



Negotiating

Techniques, Tactics, Gambits and Counter Gambits

Course overview – Learning Objectives

As a result of this session, students will be able to explain to potential clients – the true goal of a negotiation and the objectives of a negotiator.

Students will be able to assess clients personality styles using questions to determine how best to work with and communicate with different personality types.

Students will learn the three basic negotiating/bargaining formats and their differences.

Students will be able to list a minimum of 6 negotiation strategies and/or techniques.

Students will complete 3 ‘real life’ scenarios through a skill practice exercise.

Students will review the portions of NAR Code of Ethics, specifically Article 1, S.O.P. 1-15, and 1-13, and Article 3, S.O.P. 3-6; in regards to negotiating for a client.

Students will be able to explain BATNA – what it is and why it is important to a successful negotiation.

Students will be able to identify modalities of clients and other negotiators using basic N.L.P. models.

1) How to get THE MOST out of this program!

Stay out of 'judgment' and into 'wonder'.

The 2 Sisters scenario

Picture an Orange –

2 Sisters live together. They both decide they want an orange. They go into the kitchen at the same time – and there's only one orange. How do they split it?

The Objective of a Negotiation:

The Objective of a Negotiation is to _____

Paradigm shift – Get tough, or, get taken. The 'Suckers Choice'.

A wise agreement...pg. 4 of "Getting to Yes – Negotiating Agreement Without Giving In" by Roger Fisher and William Ury (over 2 million copies in 20 languages)

Principle 1 – Separate the people from the problem...

The Objective of the Negotiators

The Objective of the Negotiators is to _____

Can you approach the problem like two learned judges working on a law question?

How soon can you *move* to collaboration?

The fastest way to change someone's paradigm is to change _____.

"Satisfaction" – What matters to the Parties

A man saw an ad in the paper – 1969 Corvette, flawless condition. \$500.

"Material Fact" - _____, or, _____

Can the client CAUSE a fact to be material?

Principle 2 - Interests vs. Positions + How does this play out in real estate?

