Dealing With Difficult People and Difficult Situations

Mutual Gains Strategies for Succeeding in Tough Negotiations

Session Schedule

September 25-26, 2008
September 24-25, 2009
in Cambridge, Massachusetts

“Without a doubt the most sophisticated and useful negotiation seminar I have attended over the past eight years . . .”

For Alumni of The Program on Negotiation for Senior Executives

www.pon.harvard.edu

A University Consortium • Harvard University • MIT • Tufts University
What's the Correct Course of Action . . .

... when you're faced with an ornery customer or a peer who threatens to go over your head, someone on the other side who resorts to dirty tricks, or a party who imposes last-minute demands on an existing agreement? How do you maintain working relationships with people you don’t like – or who don’t like you?

At the Program on Negotiation, we have developed a strategy which we believe can substantially increase your ability to confront and disarm hard bargainers and succeed in difficult negotiations.

Dealing With Difficult People & Difficult Situations has been designed to show Program on Negotiation alumni how to deal more effectively with the harassing tactics, blocking behaviors, unprovoked threats and personal attacks that can arise when confronted by a difficult bargainer.

Based on our mutual gains negotiating approach and extensive Program on Negotiation research, Dealing With Difficult People & Difficult Situations presents a constructive alternative to the more common and typically ineffective responses to the hard bargainer’s tactics – giving in, making threats yourself or running away.

This program provides an opportunity to become more proficient at turning aside attacks and dirty tricks, handling emotional outbursts, escaping from seemingly impossible situations and moving from face-to-face confrontation to side-by-side negotiation – problems that arise daily both inside the organization and when dealing with outside parties.

In learning this approach, you will also learn how to:

- Prepare for difficult negotiations
- Prepare to negotiate when you don’t have much time
- Neutralize threats, lies and insults
- Deal with someone who is more powerful than you
- Handle power more constructively
- Strengthen interpersonal relationships in business
- Regain control of the negotiation
- Locate and control your own tendencies in the face of conflict

We will also teach you to recognize the most common manipulative tactics used by hard bargainers and difficult people, as well as the key to neutralizing their effects.

About The Program on Negotiation at Harvard Law School

For 25 years, the Program on Negotiation at Harvard Law School has been one of the world’s outstanding negotiation training institutions, and through the innovative research of its faculty has helped to evolve the field itself. It was founded as a collaborative effort among faculty at Harvard, MIT, Tufts and other Boston-area universities to design, implement and evaluate improved dispute resolution practices. A dynamic, interdisciplinary research center, PON serves a unique role in the world negotiation community by developing new thinking on negotiation theory, creating new material for negotiation education, and nurturing a new generation of negotiation teachers and scholars. Each year, business and government leaders, corporate trainers and corporate counsel are among the 2,500 people who participate in PON’s negotiation training courses.
Building on Your Skill in “Mutual Gains” Negotiation

This special program of instruction is designed to enhance your skill in mutual gains negotiation and to increase your proficiency in overcoming hard bargainers and/or hard bargaining situations. By the end of the program you will be better prepared for:

Better Managing the Tension in Conflict Situations
- Successfully managing difficult people and intractable conflicts
- Maintaining a working relationship with someone you don’t like
- Effectively averting unsatisfactory agreements, damaged relationships and a reputation as a difficult person yourself

Controlling Your Own Conflict Tendencies and Hot Buttons
- Avoiding one of the biggest negotiating mistakes you can make
- Recovering when you’re under attack
- Identifying and defusing “hard” tactics
- Refraining from making important decisions at the table

Keeping the Other Side from Pushing You Off Balance
- Surfacing the motivations of the other side
- Using the power of acknowledgment
- Calling them on their ploys
- Using the power of surprise

Laying a Foundation for Problem-Solving
- Exercising the greatest power you have as a negotiator – the power to change the game
- Asking questions to which the other side can’t say “no”
- Negotiating over the rules of the game

Surfacing the Real Problems
- Giving them a chance to explain how they see things
- Using the “one-text” procedure to simplify multi-party negotiations
- Changing the other side’s mind by going at their pace, not yours

Creating Options if They Still Refuse to Negotiate
- Clearly establishing your BATNA (Best Alternative To a Negotiated Agreement) and your WATNA (Worst Alternative To a Negotiated Agreement)
- Using power without provoking

“Excellent practical session on how to negotiate with an emphasis on listening better, preparing and considering the goals of others.”
Elizabeth Segers, Ombuds, Putnam Investments

“. . . outstanding program that every practicing manager must attend. Truly insightful, and makes you think about your own negotiating style from a whole new perspective.”
Murali Krishnamurthy, Vice President & Head, Outsourced Software Development, Servion Global Solutions, Inc.

