

FOREWORDS BY CAL RIPKEN, JR. AND  
AMBASSADOR CHARLENE BARSHEFSKY

RENOWNED  
CLASSIC,  
REVISED AND  
UPDATED

# THE POWER OF *Nice*

{ HOW TO NEGOTIATE SO  
EVERYONE WINS  
—*Especially You!* }

**RONALD M. SHAPIRO**

*with* **JAMES DALE**

**WILEY**

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# Praise for *The Power of Nice*, Revised and Updated

“Shapiro eschews the academic ‘win-win’ style for the more practical ‘WIN-win’ approach which enables proficient negotiators to achieve beneficial results for themselves while simultaneously satisfying the basic interests of the persons on the other side. This is especially critical when on-going relationships are involved.”

—Charles B. Craver, Author of *The Art of Negotiation in the Business World*, Freda H. Alverson Professor of Law, George Washington Law School

“*The Power of Nice* offers essential tools that empower every negotiator. Shapiro's systematic approach to negotiations is easy-to-follow with classic and updated case studies throughout the book.”

—Melanie Allison, DNP, RN, ACNP-BC, Vanderbilt University School of Nursing Faculty

“In *The Power of Nice*, the elusive elements of the ‘art of negotiation’ are broken down and explained to all in a concise, practical, and lively manner. Ron's sharing his career of negotiating makes us all better.”

—Randy Levine President, New York Yankees Of Counsel, Jackson Lewis P.C.

“This book, and the principles espoused within it, have helped me in innumerable ‘difficult’ conversations and discussions with faculty. The book has guided me towards being able to say either ‘yes’ or ‘no’ in a way that strengthens the professional relationship, underscores the person's value to the organization, and serves as a foundation for their career growth. Ron convincingly demonstrates how the essential elements of preparation, engagement, and personalization....and truly listening...are to getting to a mutual ‘win.’ His concepts move the negotiation from a one-time battle for supremacy, to a long-term conversation and a platform for collaboration and success.”

—Justin C. McArthur, MBBS, MPH, FAAN, Director, Department of Neurology, Johns Hopkins University School of Medicine; Neurologist-in-chief, the Johns Hopkins Hospital; Chair, School of Medicine Professorial Promotions Committee

“I have religiously used Ron's systematic approach for over two decades, and after reading this revised edition, I am not surprised to discover that even I can take my negotiation skills to a higher level.”

—Steve Mosko, President, Sony Pictures Television

“Ron goes beyond the practicalities of negotiating and shows how his philosophy of building strong relationships and paying attention to detail has an enormous impact on being successful—and not just in business.”

—Irina Pavlova, President, Onexim Sports and Entertainment Holding USA, Inc.

“The new tools and stories in this updated edition of *The Power of Nice* demonstrate that Ron perfects his craft by practicing what he preaches. Anyone seeking to become a better negotiator should read this book!”

—Eduardo DeJesus Rodriguez, MD, DDS, Helen L. Kimmel Professor of Reconstructive Plastic Surgery, Department of Plastic Surgery (Chair), NYU Langone Medical Center



# **The Power of Nice**

**How to Negotiate So Everyone Wins  
— Especially You!**

**REVISED AND UPDATED**

**Ronald M. Shapiro *with* JAMES DALE**

**WILEY**

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*To four generations of family:*

*My father, who was the exemplar in my life for the power of nice, and my mother, for always being there to support my endeavors with her love;*

*My darling wife, Cathi, for her guidance, wisdom, and love;*

*And my children and grandchildren, who never let a day pass without reminding me of the importance of living with the Power of Nice.*

# Foreword to the Revised Edition

## You Can Be Nice, and Purposeful

By Ambassador Charlene Barshefsky

When I was Bill Clinton's chief trade negotiator, the United States Trade Representative, we negotiated over 300 market-opening trade and investment agreements across the globe. And as a private practitioner, I've negotiated countless agreements for both U.S. and foreign clients. Over the years, Ron Shapiro and I would always compare notes. His were more valuable.

