily approve of his actions. There is no place for biases or judgment at this moment. I had a job to do, and today my job was to talk Jorge off that ledge and negotiate a peaceful resolution.

If the pressure to resolve the incident in prompt fashion wasn't stressful enough, Jorge's family was on their way to the scene, and

the whole world was watching on prime-time television. In addition, the residents of Glendale were pissed off because they couldn't get home to their multimillion-dollar homes. This guy's bad decision had needlessly affected hundreds, if not thousands, of people.

Before I talked with Jorge, I spoke to his mother on the phone. His mother told me Jorge was going to college and working part-time. She said that Jorge was a good kid and had never been involved in any serious trouble. Jorge's mom believed that his breakup with his girlfriend had troubled him greatly and that he was very depressed leading up to the incident. The relationship had been ongoing for approximately two months. Jorge had developed strong feelings for the woman. My partner stayed back in order to collect more information while I made my way to the scene to make contact.

When negotiating a crisis, contrary to what you see on television, I have no authority to grant immunity, reduce sentencing, or make any other promises. Instead of exchanging money or property, I am limited to things like food, water, and cigarettes. Bringing calm to chaos and exhibiting empathy are two of the biggest tools I possess.

Jorge appeared to relax slightly upon learning the victims were not going to die. I then felt this was an opportunity to introduce his mother and family into the conversation.

"Jorge, your mom and family are very concerned for your safety. They do not want to see anything bad happen to you."

Jorge looked back with a piercing stare. "How do you know?"

I told Jorge that I had spoken to his mom prior and that she and his sister were on their way to the scene. Jorge instantly became more agitated. His body tensed as he gripped the railing and his knuckles turned white. His eyes narrowed, and he stared at me with laser focus. He had the look of a man who was pissed off and probably believed I was lying to him.

Remember earlier when I talked about grabbing your counterpart's attention? This can also work against you. I was still in the process of

building rapport. I may have piqued Jorge's interest up to this point, but I don't think I had his trust just yet.

I assured him I was telling the truth and proceeded to give him his mother's and his sister's names. This appeared to bring him back to a less agitated state. His grip began to relax, and his gaze softened. I got a brief glimpse of the rage that lay dormant in this young man.

"Jorge, when you are ready to come down, I will bring you to your family so that you can talk to them. Are you ready to come down?"

"No, I don't think so." Jorge refused the request. I felt this was a good time to rephrase my question and take a shot at a smaller victory.

"Jorge, I hope you believe me when I tell you that none of us are going to come after you. You can clearly see we are tied in and only want to talk. Would it be too much if I were to ask you to step back over the railing so we can continue our conversation?"

I then followed up by letting him know that this was his decision and none of us could make him step back over to safety. Jorge, looking puzzled, then stepped over with one leg. He gripped the railing tightly with one hand while resting the other on his hip. We continued to converse. This was the start of building a meaningful rapport.

I believe this is when he began to feel as if he had the ability to affect the outcome of the situation. There is great value in negotiation when the involved stakeholders believe they have an ability to decide the outcome. Until this moment, Jorge probably believed that he had no control over the situation. His prior options were not very good. Either he went to jail or jumped from the edge—neither of these was very appealing. I thanked Jorge for stepping back over the rail. I told him I would return the favor when he decided to come down and let him talk to his family.

My partner had now made his way over and was listening intently to the conversation. He was listening for pieces of information that would enhance the dialogue. We call these "hooks." He would periodically suggest ways to keep the conversation flowing. Hooks allow a negotiator to develop a connection with the subject and build rapport.

Hopefully, they lead to a stronger sense of trust. He had also brought a recording of Jorge's mom.

When they arrived on the scene, Steve convinced Jorge's mother to make the recording. I played the recording so Jorge could hear it. His mom was very concerned for his safety and delivered an emotionally intense message. You could hear the concern in her voice and the love a mother has for her child unconditionally. Jorge began to cry. The adrenaline had worn off, and his emotions were beginning to get the best of him. He gazed out into the canyon, appearing to be deep in thought.

Knowing his mind was in overdrive, I attempted to reel him back. "Jorge, I know there must be a lot going through your head at this moment. I am going to give you a few minutes to think."

In Jorge's case the agreement was that if he came down, I would allow him to meet with his family. Once Jorge was convinced his mom was at the scene, he became more relaxed. Jorge began to talk about his girlfriend and blame her for the situation. I listened as Jorge detailed how all the conflict in the relationship had been caused by her actions.

As a negotiator, this is where we must be careful, because proper context, tone of voice, and rate of speech can determine the direction of the dialogue at a critical juncture like this. I had now spent almost two hours talking to Jorge and gaining some trust. I had gotten him to step over the edge, and I needed to continue building rapport. My problem was how to agree with a man who did not take any responsibility for this tragic situation. The answer was empathy.