“Very practical and interactive. Dealing with difficult people is perhaps the hardest aspect of any negotiation. I know I am better equipped to deal with that next time.”
Stephen Satchel, Director, Labor Relations, Coca-Cola
Negotiation is the preeminent tool for decision making in business. It can help build or destroy the relationships that are central to consensus building and effectiveness.

Yet our ability to reach lasting agreement and to achieve better outcomes is frequently undermined by people whose style we find offensive or whose tactics we find unethical or obstructive. The impulse to fight, match dirty tricks with dirty tricks, or walk away from such negotiations may be ill advised when the other party is someone – a boss, a department head, a subordinate, a peer, an important client – with whom you have to deal again and again.

What course of action can you take to achieve an equitable outcome in the face of uncooperative or counterproductive behavior? How can you neutralize unfair tactics, yet act in a way that leaves the door open for constructive problem solving? What negotiating strategies work best in an environment colored by distrust, deception and dirty tricks?

How can you bring a “mutual gains” approach to bear when, at first blush, the other side doesn’t seem to want to play by your rules?

In this program, we present an approach for breaking through problem behavior and the seemingly impossible situations they create so that you can build a platform for achieving fair negotiation outcomes.

Specifically designed for Program on Negotiation alumni, Dealing With Difficult People & Difficult Situations is about how to win, not by defeating the other side, but by winning them over.

DAY 1

1:30 p.m. - 5:00 p.m.

1. Identifying Problem Behavior: Understanding Conflict Tendencies

To know how to react to problem behavior, it is first necessary to understand the primary underlying motivation behind the behavior. Is the difficult person sitting across the table from you acting from habit, from fear or because they are exploitative? What behavior is being exhibited? What are your own tendencies? Negotiating effectively with difficult people requires managing the three tensions inherent in difficult negotiating situations, including:

1. Understanding how you tend to act in the face of conflict, and diagnosing how they tend to act
2. The tension between the need to empathize with the other’s interests in order to make a deal and the need to assert your own interests in order to claim a bigger piece of the pie
3. Incentive differences that can make the negotiation more difficult when third parties negotiate on behalf of clients

Why it makes more sense to move from face-to-face confrontation to side-by-side problem solving instead of trying to beat the difficult person at his or her own game (and coming away with unsatisfactory agreements, a reputation for being difficult yourself or a damaged relationship).

**DAY 2**

**8:30 a.m. - 5:00 p.m.**

2. Recognizing and Responding to Manipulative, Hard Bargaining Tactics

Most manipulative tactics and dirty tricks appear over and over again in various guises. The key is being able to recognize and name them – and to let the other side know that you know what they’re doing.

We’ve identified a number of the most common manipulative tactics and categorized them by behavior. What you can do to neutralize take-it-or-leave-it offers, bluffing, puffing and lying, threats and warnings, unreciprocated offers, BATNA bashing, unscrupulous commitment tactics and others. Why a red flag should go up when you see any one of them.

3. Diagnosing and Managing the Underlying Problem

How do you diagnose the underlying problem that is responsible for the difficulty you’ve been experiencing in a negotiation? In addition to the personality and tactical challenges you face, you also face challenges inherent in the structure of the negotiation itself. You need to manage the tension between creating and distributing value – the fundamental “Negotiator’s Dilemma.” You must do “party arithmetic” to make sure that the right parties are at the table, at the right time. And you need to manage agency problems that might make reaching agreement at the table more difficult.

This section will give you tools for diagnosing and dealing with some of these structural challenges. It will emphasize “moves away from the table” that can help shape the game to your advantage. This section will offer some diagnostic tools and prescriptive advice for these and other seemingly intractable structural difficulties in negotiation.