I have been a Shapiro disciple for a very long time. *The Power of Nice* reminds us that negotiations are as much psychology and human interaction as substance and deal points. Understanding the other side's needs, concerns, and limitations, watching carefully, listening actively, and being agile enough to act as problem solver for both sides, is easily as critical as preparing your own substantive position and game plan. The goal is to bring home a great deal—a durable deal—for your clients or your business, not no deal because you couldn't get along with the other side. And it is not making a deal that looks good on paper but will never be implemented because you played “gotcha” once too often. Parents are often fond of reminding their kids that “what goes around comes around.” Good advice. “Purposeful” and “nice” can and ought to coexist. Ron's very success is a testament to that.

The lessons contained in *The Power of Nice*, whether big or small, are invaluable. Take, for example, one of Ron's tactical tips on the pitfalls of restating your position. One of my earliest negotiations with the Japanese concerned

telecommunications infrastructure. I explained the U.S. position, my Japanese counterparts listened intently, and were...silent. Thinking that they did not fully understand our concerns, I slowly repeated what I had said. They listened carefully, more time went by...and again, silence. I was just about to give it a third try, when a young staffer passed me a note of four words: "Ambassador Barshefsky—Stop talking." Why? Because Ron is right. Almost nothing is ever said precisely the same way twice, let alone three times. In fact, as *The Power of Nice* predicted, I had unintentionally altered my pitch, and telegraphed to the Japanese negotiators valuable clues as to my real position. The upshot? I never gave the third iteration, and waited, silently. After about 15 minutes of uncharacteristic American quiet, they began to talk—a lot. We got back on track, and I never made the same mistake again.

Or take Ron's points about forming relationships and not letting emotion overwhelm the talks. I was negotiating an intellectual property agreement with the Chinese, which went on for months on end, but during which my counterparts and I developed a very good relationship. The talks were sometimes tense or acrimonious, but never personal.

Late one night, the Chinese negotiator became highly agitated. I knew that he was under considerable pressure to conclude the talks without further movement on the Chinese side. In an uncharacteristic display, he lunged across the table (fortunately, it was a wide table and he was not particularly tall), and said, "That's it. No more. We are done." I could have yelled, "No we aren't," but I didn't. I knew that if I took the bait, we *would* be done, and I still had one final bit of ground to cover. So I weighed how best to defuse the situation, continue the negotiation for that last little bit, and not do anything that would result in the loss of face for my counterpart. I replied, calmly, "Mr.

Minister. I am so sorry, but apparently, there has been a miscommunication. We are both tired. Let me suggest that we adjourn for the evening and resume early in the morning.” With that, I stood, left the room, and returned the next day with essentially the same proposal. After a brief discussion, the deal was done.

Then there is the situation where your counterpart agrees to something that is too good to be true, and where Ron rightly counsels, no deal may be the best option. This almost happened in the case of a large trade agreement with Vietnam—principally because we did not fully appreciate their priorities (another Ron “must do”).

By the early 2000s, the United States and Vietnam had yet to fully normalize relations, despite the decades earlier end to the Vietnam War. Our proposed trade agreement had a twofold purpose: to slowly reform and open the Vietnamese market, and to serve as the last step in the normalization process—something both sides sought.

One day, after months of negotiation, my lead staffer called me from Hanoi so excited he could barely speak. “Today... well....it's incredible. We are nearly done. What should I do?” This astonished me, because there is no way on earth the negotiation was nearly done. As we talked further, it became clear that the other side had simply decided to accept whatever we put forward. That would lead to an agreement that was never going to be fully implemented. I stopped the negotiation, called our team back, and invited the Minister from Vietnam to Washington. It was better to have no deal than to make a deal that wasn't good or wouldn't work.

Then I employed another Ron-ism: Preparation. Or, in this case, further preparation. We had prepared thoroughly for our negotiations in Vietnam. But as Ron teaches, preparation is not an end; it is an ongoing process,

changing as the deal, the players, or the circumstances change. So we prepped again for the Minister's visit, analyzing his likely position, his needs and wants—empathizing, and determining our own true priorities, where we could give and where we could not.

