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After all, kidnappers are just businessmen trying to get the best price.

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people are statistically more likely to act to avert a loss than to achieve an equal gain.

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It all starts with the universally applicable premise that people want to be understood and accepted. Listening is the cheapest, yet most effective concession we can make to get there. By listening intensely, a negotiator demonstrates empathy and shows a sincere desire to better understand what the other side is experiencing.

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Psychotherapy research shows that when individuals feel listened to, they tend to listen to themselves more carefully and to openly evaluate and clarify their own thoughts and feelings.

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The whole concept, which you'll learn as the centerpiece of this book, is called Tactical Empathy. This is listening as a martial art, balancing the subtle behaviors of emotional intelligence and the assertive skills of influence, to gain access to the mind of another person. Contrary to popular opinion, listening is not a passive activity. It is the most active thing you can do.

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Negotiation serves two distinct, vital life functions—information gathering and behavior influencing—and includes almost any interaction where each party wants something from the other side.

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The first step to achieving a mastery of daily negotiation is to get over your aversion to negotiating. You don't need to like it; you just need to understand that's how the world works. Negotiating does not mean browbeating or grinding someone down. It simply means playing the emotional game that human society is set up for. In this world, you get what you ask for; you just have to ask correctly. So claim your prerogative to ask for what you think is right.

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Effective negotiation is applied people smarts, a psychological edge in every domain of life: how to size someone up, how to influence their sizing up of you, and how to use that knowledge to get what you want.

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a hostage negotiator plays a unique role: he has to win. Can he say to a bank robber, "Okay, you've taken four hostages. Let's split the difference—give me two, and we'll call it a day?" No. A successful hostage negotiator has to get everything he asks for, without giving anything back of substance, and do so in a way that leaves the adversaries feeling as if they have a great relationship. His work is emotional intelligence on steroids.

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Labeling—that is, by repeating that perspective back to them.

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Finally, I'll explain how to disarm your counterpart's complaints about you by speaking them aloud in an Accusation Audit.

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You'll learn why it's vitally important to get to "No" because "No" starts the negotiation.

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Calibrated Questions, the queries that begin with "How?" or "What?" By eliminating "Yes" and "No"

answers they force your counterpart to apply their mental energy to solving your problems.

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“Yes,” as I always say, is nothing without “How?” You’ll also discover the importance of nonverbal communication; how to use “How” questions to gently say “No”; how to get your counterparts to bid against themselves; and how to influence the deal killers when they’re not at the table.

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In every negotiation there are between three and five pieces of information that, were they to be uncovered, would change everything.

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understand how urgent, essential, and even beautiful negotiation can be.

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You should engage the process with a mindset of discovery.

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Great negotiators are able to question the assumptions that the rest of the involved players accept on faith or in arrogance, and thus remain more emotionally open to all possibilities, and more intellectually agile to a fluid situation.

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For those people who view negotiation as a battle of arguments, it’s the voices in their own head that are overwhelming them. When they’re not talking, they’re thinking about their arguments, and when they are talking, they’re making their arguments. Often those on both sides of the table are doing the same thing, so you have what I call a state of schizophrenia: everyone just listening to the voice in their head (and not well, because they’re doing seven or eight other things at the same time). It may look like there are only two people in a conversation, but really it’s more like four

people all talking at once.

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The goal is to identify what your counterparts actually need (monetarily, emotionally, or otherwise) and get them feeling safe enough to talk and talk and talk some more about what they want. The latter will help you discover the former. Wants are easy to talk about, representing the aspiration of getting our way, and sustaining any illusion of control we have as we begin to negotiate; needs imply survival, the very minimum required to make us act, and so make us vulnerable. But neither wants nor needs are where we start; it begins with listening, making it about the other people, validating their emotions, and creating enough trust and safety for a real conversation to begin.