I didn't have to agree with him, but I tried to understand his perspective. I continued using open-ended questions to expand dialogue and gather information. Whenever Jorge would blame his girlfriend for the incident, I would acknowledge it, paraphrase it, and label it.

One example was that she spent too much time with her family instead of him. I would acknowledge the statement by saying, "I understand," then paraphrase it by saying, "She spends a lot of time

with her family,” then label it by saying, “It must be difficult for you to have to compete for time with her.”

This conversation continued for approximately another hour, when Steve and I noticed a recurring pattern in Jorge that would ultimately allow us to close the deal. During the conversation it became very clear that Jorge’s favorite topic of dialogue was Jorge. This was when I decided to make the conversation about Jorge and use his ego to our advantage.

The sun had set, and the air began to chill. Mental and physical fatigue were starting to set in. Adrenaline had completely worn off. Jorge was beginning to look more and more like a young man who knew the decision he made today was going to directly affect his life forever. The biggest unknown at this point was how much longer his life was going to go on. Would another bad decision make his situation even worse?

This negotiation needed to conclude, and eventually it would. The question was whether it would be with a man surrendering or jumping off a building. Negotiation was the only option; there was no safe approach and no way to use less lethal weapons without risking him falling. This was when I gave Jorge additional time to think and told him I would be back. Steve, our supervisor, the SWAT element leader, and I conferred on our next move. I thought now was the time to use the intelligence we had obtained to scare Jorge into thinking about himself, and they all agreed.

The house was built into a hillside that sloped down into the canyon. The fall was approximately thirty feet and could kill someone who jumped. Night had fallen, the property was very dark, and that thirty feet now looked as if it could be a hundred. I walked back up the stairs toward Jorge and this time managed to get much closer than previously. I know he believed me when I told him that none of us were going to come after him.

Now I stood before him, more authoritarian, staring at him straight on. “Jorge, it has been a long day. It is time to come down now. Think

about your family and all the people who have been affected by your actions.”

Jorge looked cold and fatigued. “Jon, I told you I am not going to jail.”

Looking sternly at him and speaking solemnly with a direct tone of voice, I said, “Jorge, I understand you don’t want to go to jail. I need to ask you something, and I really want you to think about it. I have not lied to you tonight. You know that if you come down, you are going to be arrested. I know that you would rather jump than go through with that. I need to know if you have thought about what will happen if the fall does not kill you.”

I remained silent, staring back at Jorge. I could see his mind trying to grasp the enormity of the question I had just asked.

I jumped back in, wanting to seize on his current emotional state. “There is no guarantee that you even go to prison for this. If you do, would you rather be able to walk or be in a chair?”

Jorge now looked scared. I felt awful for him because this one terrible decision had altered his life forever, and now he was coming to grips with it.

Jorge looked back, trembling. “You really don’t think this would kill me?”

Grinning fiendishly, I said, “Hell, that car crash you were in would have killed just about anyone. It hardly affected you; you are a hard individual.”

That was when Jorge put both feet back onto the platform, turned away, and placed his hands on top of his head. Jorge was taken into custody without further incident. I personally placed the handcuffs on him. We then walked him over to his family to fulfill my obligation.

This is not always popular, but it is necessary. Just like the possibility that the jump may not have killed Jorge, so was the possibility of an acquittal. Trust, even among those without honor, is essential. Jorge was arrested and convicted of attempted murder. He would spend a long time in jail.

CHAPTER TWO:

Planning and Preparation

We owned our planning process. After each combat operation, we pulled our platoon together and talked through the details in a post operational debrief. In a concise and to-the-point format, we analyzed what had worked and what hadn't, how we might refine our standard operating procedures, and how we could do it better. As a result, we constantly learned and grew more effective. That ensured we performed at the highest levels and enabled our success.

– WILLINK AND BABBIN –

When entering a negotiation, whether it is spontaneous or deliberate, you are going to be much more successful if you approach with a plan. Take the opportunity to do your due diligence and obtain preliminary intelligence. This will allow the negotiator to gain valuable insight on their counterpart. The planning and preparation phase will be the most important aspect of the negotiation process. Unfortunately, I have seen many negotiators enter a negotiation and believe they could just “wing it.” Their lack of preparation often led to poor negotiations. It created more work than necessary. Invest more effort on the front end and achieve better results on the back end. When preparing a preliminary plan for any negotiation, consider and write down the following:

1. What do I want to accomplish in this negotiation?
2. Who am I negotiating with?
3. What do I believe my counterpart wants from this negotiation?
4. What is the best possible outcome?
5. What is the worst possible outcome?
6. How will a resolution affect any secondary stakeholders?
7. Where should I focus my attention (*hooks*), and what should I avoid (*triggers*)?
8. Can I walk away if there is no settlement?
9. What are possible alternatives?
10. What am I missing?