When he arrived, we were ready for a heart-to-heart. As our preparation had indicated, for Vietnam, normalization was the overarching goal. For the United States, normalization was important, but so, too, was a strong, realistic agreement that could and would be implemented. So we simplified a number of our proposals, and revamped the agreement by phasing in various reforms over time. The United States and Vietnam normalized relations, and the agreement was fully implemented. No deal led to a better deal.

I could give countless additional examples of putting *The Power of Nice* to work—both as a systematic approach and an ethos. I was once told that as a negotiator I am tough, but reasonable, and funny—“purposeful” and “nice.” This is, I am convinced, the best and most effective combination of winning, both in the short term and long. The proof is in *The Power of Nice*.

## Foreword to the First Edition:

### Can You Say “Agent” and “Nice” in the Same Sentence?

By Cal Ripken, Jr.

Some people believe that successful professional athletes are prima donnas, and are only interested in how much money they can make. People may also think agents are aggressive, bloodthirsty sharks, who will promise anything to cut a deal. These stereotypes may be true in some cases but I hope my career proves there are exceptions. I know Ron Shapiro disproves this theory in his profession.

Just because you practice *The Power of Nice*, you listen to the other side, and everybody comes out a winner doesn't mean you're not a good negotiator. In fact, it shows that it is a more involved negotiation, and both sides end up getting what they want—a whole lot more. Ron Shapiro finds out how both parties can come out with a win. He is a real life example of a successful win-win negotiator.

When I first met Ron, I was about 18 or 19 years old. I was an up-and-coming baseball player and a lot of agents were interested in representing me. They wooed me pretty hard, trying to persuade me that they or their agency would represent me the best and the most aggressively, get me to the big leagues faster, get me a more lucrative contract, handle my money better, and get me more endorsements.

These agents had all kinds of not-too-subtle ways of convincing a player they were the best. Some of them would arrive in stretch limousines to take you out to dinner at the finest, fanciest restaurants: great big lobsters and



New York strip steaks. They put the emphasis on glitz and glamour.

To tell the truth, I enjoyed it. After all, there were a lot of agents out there, there were a lot of good restaurants, and I like lobster and steak. I would graciously accept the agents' invitations, go out, eat dinner, and listen. I referred to it as "the agent game."

One day, Mr. Shapiro called. Okay, I admit it, I'd heard of him and I called him. But he did call me right back. I now know his name is pronounced "Shap-eye-ro" but I called him Mr. "Shap-ear-o" and he called me "Carl." My parents and I made an appointment to hear his presentation so I could determine if I wanted him to represent me.

Right away, it was obvious that he was different from all the other agents. He said, "Let's meet at my office." So I thought, "This is okay. He'll show me his office and it's probably really posh, rich leather sofas, mahogany paneling, marble floors. Then he'll buzz for his driver and we'll go out to the fancy restaurant."

I arrived at his office and he introduced me to his staff. We talked baseball and what his approach would be for me. In some ways, it was similar to what others had said, but in a different atmosphere. The office wasn't posh. It was, what's the word—plain; no leather, no paneling, no marble. Eventually, it was lunchtime, and I was getting hungry, and I was anticipating that expensive restaurant. Ron had tuna sandwiches brought in and we ate at the conference table (which was oak, not mahogany).

In the end I chose Ron Shapiro. Why? Maybe it was everything he *didn't* do that told me how he'd act on my behalf. Maybe it was not living up to the myths of his profession but clearly being successful. Maybe it was that he asked me what I wanted and needed and actually

listened to me instead of telling me what he was going to do. Maybe it was trust.

Or maybe I just guessed right. Now, after many seasons and All-Star games and contracts, and now a business career, I think I made the smartest decision any 18-year-old could make.

Over the years, I've seen every kind of dealmaker there is. I'll take Ron's kind every time. You can get what you want *and* you can live with yourself. Instead of making one-time deals, you make deals that lead to more deals. You build relationships. And, make no mistake, you'll outnegotiate the other side.