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Going too fast is one of the mistakes all negotiators are prone to making. If we're too much in a hurry, people can feel as if they're not being heard and we risk undermining the rapport and trust we've built. There's plenty of research that now validates the passage of time as one of the most important tools for a negotiator. When you slow the process down, you also calm it down. After all, if someone is talking, they're not shooting.

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When we radiate warmth and acceptance, conversations just seem to flow. When we enter a room with a level of comfort and enthusiasm, we attract people toward us.

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We fear what's different and are drawn to what's similar.

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being right isn't the key to a successful negotiation—having the right mindset is.

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you take a pit bull approach with another pit bull, you generally end up with a messy scene and lots of bruised feelings and resentment.

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Every time you mirror someone, they will reword what they've said. They will never say it exactly the same way they said it the first time. Ask someone, "What do you mean by that?" and you're likely to incite irritation or defensiveness.

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Here are some of the key lessons from this chapter to remember: ■A good negotiator prepares, going in, to be ready for possible surprises; a great negotiator aims to use her skills to reveal the surprises she is certain to find. ■Don't commit to assumptions; instead, view them as hypotheses and use the negotiation to test them rigorously. ■People who view negotiation as a battle of arguments become overwhelmed by the voices in their head. Negotiation is not an act of battle; it's a process of discovery. The goal is to uncover as much information as possible. ■To quiet the voices in your head, make your sole and all-encompassing focus the other person and what they have to say. ■Slow. It. Down. Going too fast is one of the mistakes all negotiators are prone to making. If we're too much in a hurry, people can feel as if they're not being heard. You risk undermining the rapport and trust you've built. ■Put a smile on your face. When people are in a positive frame of mind, they think more quickly, and are more likely to collaborate and problem-solve (instead of fight and resist). Positivity creates mental agility in both you and your counterpart. There are three voice tones available to negotiators: 1.The late-night FM DJ voice: Use selectively to make a point. Inflect your voice downward, keeping it calm and slow. When done properly, you create an aura of authority and trustworthiness without triggering defensiveness. 2.The positive/playful voice: Should be your default voice. It's the voice of an easygoing, good-natured person. Your attitude is light and encouraging. The key here is to relax and smile while you're talking. 3.The direct or assertive voice: Used rarely. Will cause problems and create pushback. ■Mirrors work magic. Repeat the last three words (or the critical one to three words) of what someone has just said. We fear what's different and are drawn to what's similar. Mirroring is the art of insinuating similarity, which facilitates bonding. Use mirrors to encourage the other side to empathize and bond with you, keep people talking, buy your side time to regroup, and encourage your counterparts to reveal their strategy.

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agreeing with the other person's values and beliefs or giving out hugs. That's sympathy.

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Politics aside, empathy is not about being nice or agreeing with the other side. It's about understanding them. Empathy helps us learn the position the enemy is in, why their actions make sense (to them), and what might move them.

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Research shows that the best way to deal with negativity is to observe it, without reaction and without judgment. Then consciously label each negative feeling and replace it with positive, compassionate, and solution-based thoughts.

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keep in mind these lessons from the chapter you've just read: ■Imagine yourself in your counterpart's situation. The beauty of empathy is that it doesn't demand that you agree with the other person's ideas (you may well find them crazy). But by acknowledging the other person's situation, you immediately convey that you are listening. And once they know that you are listening, they may tell you something that you can use. ■The reasons why a counterpart will not make an agreement with you are often more powerful than why they will make a deal, so focus first on clearing the barriers to agreement. Denying barriers or negative influences gives them credence; get them into the open. ■Pause. After you label a barrier or mirror a statement, let it sink in. Don't worry, the other party will fill the silence. ■Label your counterpart's fears to diffuse their power. We all want to talk about the happy stuff, but remember, the faster you interrupt action in your counterpart's amygdala, the part of the brain that generates fear, the faster you can generate feelings of safety, well-being, and trust. ■List the worst things that the other party could say about you and say them before the other person can. Performing an accusation audit in advance prepares you to head off negative dynamics before they take root. And because these accusations often sound exaggerated when said aloud, speaking them will encourage the other person to claim that quite the opposite is true. ■Remember you're dealing with a person who wants to be appreciated and understood. So use labels to reinforce and encourage positive perceptions and dynamics.