This is just a suggested list of questions to consider when beginning your preparation. There are many other things to consider, such as times, locations, languages, or the number of people involved. You may not have control over these options. When possible, create an atmosphere that will lead to a collaborative dialogue.

Look back on my negotiation with Jorge. On the surface it may have seemed that I did not have ample opportunity to create a plan prior to negotiation. Even in the most chaotic of situations, there is always time to create a preliminary plan and gather intelligence. Having this preliminary information and a sense of direction will lead a negotiator to develop added intelligence during the dialogue.

Consider this when negotiating with a car dealer, business partner, or family member. Take the time to research who they are, where they work, and what motivates them. Negotiation is a game of strategy. You don't want to be where the action is—you want to be where it is going to be. This will put you in a position to be one step ahead of your counterpart. You can also act on a contingency plan if necessary. Never underestimate the value of proper planning and preparation.

Could the skills I learned throughout the course of my crisis negotiation experiences lead to success in the real world? I wanted a way to put them to the test and expand my knowledge of negotiation tactics. I enrolled in the Harvard Business School Online Negotiation Mastery course.

The course consisted of eight weeks of negotiation training in a business setting. I knew that I would be outside of my comfort zone. I also knew that I would have an opportunity to learn from some of the best negotiators in the business. The class is structured extremely well. There are multiple learning modules and several real-world negotiation simulations that need to be completed.

Partners are randomly selected, and each party is provided a background packet consisting of their role in the negotiation and details of the transaction. The most incredible part of the simulated negotiations was that I had several days to prepare, and nobody was at risk of losing their life. I utilized the above checklist to get started.

I meticulously followed my questionnaire and answered each question. I compared my answers to the provided material and checked for consistency. I looked at potential contingencies and effects on stakeholders. When I felt that I was thoroughly prepared for my negotiation, I asked myself, what am I missing?

The course required that each participant provide a bio and career experience. Living in the information age, I was able to learn an incredible amount of information about my counterpart. Monica was a high-end real estate professional from the Bay Area in California. She possessed an admiration for midcentury modern architecture. She had hosted several YouTube videos discussing her love of midcentury moderns. As luck would have it, our negotiation deal involved a real estate transaction.

Entering the negotiation, I knew I was thoroughly prepared and felt as if I had a strong feel for my counterpart's personality. I had taken the time to thoroughly plan and prepare. I knew the details of the negotiation and was quickly able to build a rapport.

The first thing I did was create a connection with my counterpart. I politely introduced myself and commenced with usual pleasantries. My counterpart did the same. The initial feeling of the negotiation was that it was an assignment necessary for each of us to gain credit for our class. I then took the opportunity to employ the information I learned from my preparation.

“Monica, it looks like we have to negotiate the lease terms for an anchor store in the strip mall.”

She looked down at her paperwork and appeared to take a deep breath. “There is also the matter of agreeing to the terms and regulations for the additional businesses operating within the strip mall,” she added.

The packet contained a picture of the property, and it looked like an historic colonial building. The image did not fit the preconceived image of a typical strip mall. I was going to try to use this to my advantage and strengthen my rapport with Monica in the process.

Looking up, I said, “Interesting choice of property for a strip mall, don’t you think?”

She looked puzzled. “What do you mean?”

Smiling, I said, “I just think if you are going to create a strip mall out of a historic building, it should be done with style. I would go with a midcentury modern theme personally. I think it is still hip and classic while aesthetically pleasing.”

Monica’s eyes lit up, and she immediately became more engaged in the conversation. “I agree. There are so many more possibilities.”

Our negotiation simulation went very well. We were able to work together on all the necessary issues. I felt a real sense of accomplishment, having little to no business experience. I accomplished all my preplanned goals for the negotiation. I believe if I hadn’t taken the time to research my counterpart prior to the negotiation, it might not have gone so well.

Proper planning and preparation should always be considered when heading into any situation where a negotiation will occur. Whether

you are negotiating a salary, buying a car, or deciding where to eat dinner, have a plan. Yes, even something as simple as negotiating with your significant other on where to eat is a negotiation. If you want Italian and they want sushi, create a plan, even a hasty one. Use open sources such as Yelp or Google. Read the reviews on your counterpart's choice of restaurant. Look for information to steer them to your choice. If that doesn't work, consider what other alternatives you have to work with. What are some ways you may be able to create a mutually beneficial solution?