While I've enjoyed a record-setting streak of consecutive games played, Ron is on a streak of his own. I've seen him use his Power of Nice for over 30 years. My career, and those of many others in the worlds of sports and business, are testimony to its impact. The stories and lessons he tells in this book really work in real life, whether it be in everyday business deals or the hard-nosed negotiations of the big leagues.

# Acknowledgments

I am grateful to Mark Jankowski for his significant contributions to the earlier editions of this book, and also for his work at the Shapiro Negotiations Institute during his years as my partner. I will always appreciate the opportunity I had to work with him in developing *The Power of Nice*. And thanks to Jim Dale for his valuable assistance in making this revised edition better than it would have been without him.

Thanks also go to the extraordinarily committed people who work at the Institute, including those who made special contributions to this revision: Todd Lenhart, Michael Blackstone, and Jeff Cochran. My friend and counsel, Michael Maas, our intern, Matt Legg, and my executive assistant, Kim Talbott, eased the burden of accomplishing the task through an array of contributions made by each of them. Andres Lares's and Samer Jassar's technology skills helped make the end product more contemporary.

I appreciate the efforts of my editor, Shannon Vargo, whose gentle guidance and belief in this revision inspired its publication. I also want to thank members of Shannon's team, Elizabeth Gildea and Deborah Schindlar, and my agent, Joe Spieler, for their support.

The editorial advice of Joann Davis and the legal guidance of Arthur Levine were given out of friendship and were crucial to bringing about the end product.

# Introduction

## Why Change What Works?

It's what you learn after you know it all that counts.

—Harry S. Truman

After you write a book about negotiation, and it turns out that, yes, it works in the real world—enables people to get what they want more often, facilitates deals and partnerships, ends stalemates, heals wounds—why change it at all, why rewrite it, why update it? Because Harry Truman was right. Because in practicing what I preach, in teaching, in one after another real-life experiences, my approach evolved, was refined, got better, and became even more effective.

*“Ron, can you help the new head of the Department of Psychiatry at Johns Hopkins negotiate the terms of his deal? He knows everything about the human mind but could use some help to change minds in this situation.”*

*“Mr. Shapiro, you don't know me but I am a freelance web designer who feels I have been subjected to a fee-double standard compared to male counterparts. I'd like to raise my hourly rate....”*

*“I've been named sales manager for the Network and I want to hone my skills at selling our sponsors and not discounting our rates.”*

*“I'm a Deputy Fire Chief for Baltimore City and I have to make the case for the firehouse renovation program to a*

*bunch of high-powered business leaders and I'm intimidated... What do I do?"*

*"Ron, we have the opportunity to join the Big Ten. Can you help us negotiate our way in?"*

