

Picking the Early Resolution Lock: The Psychology Behind Successful Negotiation Outcomes

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Unlocking Barriers: How Do People Think and React in Conflict Resolution Negotiations

1. Individuals are often unwilling to take responsibility and be accountable
2. Individuals are predisposed to venting
3. Individuals often play the victim card and blame others for their own problems
4. Individuals are victims of selective memory and confabulation
5. Plaintiffs will often leverage the fear factor as part of the negotiation tactic: *The Reptile Theory*

The Reptile Theory

- Plaintiff's counsel will often use some of these Reptile words:
 - Safety
 - Needless danger
 - Unreasonable risk
 - Safer conduct
 - A more dangerous vs. safer option
 - Accountability
 - Protection
 - Community

- Recognize Reptile words from the get-go is the key to defeating a Reptile approach

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6. Fundamental attribution error
7. Negativity bias
8. Anchoring effects

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9. Contrast effects
10. Confirmation bias
11. Entitlement mentality
12. Self-Serving bias and Overconfidence bias
13. Reactive devaluation
14. Competitive spirit
15. “Sunk Cost” bias
16. Risk tolerance and loss aversion

The Decoder Ring: Effective Negotiation Tips and Strategies

1. First impressions are lasting impressions: set realistic expectations
2. Clearly communicate these expectations, and if possible, do them face-to-face
3. Extract commitments where possible
4. Encourage reciprocal self-disclosure
5. Rule of reciprocity and perspective-taking (role reversal)
6. Embrace cognitive biases

The Decoder Ring: Effective Negotiation Tips and Strategies

7. Buffer the effects of reactive devaluation
8. Share real-life examples
9. Use new anchors
10. Coach the parties on their negotiating behavior
11. Use documentary evidence where possible to corroborate memories
12. Graphically illustrate “sunk costs”
13. Embrace the emotion