Security

Economic well-being

A sense of belonging

Recognition

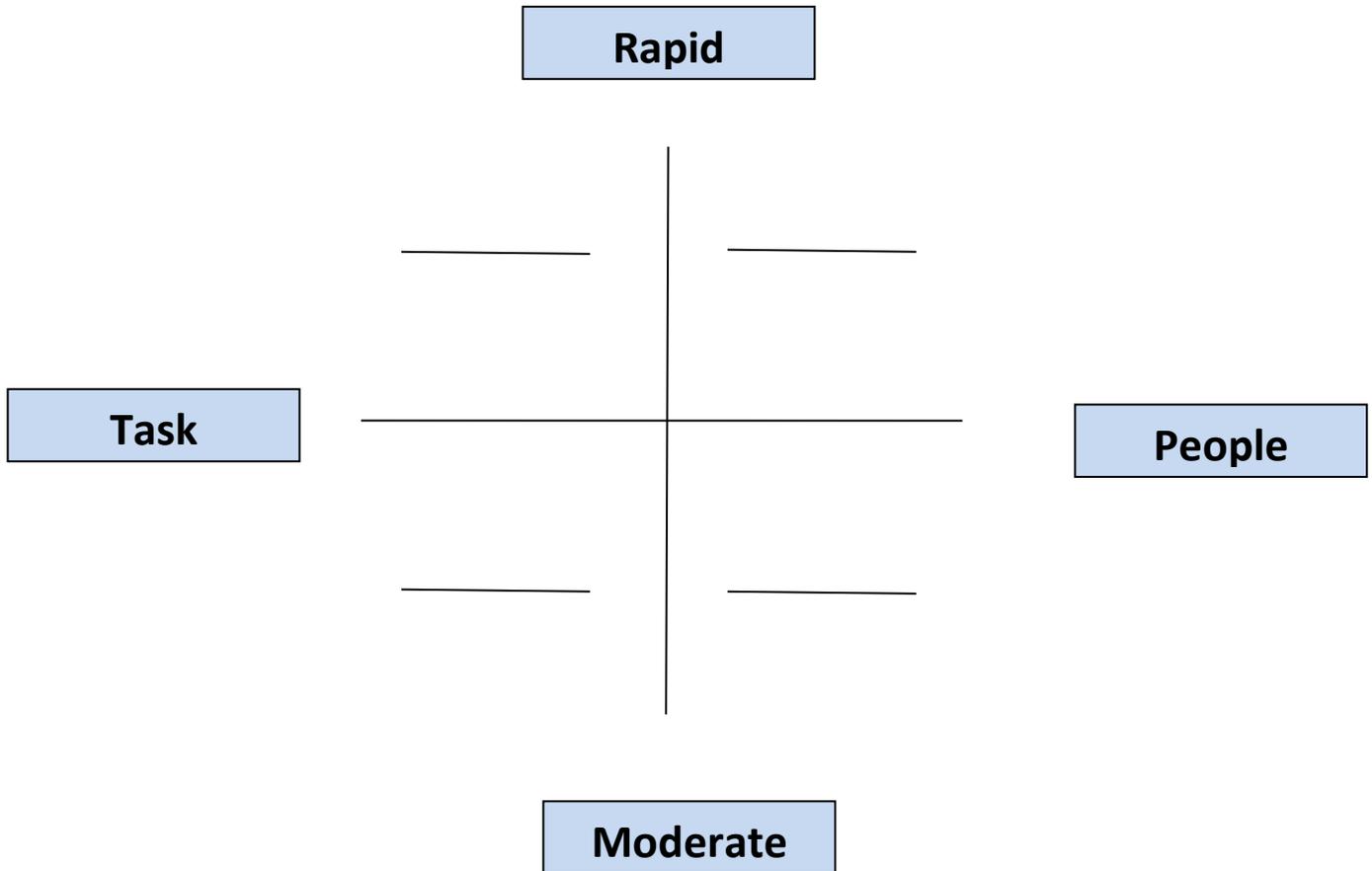
Control over one's life

A quick checkup.

Personality Profiles – DISC, Myers/Briggs, Color Code

It's your "Decade" birthday – someone else is covering the WHOLE cost. You can go *anywhere, do anything with anyone you like.* What would you do with a blank check like that?

I can solve this puzzle in TWO STEPS!



Pop Quiz – think of your last client – which quadrant did they fall in?

If you have a significant other – where do they fall?

Where do YOU fall?

How do you control a controller?

Is there 'language' that transcends, or, works over all boundaries?

"Would you like to know your odds?"

Bargaining Formats – Positional, Value, Hypothetical

Positional – competitive - when the negotiators try to get the upper hand or best deal – scarcity mentality...

Value – cooperative - when the negotiators work together to come up with as many options as possible – abundance mentality...

Hypothetical – What if we tried this? If my client did this, what would your client do? I wonder...

NLP Skills – Identifying Modalities and why it is important

Three friends went to dinner together. When ordering,

One said, _____

The second said, _____

The third said, _____

V.A.K. _____, _____, _____.

Reference: “Frogs Into Princes” by Richard Bandler and John Grinder

Matching and Mirroring...hmmm.

The critical nature of “State” in a negotiation. The fastest way to change someone’s state is to change _____.

The effect of ‘Culture’ on Negotiation

Pg. 29 “Getting to Yes” – Saving Face? And, pg. 50 Mexico and their natural gas...

References: “The Culture Code” by Clotaire Rapaille

“Patience is also a form of action.”

Auguste Rodin

“Kiss, Bow, or, Shake Hands” by Terri Morrison, and Wayne Conaway

“Values are like fingerprints. Nobody’s are the same, but you leave ‘em all over everything you do.”

Elvis Presley

Not to mention – ‘Gender differences, and, generational differences’.

Birth order, family size?

Deadlock – How to foresee, prevent and break it.

Is there ever a time when a ‘negotiator’ would want a deadlock? Think Anwar Sadat and Begin and Camp David and the Middle East Peace talks at Camp David with Jimmy Carter.

When two people WANT to make a deal – they work out the details.

When **one** of them doesn’t – the details get in the way.

The “Friends Two Boys” exercise – and what it tells us

Your friend asks you to watch their two boys for an hour. As soon as your friend leaves, the boys start fighting over a toy. How do you handle this?

Producer, Administrator, Integrator, Entrepreneur,

Reference: “Mission Possible” by Ken Blanchard and Terry Waghorn

NAR Code of Ethics – What does that mean?