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Pushing hard for "Yes" doesn't get a negotiator any closer to a win; it just angers the other side.

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We have it backward. For good negotiators, “No” is pure gold. That negative provides a great opportunity for you and the other party to clarify what you really want by eliminating what you don’t want. “No” is a safe choice that maintains the status quo; it provides a temporary oasis of control.

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It comes down to the deep and universal human need for autonomy. People need to feel in control. When you preserve a person’s autonomy by clearly giving them permission to say “No” to your ideas, the emotions calm, the effectiveness of the decisions go up, and the other party can really look at your proposal.

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When someone tells you “No,” you need to rethink the word in one of its alternative—and much more real—meanings: ■I am not yet ready to agree; ■You are making me feel uncomfortable; ■I do not understand; ■I don’t think I can afford it; ■I want something else; ■I need more information; or ■I want to talk it over with someone else.

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There are actually three kinds of “Yes”: Counterfeit, Confirmation, and Commitment.

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you can be sure that everyone you meet is driven by two primal urges: the need to feel safe and secure, and the need to feel in control.

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Saying “No” gives the speaker the feeling of safety, security, and control.

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“No.” It’s a reaffirmation of autonomy.

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Saying “No” often spurs people to action because they feel they’ve protected themselves and now see an opportunity slipping away.

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“Every ‘No’ gets me closer to a ‘Yes.’”

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If despite all your efforts, the other party won’t say “No,” you’re dealing with people who are indecisive or confused or who have a hidden agenda. In cases like that you have to end the negotiation and walk away.

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There’s nothing more irritating than being ignored.

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Along the way, keep in mind these powerful lessons: ■Break the habit of attempting to get people to say “yes.” Being pushed for “yes” makes people defensive. Our love of hearing “yes” makes us blind to the defensiveness we ourselves feel when someone is pushing us to say it. ■“No” is not a failure. We have learned that “No” is the anti-“Yes” and therefore a word to be avoided at all costs. But it really often just means “Wait” or “I’m not comfortable with that.” Learn how to hear it calmly. It is not the end of the negotiation, but the beginning. ■“Yes” is the final goal of a negotiation, but don’t aim for it at the start. Asking someone for “Yes” too quickly in a conversation—“Do you like to drink water, Mr. Smith?”—gets his guard up and paints you as an untrustworthy salesman. ■Saying “No” makes the speaker feel safe, secure, and in control, so trigger it. By saying what they don’t want, your counterpart defines their space and gains the confidence and comfort to listen to you. That’s why “Is now a bad time to talk?” is always better than “Do you have a few minutes to talk?” ■Sometimes the only way to get your counterpart to listen and engage with you is by forcing them into a “No.” That means intentionally mislabeling one of their emotions or desires or asking a ridiculous question—like, “It seems like you want this project to fail”—that can only be answered negatively. ■Negotiate in their world. Persuasion is not about how bright or smooth or forceful you are. It’s about the other party convincing themselves that the solution you want is their own idea. So don’t beat them with logic or brute force. Ask them questions that open paths to your goals. It’s not about you. ■If a potential business partner is ignoring you, contact them with a clear and

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concise “No”-oriented question that suggests that you are ready to walk away. “Have you given up on this project?” works wonders.

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the sweetest two words in any negotiation are actually “That’s right.”

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Driving toward “that’s right” is a winning strategy in all negotiations. But hearing “you’re right” is a disaster.

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Use these lessons to lay that foundation: ■Creating unconditional positive regard opens the door to changing thoughts and behaviors. Humans have an innate urge toward socially constructive behavior. The more a person feels understood, and positively affirmed in that understanding, the more likely that urge for constructive behavior will take hold. ■“That’s right” is better than “yes.” Strive for it. Reaching “that’s right” in a negotiation creates breakthroughs. ■Use a summary to trigger a “that’s right.” The building blocks of a good summary are a label combined with paraphrasing. Identify, rearticulate, and emotionally affirm “the world according to . . .”