“This training will make life much easier.”
Dr. Sue Smith,
Chief Executive Officer,
Georgia Parent Support Network

“Educational, enjoyable, practical, useful.”
Tony Dong,
Vice Chairman,
Munder Capital Management

Negotiation: A Monthly Newsletter

Attendees at this program will receive a complimentary three-month subscription to the Program on Negotiation’s innovative monthly Negotiation newsletter. You’ll get practical, expert advice from the top names in the field on how to resolve difficult negotiation problems, from deal-drafting pitfalls and preparation strategies, to how to defuse threats at the bargaining table and tactics for bringing stalled talks back on track. For more information about the newsletter and an index of articles, go to http://www.pon.harvard.edu.
### 12 Common Manipulative Tactics You’ll Learn To Identify – And Neutralize

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<thead>
<tr>
<th>The Behavior</th>
<th>The Tactic</th>
<th>How It’s Manifested in the Negotiation</th>
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<tr>
<td><strong>STONEWALLING</strong></td>
<td>1. “Fait accompli”</td>
<td>What’s done is done. Change is not possible.</td>
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<td>(characterized by rigidity and a reluctance to move from a stated position)</td>
<td>2. “Take it or leave it”</td>
<td>Negotiation by ultimatum: “This is my final offer.”</td>
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<td>3. “Calculated delay”</td>
<td>Delaying agreement in the hope you’ll make concessions to meet a deadline.</td>
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<td>4. “Company policy”</td>
<td>“I can’t do anything about it. It’s company policy.”</td>
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<td><strong>ATTACKS</strong></td>
<td>5. Threats</td>
<td>Indicating you will suffer a consequence if you fail to accede: “Do it or else.”</td>
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<td>(characterized by hostility and attempts to make any inability to reach agreement appear to be your fault)</td>
<td>6. Attacks on credibility</td>
<td>Questioning your integrity: “Your figures are way out of line.”</td>
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<td>7. Attacks on status and authority</td>
<td>Focusing on your qualifications: “You haven’t been in this job long, have you?”</td>
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<td>8. Manipulating the physical environment</td>
<td>Trying to unsettle or confuse you by putting you in a low or uncomfortable seat, facing you toward the sun, etc.</td>
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<td><strong>TRICKS</strong></td>
<td>9. “Good guy/bad guy” strategy</td>
<td>Blaming someone else (either present or elsewhere in the organization) for not being able to reach agreement.</td>
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<td>(characterized by deceit)</td>
<td>10. Manipulating the data</td>
<td>Using false, phony or confusing figures.</td>
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<td>11. Adding to the deal at the last minute</td>
<td>Looking for additional concessions: “There’s just one more little thing.”</td>
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<td>12. “No authority”</td>
<td>Leading you to believe they have authority, then saying they need to get approval before the deal can be struck.</td>
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The faculty for each program is drawn from a core group that includes:

Robert H. Mnookin, Samuel Williston Professor of Law at Harvard Law School, Chair of the Executive Committee of the Program on Negotiation at Harvard Law School, and Director of the Harvard Negotiation Research Project. A renowned teacher, lecturer and mediator, Professor Mnookin has taught numerous workshops for corporations, governmental agencies and law firms throughout the world and trained many executives and professionals in negotiation and mediation skills. He has also arbitrated international commercial disputes, successfully mediated many complex commercial disputes, and served as a consultant to governments and international agencies.

William L. Ury, co-founder of the Program on Negotiation at Harvard Law School and Director of the Global Negotiation Project. He is co-author (with Roger Fisher) of Getting to YES: Negotiating Agreement Without Giving In (Houghton Mifflin, 1981; Penguin, 1983), a five million-copy bestseller translated into over 20 languages. Dr. Ury regularly gives speeches and seminars to corporate executives, labor leaders, diplomats and military officers. As Director of the Nuclear Negotiation Project at Harvard Law School, he was actively involved in the creation of nuclear risk reduction centers in Washington and Moscow. He co-founded and serves as an advisor to the International Negotiation Network (INN) headed by former President Jimmy Carter.

Robert C. Bordone, Thaddeus R. Beal Assistant Clinical Professor of Law, Harvard Law School and Director of the Harvard Negotiation and Mediation Clinical Program. He teaches several courses at Harvard Law School, including the school’s flagship Negotiation Workshop. Mr. Bordone has worked with clients across a spectrum of industries and has taught negotiation to companies, nonprofits, and government agencies around the world. His research interests include the design and implementation of dispute resolution systems.