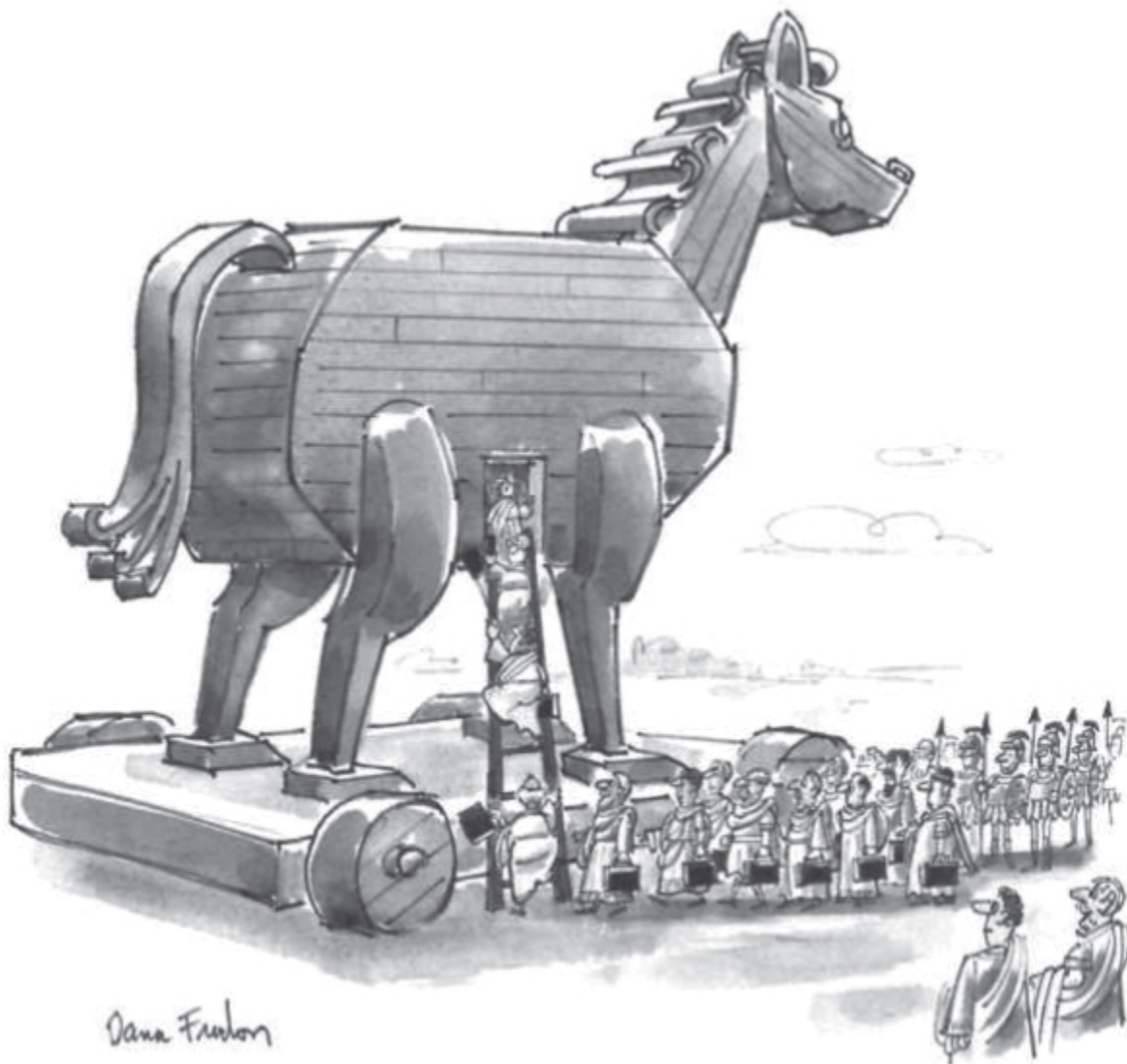
*"Pops, I have a problem with a friend and Mom said, 'talk to your grandfather.'"*

In responding to these situations and countless others, I practiced and imparted the Power of Nice. But in each case the Power of Nice evolved, the tools were sharpened, the outcomes enhanced. Moreover, whether because of feelings of inferiority due to gender, age, culture, or experience, people who found themselves disadvantaged in negotiations, who felt they lacked power, utilized our systematic approach and became empowered. And, amazingly enough, there were successful negotiators who gained a whole new sense of empowerment by being systematic.

And in the course of those negotiations, and reflecting afterward, I continued to learn, and this book now reflects that learning. For example, the concept of WIN-win, or Big Win-Little win, is modified to "maximizing your win"—you get the *maximum* you can achieve at the time, but the other side doesn't leave the table in defeat.

What used to be the Preparation Planner is now the Preparation Checklist. It's a more streamlined, two-step system—Information Gathering Steps and Action Planning Steps—that facilitate the preparation process. Additionally within the Checklist, items such as the importance of knowing your bottom line, or, as described in the Checklist, your Walkaway, receive new emphasis. Also, the practice of Scripting has emerged to be so important to negotiation, with so much influence over outcomes, that it is now a step unto itself.

In this new version of the book, you will find some older stories updated, some older ideas modified, and some brand new stories and anecdotes that illustrate and teach today's Power of Nice. The systematic approach has evolved and, in total, is even more effective in more situations, more challenges, in more aspects of business and life. You will see the system at work. Most of all, you will find more than power; you will find empowerment. And nothing is nicer.