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“no deal is better than a bad deal.”

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We don’t compromise because it’s right; we compromise because it is easy and because it saves face. We compromise in order to say that at least we got half the pie.

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Deadlines are often arbitrary, almost always flexible, and hardly ever trigger the consequences we think—or are told—they will.

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When people issue threats, they consciously or subconsciously create ambiguities and loopholes they fully intend to exploit.

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When the negotiation is over for one side, it's over for the other too.

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rejecting perceived unfairness, even at substantial cost, is a powerful motivation.

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people are drawn to sure things over probabilities, even when the probability is a better choice. That's called the Certainty Effect. And people will take greater risks to avoid losses than to achieve gains. That's called Loss Aversion.

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To get real leverage, you have to persuade them that they have something concrete to lose if the deal falls through.

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remember the following powerful lessons: ■All negotiations are defined by a network of subterranean desires and needs. Don't let yourself be fooled by the surface. Once you know that the Haitian kidnappers just want party money, you will be miles better prepared. ■Splitting the difference is wearing one black and one brown shoe, so don't compromise. Meeting halfway often leads to bad deals for both sides. ■Approaching deadlines entice people to rush the negotiating process and do impulsive things that are against their best interests. ■The F-word—"Fair"—is an emotional term people usually exploit to put the other side on the defensive and gain concessions. When your counterpart drops the F-bomb, don't get suckered into a concession. Instead, ask them to explain how you're mistreating them. ■You can bend your counterpart's reality by anchoring his starting point. Before you make an offer, emotionally anchor them by saying how bad it will be. When you get to numbers, set an extreme anchor to make your "real" offer seem reasonable, or use a range to seem less aggressive. The real value of anything depends on what vantage point you're looking at it from. ■People will take more risks to avoid a loss than to realize a gain. Make

sure your counterpart sees that there is something to lose by inaction.

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We learned that negotiation was coaxing, not overcoming; co-opting, not defeating. Most important, we learned that successful negotiation involved getting your counterpart to do the work for you and suggest your solution himself. It involved giving him the illusion of control while you, in fact, were the one defining the conversation.

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Giving your counterpart the illusion of control by asking calibrated questions—by asking for help—is one of the most powerful tools for suspending disbelief.

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“He who has learned to disagree without being disagreeable has discovered the most valuable secret of negotiation.”

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one of the greatest-of-all-time calibrated questions: “How am I supposed to do that?” The critical part of this approach is that you really are asking for help and your delivery must convey that. With this negotiating scheme, instead of bullying the clerk, you’re asking for their advice and giving them the illusion of control.

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powerful negotiating technique for transforming encounters from confrontational showdowns into joint problem-solving sessions.

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Calibrated questions have the power to educate your counterpart on what the problem is rather than causing conflict by telling them what the problem is.

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First off, calibrated questions avoid verbs or words like “can,” “is,” “are,” “do,” or “does.” These are closed-ended questions that can be answered with a simple “yes” or a “no.” Instead, they start with a list of words people know as reporter’s questions: “who,” “what,” “when,” “where,” “why,” and “how.”

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But let me cut the list even further: it’s best to start with “what,” “how,” and sometimes “why.”

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And “why” can backfire. Regardless of what language the word “why” is translated into, it’s accusatory. There are very rare moments when this is to your advantage.

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because all negotiation is an information-gathering process.

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Here are some other great standbys that I use in almost every negotiation, depending on the situation: ■What about this is important to you? ■How can I help to make this better for us? ■How would you like me to proceed? ■What is it that brought us into this situation? ■How can we solve this problem? ■What’s the objective? / What are we trying to accomplish here? ■How am I supposed to do that?

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without self-control and emotional regulation, it doesn’t work.