Are they a *Customer* or a *Client*? How can you tell? Did you, at any time, give them _____, _____, or, _____?

Competing interests vs. Adverse interests.

According to the N.A.R. Code of Ethics – Article 1;

“customer” means a party to a real estate transaction who receives information, services, or benefits but has no contractual relationship with the REALTOR® or the REALTOR®’s firm;

“client” means the person(s) or entity(ies) with whom a REALTOR® or a REALTOR®’s firm has an agency or legally recognized non-agency relationship;

Mary is an agent at ABC Realty. While on floor duty a couple calls in and asks the price on 1776 Constitution street. If you were Mary – how would you handle this call?

The caller says the house sounds like it might work for them but they've seen two other homes just a couple of neighborhoods away and this price seems a bit high, they ask – “is that what homes are going for in this neighborhood?”

How should Mary respond to that question?

Mary knows this listing was on the market with XYZ Realty for 6 months before ABC got it and that ABC has had it for 5 months. If Mary represents the buyer – would **you personally** consider that a ‘material fact’?

Agency Relationships – Customer or Client?

Customer = Specific Task Relationship

Client = Task and *Trust* Relationship

Customer

Low responsibility

Records information

Responds to needs

Processes data

Delivers information

Other directed

Employee

Does the task

Tells and Sells

Stays out of decision making

Follows rules & Procedures

Doesn't Care

Client

High responsibility

Perceives information

Anticipates needs

Interprets data

Advises and consults

Self directed

Partner

Owens the result

Educates and guides

Involved in decision making

Uses judgment and intuition

Cares

How do you provide “equal professional service” when you have competing interests?

“Learning is not compulsory – neither is survival.”

W. Edwards Deming

Student Outline

Standard of Practice 1-13

When entering into buyer/tenant agreements, REALTORS® must advise potential clients of:

1. the REALTOR®'s company policies regarding cooperation;
 2. the amount of compensation to be paid by the client;
 3. the potential for additional or offsetting compensation from other brokers, from the seller or landlord, or from other parties;
 4. any potential for the buyer/tenant representative to act as a disclosed dual agent, e.g. listing broker, subagent, landlord's agent, etc., and
 5. the possibility that sellers or sellers' representatives may not treat the existence, terms, or conditions of offers as confidential unless confidentiality is required by law, regulation, or by any confidentiality agreement between the parties. (Adopted 1/93, Renumbered 1/98, Amended 1/06)
- Standard of Practice 1-15
 - REALTORS®, in response to inquiries from buyers or cooperating brokers shall, with the sellers' approval, disclose the existence of offers on the property. Where disclosure is authorized, REALTORS® shall also disclose, if asked, whether offers were obtained by the listing licensee, another licensee in the listing firm, or by a cooperating broker. (Adopted 1/03, Amended 1/09)
 - Standard of Practice 3-6
 - REALTORS® shall disclose the existence of accepted offers, including offers with unresolved contingencies, to any broker seeking cooperation. (Adopted 5/86, Amended 1/04)

You can't change the HOUSES you sell (and that every other licensee has the same access to), but you CAN CHANGE the way you sell those houses! The way you ask the client to move forward. - Do you really *care* how they build the car, or what's in the vodka?

BATNA – Best Alternative To a Negotiated Agreement

BEFORE you negotiate – have you worked with your client to come up with as many options or alternatives as possible?

The one with the most options has the most 'walk away' power.

Before you tell someone you are the answer to their prayers, you ought to find out what they're praying for.

1st THREE Negotiating Strategies – Limited Authority, The Bogey, Framing

Limited authority – We love the property, but my Dad is giving me the down payment and he said he wouldn't give it to me unless he approved of the property.

Bogey – I'd *love* to make the deal, but my broker would never allow that...

Framing – “You're going to love it.”

If you had a choice of selling quickly, or getting TOP dollar – which would be most important to you?

How much e.m.d.? Is it a Cashier's Check?

Why would a Seller want to take the offer? And, why *NOT*?

Where are the Buyers *flexible*? - Closing date, possession date?

What *visuals* do I have?

When was the last time the Seller saw an updated Market Analysis Research?

Can you show the Seller the Buyers credit report? Bank statement?