Guhan Subramanian, Joseph Flom Professor of Law and Business at the Harvard Law School, Douglas Weaver Professor of Business Law, Harvard Business School, and faculty chair for the JD/MBA program at Harvard University. His research explores topics in negotiations, corporate dealmaking, and corporate governance, as well as other multi-party corporate negotiations.

"An outstanding program with an incredibly talented faculty. It is evident why Harvard carries the reputation it does. I loved every minute of this very engaging and educational program."
Mike Peterman,
Senior Vice President,
AccuData America

"Outstanding presentations with a focus on developing skills to assist in dealing with difficult situations, conversations, and tactics."
Kevin Williams,
Branch Chief,
U.S. Nuclear Regulatory Commission

"Excellent skills development in a safe, supportive environment."
Mark Lichtblau,
Corporate Vice President,
Haremar Plastic Manufacturing
The registration fee for Dealing With Difficult People & Difficult Situations is $1850. (For non-profit 501(c)(3) organizations the fee is $1650) It includes continental breakfasts, luncheons, coffee, reception, and complete program materials. It does not include hotel accommodations.

Return this form to Ms. Julie Dunbar
Center for Management Research
55 William Street or Call Ms. Dunbar at (781) 239-1111
Wellesley, MA 02481 or FAX this form to (781) 239-1546
Confirmation will be made via mail and email.

You may also contact us with questions at pon@execseminars.com.

Accommodations: We have reserved a block of rooms at a hotel convenient to the program site. Information on how you may arrange for accommodations will be sent to you approximately eight weeks prior to the program.

Certificates: Certificates of Participation will be awarded for completing the program.

Attendance Limitations & Liability: Attendance at all programs will be reserved on a first-come, first-served basis. If a session is canceled, liability is limited to the registration fee.

I wish to attend the following session of Dealing With Difficult People & Difficult Situations in Cambridge, MA on:

- September 25-26, 2008
- September 24-25, 2009

Mr/Ms/Dr ________________________________
(Please type or print clearly)

First name: on badge ____________________ on certificate ______________

Title __________________________________________________________

Organization ______________________________________________________

Address __________________________________________________________

City __________________ State/Country ________ Zip/Postal Code ________

Phone __________________________ Fax __________________________

E-mail____________________________________________________________

Team Registration: Others attending with me include:

Mr/Ms/Dr ________________________________ Title ______________
E-mail ________________________________

Mr/Ms/Dr ________________________________ Title ______________
E-mail ________________________________

To submit additional registrations, please copy this page. (Please note if address differs.)
- Check enclosed. Payable in U.S. dollars to CMR/Alumni.
- Please bill me. Payment is expected prior to session.
- I cannot attend on the dates listed but would like to be notified of future sessions (and the additional programs I’ve indicated to the right).

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I would also like information about other executive seminars offered by the Program on Negotiation at Harvard Law School:

- The Program on Negotiation for Senior Executives
  Designed to improve your ability to negotiate deals, persuade investors, avoid needless conflict, improve financial terms and influence the decisions of others. 1½ days.

- Negotiating Complex Business Deals
  Reach remarkable agreement at the table through a new three-dimensional approach to negotiating difficult business deals. 2 days.

- Negotiating Labor Agreements
  New strategies for reaching better collective bargaining outcomes through more cooperative forms of negotiation that work. 2 days.

- Negotiating Difficult Business Conversations
  Provides executives with a repertoire of skills for managing difficult messages, tough topics and interpersonal conflict. 2 days.

- Dealing With an Angry Public
  Helps executives and public officials respond to dissatisfied consumers, potential litigants, and angry constituents. 2 days.

- Teaching Negotiation in the Organization
  New strategies for teaching others to bargain more effectively and make deals that last. For training executives and key staff. Team attendance encouraged. 2½ days.

- How to Say No – and Still Get to Yes
  An innovative approach to defending your interests in important business and personal relationships without losing the deal or the relationship. 2 days.

- The Program on Technology Negotiation
  A groundbreaking approach to managing the complexity and uncertainty of technology-centered negotiations. 2 days.

- Dealing With Emotions in Business Negotiations
  Transform negative emotions into positive outcomes and get the deal you want. 2 days.