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remember the following powerful lessons: ■Don’t try to force your opponent to admit that you are right. Aggressive confrontation is the enemy of constructive negotiation. ■Avoid questions that can be answered with “Yes” or tiny pieces of information. These require little thought and inspire the human need for reciprocity; you will be expected to give something back. ■Ask calibrated

questions that start with the words “How” or “What.” By implicitly asking the other party for help, these questions will give your counterpart an illusion of control and will inspire them to speak at length, revealing important information. ■Don’t ask questions that start with “Why” unless you want your counterpart to defend a goal that serves you. “Why” is always an accusation, in any language. ■Calibrate your questions to point your counterpart toward solving your problem. This will encourage them to expend their energy on devising a solution. ■Bite your tongue. When you’re attacked in a negotiation, pause and avoid angry emotional reactions. Instead, ask your counterpart a calibrated question. ■There is always a team on the other side. If you are not influencing those behind the table, you are vulnerable.

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Negotiators have to be decision architects: they have to dynamically and adaptively design the verbal and nonverbal elements of the negotiation to gain both consent and execution.

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There are two key questions you can ask to push your counterparts to think they are defining success their way: “How will we know we’re on track?” and “How will we address things if we find we’re off track?” When they answer, you summarize their answers until you get a “That’s right.” Then you’ll know they’ve bought in.

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We could have avoided all that had we asked a few calibrated questions, like: How does this affect everybody else? How on board is the rest of your team? How do we make sure that we deliver the right material to the right people? How do we ensure the managers of those we’re training are fully on board?

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Truly effective negotiators are conscious of the verbal, paraverbal (how it’s said), and nonverbal communications that pervade negotiations and group dynamics.

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The Rule of Three is simply getting the other guy to agree to the same thing three times in the same

conversation.

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Humanize yourself. Use your name to introduce yourself. Say it in a fun, friendly way.

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The first step in the “No” series is the old standby: “How am I supposed to do that?”

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After that, some version of “Your offer is very generous, I’m sorry, that just doesn’t work for me” is an elegant second way to say “No.”

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Then you can use something like “I’m sorry but I’m afraid I just can’t do that.”

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“I’m sorry, no” is a slightly more succinct version for the fourth “No.”

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If there’s one way to put off your counterpart, it’s by implying that disagreeing with you is unfair.

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That is, “Yes” is nothing without “How.” Asking “How,” knowing “How,” and defining “How” are all part of the effective negotiator’s arsenal. He would be unarmed without them. ■Ask calibrated “How” questions, and ask them again and again. Asking “How” keeps your counterparts engaged but off balance. Answering the questions will give them the illusion of control. It will also lead them to contemplate your problems when making their demands. ■Use “How” questions to shape the negotiating environment. You do this by using “How can I do that?” as a gentle version of “No.”

This will subtly push your counterpart to search for other solutions—your solutions. And very often it will get them to bid against themselves. ■Don't just pay attention to the people you're negotiating with directly; always identify the motivations of the players "behind the table." You can do so by asking how a deal will affect everybody else and how on board they are. ■Follow the 7-38-55 Percent Rule by paying close attention to tone of voice and body language. Incongruence between the words and nonverbal signs will show when your counterpart is lying or uncomfortable with a deal. ■Is the "Yes" real or counterfeit? Test it with the Rule of Three: use calibrated questions, summaries, and labels to get your counterpart to reaffirm their agreement at least three times. It's really hard to repeatedly lie or fake conviction. ■A person's use of pronouns offers deep insights into his or her relative authority. If you're hearing a lot of "I," "me," and "my," the real power to decide probably lies elsewhere. Picking up a lot of "we," "they," and "them," it's more likely you're dealing directly with a savvy decision maker keeping his options open. ■Use your own name to make yourself a real person to the other side and even get your own personal discount. Humor and humanity are the best ways to break the ice and remove roadblocks.

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No part of a negotiation induces more anxiety and unfocused aggression than bargaining, which is why it's the part that is more often fumbled and mishandled than any other. It's simply not a comfortable dynamic for most people.

