The Art of Legislative Negotiation

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No-Nonsense Negotiator
Strong-Arms Landlord Into Fixing Toilet For Rent Increase
How did the negotiation go?
Not too well.
Challenges to Effective Negotiation in the Legislature

Partisanship/Polarization
Social Media Fishbowl
Permanent Campaigning
Internal and External Simultaneous Negotiations
ZOPA: Zone of Possible Agreement

SELLER’S RANGE

BUYER’S RANGE

Seller’s Worst Case

Sellar’s Desired Price

Buyer’s Desired Price

Buyer’s Worst Case
TWO PROBLEM SOLVING PARADIGMS

Positional Bargaining

Zero-Sum Game

My Interests “I Win”
Your Interests “You Lose”

We are opponents - when I win, you lose

Interest-Based

Non-Zero-Sum Game

My Interests “I Win”

Area of Overlapping Interests “Win-Win”
Your Interests “You Lose”

We are partners – we win (or lose) together
What is Positional Bargaining?

A negotiation strategy that asserts a POSITION of what you want and argues for it alone, regardless of any underlying INTERESTS.
All we can see are the POSITIONS

While we ignore underlying INTERESTS
“The fellow who says he’ll meet you halfway is usually standing on the dividing line.”

Orlando Battista
INTEREST-BASED NEGOTIATION

A negotiation mindset that looks for creative ways to meet the
INTERESTS (note: not “positions”) of both parties.

“The art of letting other people have it your way.”

“Write the other side’s victory speech.”
POSITIONAL vs. INTEREST-BASED

The PIE IS FIXED— get biggest piece

EXPAND THE PIE— then divide it up

Expand the pie
“You must never try to make all the money in a deal. Let the other person make some money too, because if you have a reputation for always making all the money, then you won’t have many deals.”

J. Paul Getty
PRINCIPLES OF INTEREST-BASED NEGOTIATION

- Alternatives
- Interests
- Options
ALTERNATIVES

“What am I going to do if I don’t make a deal?”

What are my ALTERNATIVES?
BATNA: “Best Alternative to a Negotiated Agreement”
INTERESTS

What somebody *REALY* wants

Interests are the *WHY* behind the Position
Positions vs. Interests

What you want

Why you want it
I want a $5,000 raise

I need the money.

I haven’t had a raise in 3 years.

I’m moving

Moving costs (short term expense)

Increase in rent (long term expense)

I feel stuck.

I don’t feel appreciated.
“The best move you can make in a negotiation is to think of an interest the other person hasn’t thought of—*and then meet it!*”

Eli Broad
“I need a 3rd Bedroom!!”
OPTIONS

Finding creative ways to fulfill the maximum amount of total INTERESTS.

“What if we...?”
“What would be wrong with...?”
The ORANGE: Option One
The ORANGE: Option Two
INTEREST: Workout space

POSITION “Third Bedroom!”
Principles of Interest-Based Negotiation

Alternatives
What is my best alternative (my BATNA)? How strong is it?
What is my counterpart’s BATNA? How strong is it?

Interests
What do I *really* want? What is important to me?
Why do they want what they are asking for (their interests)?

Options
What options might exist to satisfy both of our interests? What options might be *great for me and good enough* for them?
WRAP UP

*Interest-Based* framework vs. *Positional Bargaining*

*Expand the Pie* vs. *Fixed Pie* mindset

Focus on *Interests* and *Options* rather than *Positions*

They are negotiating *Partners*, not *Opponents*

Aspire to *Deliver* rather than *Deny*
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