How far apart are we really? (Talk %'ages and not \$'s.) Did the Seller expect a FULL PRICE offer?

The Seller may have never even seen a Net Sheet – how do you handle that?

***Dialogue:* Now, don't get excited, we haven't done anything yet! Keep your fingers crossed because anything can happen...

Reference; “Thank You For Smoking” – a movie.

When do you handle an objection?

Exercise 1 – Putting into use what we just learned – How would this work?

Pair Up – PICK ONE of the 3 strategies above – One of you will be the Listing agent, and one of you will be the Selling agent. How could you use that strategy *in the real world*?

**Nothing works all the time, but
everything works some of the time!**

Let's practice a script. *****From HERE on you are representing a Buyer!***

Hi, this is _____ with _____, I'm calling on your listing on _____, is it still available?

Have the sellers placed a Home Warranty on the listing?

Have they done any inspections?

By any chance, is there an appraisal?

It looks like a great property, have there been any offers yet?

Great, I am writing an offer and I was hoping to get the SRPD so I could get the buyers signature on it and if there are any questions – we could get them addressed quicker. Would it be possible to get someone to fax that to me.

Do you have any major concern about any Title/Escrow company in particular?

I was hoping we could present the offer in a 'business-like' setting. If the seller lives closer to your office, I'd be glad to come over there, or if it is more convenient we have a conference room here we could use.

I am available tonight after _____, or tomorrow at _____ if either of those will work for you and the seller.

Three more Strategies and Gambits, - Flinch, Vise/Crunch, Paint the Porch

The Flinch – Babies do it! It doesn't even have to be words...

The Vise – Question, question, command – “You are serious about this property, right?” – “Is that the best you can do?” – “You'll have to do better than that.”

Paint the porch – Boy scout selling jamboree tickets (or chocolate bars)...

Reference; **“Influence; The Psychology of Persuasion”** by *Robert Cialdini*

Exercise 2 – If you were the LISTING AGENT – what strategies would you use?

It's a SELLERS MARKET – you have 6 offers – what do you do?

It's a BUYERS MARKET – your Seller wants to counter the offer you've just received.

Exercise 3 – If you were the SELLING AGENT – what strategies would you use?

It's a SELLERS MARKET – there is VERY LITTLE inventory and the Buyer wants to try a lower price first – even though they would pay *over list* if they had to...What do you say or do?

It's a BUYERS MARKET – the Listing Agent just sent over a Counter Offer – back to the List Price (but the property is priced *below* the comps already) – Now what?

Bonus Strategies, - Legitimacy, Mirroring, The Columbo approach

Legitimacy – the power of pre-printed forms...

Mirroring – to stay in rapport – match their *physiology* first – then their PACE and tone.

The Columbo approach – “Help me out here...one thing I’ missing...”

“Mr. & Mrs. Seller – let’s take a walk through your property. While we are doing this – let’s play real estate! I will be the PICKY buyer – and you be the AGENT. You point out anything you think a good Agent would – things that were important to you when you bought the property – and I’ll be the PICKY buyer – now don’t get mad but my job is to point out the items that we might want to address before bringing the property to the market.”

7/11 is across the street from Starbucks and 7/11 sells coffee – where is there a line?

Student Outline

Where tall means small...

Did you ever see someone pouring their Starbucks coffee into a Dunkin' Donuts cup?

Have you EVER seen a Starbucks ad on TV?

Why does the public trust *Zillow* so much?

15% of the American Public always goes to the cheapest one –

5% always go with the most expensive! “You get what you pay for.”

80% will pay you if they see value in what you do.

**Knowledge isn't power –
knowledge applied is power.**

References:

“Getting to Yes” – Roger Fisher and William Ury

“Never Split the Difference” – Chris Voss

Mike Rayburn YouTube - https://youtu.be/6c_bd4guK38

“Getting More” - Stuart Diamond

“Influence, the Psychology of Persuasion” – Robert B. Cialdini

Science of Persuasion – *short* YouTube on the book.

<https://youtu.be/cFdCzN7RYbw>

“Sway – the Irresistible Pull of Irrational Behavior” – Ori Brafman

Tim Ferriss podcast – 100,000,000 downloads + 5 books “Tools of Titans”

“Abundance Insider Newsletter” – Peter Diamandis