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people fall into three broad categories. Some people are Accommodators; others—like me—are basically Assertive; and the rest are data-loving Analysts.

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But there is one basic truth about a successful bargaining style: To be good, you have to learn to be yourself at the bargaining table. To be great you have to add to your strengths, not replace them.

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But while innocent and understandable, thinking you're normal is one of the most damaging assumptions in negotiations.

If you feel you can't say "No" then you've taken yourself hostage.

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Conflict brings out truth, creativity, and resolution. So the next time you find yourself face-to-face with a bare-knuckle bargainer, remember the lessons in this chapter. ■ Identify your counterpart's negotiating style. Once you know whether they are Accommodator, Assertive, or Analyst, you'll know the correct way to approach them. ■ Prepare, prepare, prepare. When the pressure is on, you don't rise to the occasion; you fall to your highest level of preparation. So design an ambitious but legitimate goal and then game out the labels, calibrated questions, and responses you'll use to get there. That way, once you're at the bargaining table, you won't have to wing it. ■ Get ready to take a punch. Kick-ass negotiators usually lead with an extreme anchor to knock you off your game. If you're not ready, you'll flee to your maximum without a fight. So prepare your dodging tactics to avoid getting sucked into the compromise trap. ■ Set boundaries, and learn to take a punch or punch back, without anger. The guy across the table is not the problem; the situation is. ■ Prepare an Ackerman plan. Before you head into the weeds of bargaining, you'll need a plan of extreme anchor, calibrated questions, and well-defined offers. Remember: 65, 85, 95, 100 percent. Decreasing raises and ending on nonround numbers will get your counterpart to believe that he's squeezing you for all you're worth when you're really getting to the number you want.

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the Black Swan symbolizes the uselessness of predictions based on previous experience. Black Swans are events or pieces of knowledge that sit outside our regular expectations and therefore cannot be predicted.

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"Why are they communicating what they are communicating right now?"

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Black Swans are leverage multipliers. They give you the upper hand.

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People will often sooner die than give up their autonomy.

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we trust people more when we view them as being similar or familiar.

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that people operating with incomplete information appear crazy to those who have different information. Your job when faced with someone like this in a negotiation is to discover what they do not know and supply that information.

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“Have you given up on finalizing this deal this year?”

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gets you over that fear of conflict and encourages you to navigate it with empathy.

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Every negotiation, every conversation, every moment of life, is a series of small conflicts that, managed well, can rise to creative beauty.

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Here are some of the best techniques for flushing out the Black Swans—and exploiting them. Remember, your counterpart might not even know how important the information is, or even that they shouldn't reveal it. So keep pushing, probing, and gathering information. ■Let what you know—your known knowns—guide you but not blind you. Every case is new, so remain flexible and adaptable. Remember the Griffin bank crisis: no hostage-taker had killed a hostage on deadline, until he did. ■Black Swans are leverage multipliers. Remember the three types of leverage: positive (the ability to give someone what they want); negative (the ability to hurt someone); and normative (using your counterpart's norms to bring them around). ■Work to understand the other side's “religion.” Digging into worldviews inherently implies moving beyond the negotiating table and into

the life, emotional and otherwise, of your counterpart. That's where Black Swans live. ■Review everything you hear from your counterpart. You will not hear everything the first time, so double-check. Compare notes with team members. Use backup listeners whose job is to listen between the lines. They will hear things you miss. ■Exploit the similarity principle. People are more apt to concede to someone they share a cultural similarity with, so dig for what makes them tick and show that you share common ground. ■When someone seems irrational or crazy, they most likely aren't. Faced with this situation, search for constraints, hidden desires, and bad information. ■Get face time with your counterpart. Ten minutes of face time often reveals more than days of research. Pay special attention to your counterpart's verbal and nonverbal communication at unguarded moments—at the beginning and the end of the session or when someone says something out of line. ACKNOWLEDGMENTS