*"We're going to try to negotiate first."*

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# Chapter 1

## Negotiation

Let us never fear to negotiate. But let us never negotiate out of fear.

—John F. Kennedy

Nothing in life is to be feared. It is only to be understood.

—Madame Marie Curie

# **“I'll Burn That Bridge When I Come to It”**



Early in my career, I had a law partner who loved his work. He was smart. He knew the law. He always had his clients' best interests at heart. And he liked nothing better than the challenge of negotiation. He had no fear of the other side. In fact, he relished confrontation. He paced outside a conference room like a blitzing linebacker. He had that same hungry look in his eyes, pacing and revving himself up for the kill. He couldn't wait to charge in and nail the quarterback (or the other lawyer) to the Astroturf (or the deal he was after). If a few bones were broken along the way, so be it...or so much the better.

He often got what he and his client wanted. But he only got it once. Nobody wanted or could afford to deal with him twice because he left nothing on the table. *Winner take all. Why take a share of the profit when you can take all of it? Why have investors when you can have sole control? Why pay commissions? Why give concessions to a union when you can break the union? Why not squeeze all suppliers to rock bottom? Why not drive all offers up to the last dollar? Why negotiate when you can dictate?* My partner literally destroyed the other side, and he reveled in it.

One day he strutted out of yet another of his "eat-the-opposition-for-lunch" meetings, fresh blood dripping from his teeth, having dismembered yet another adversary in the name of dealmaking. Instead of congratulating him, I asked him a question that took him by surprise. "What did the other side want?"

He looked at me with a combination of curiosity at my naiveté and astonishment at the irrelevance of the question. "I don't know, but they didn't get it," he answered.

I persisted, “Maybe they could have gotten what they wanted *and* you could have gotten what you wanted. What would have been wrong with that?”

Then he sighed like a wise old tobacco-chewing veteran and laid it out for the rookie who just didn't understand how to play the game. “Don't you get it? We won.”

“Yeah,” I protested, “but what if, some time in the future, the tables turn and the other side gains the upper hand and then they're in a position to change the deal?”

That's when my wise old veteran partner put his arm around me, took a long, dramatic pause, and said, “I'll burn that bridge when I come to it.” That wasn't just his snappy comeback. He meant it. It was the embodiment of his negotiation philosophy.

That's the way a lot of people look at negotiation. Two S.O.B.s locked in a room trying to beat the daylights out of each other and may the biggest S.O.B. win. Even way back then, I thought there was a better way to make deals.

Over the years I practiced and perfected what made sense and worked for me: You can be “a nice guy” and still get what you're after. In fact, *embracing the systematic approach* of this book gives *you* the power and allows *you* to get better results, achieve more of your goals, and build longer-term relationships with even greater returns.

## **The Power of Nice Philosophy**

The way to get what you want is to help the other side get what they want.

# Your First Deal

What matters in negotiation is results. Everything else is decoration. To get results you must have parties who *want* to make a deal, each of whom has something to *gain*. Never forget, everyone who sits down at a negotiating table is there for one simple reason: They want something the other side has.

You picked up this book, so you must feel you have something to gain. As authors, we have already gained by making the book sale. So, have we won and you lost? Hardly. As you'll learn, we don't want a one-time deal; we want an ongoing relationship (your recommendation of our book to others, visiting our website, attending our programs, and buying our next print or digital book). You don't want a one-time deal, either. You want to learn to negotiate every deal well. Therefore, reader and authors have a common interest (another point I'll be making later) and that is *to make you a better negotiator*.

To achieve that end, we each have to make a commitment. Yours is to answer *two questions* with complete candor (even if it hurts). Ours is to deliver on four objectives that will make you an effective negotiator.

1. What negotiation have you handled recently that has not gone or is not going well? [Remember what I said about candor. Write out your answer and then show it to someone you can't fool (husband, wife, partner, friend, boss, client, mother)]
2. What would you like to be able to do differently after reading this book? (*Be realistic, but aim high.*)

Write down your answers and save them. You're going to want to look back at them at the end of the book.



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## **Four Objectives You Can Expect**

### **1. Displaying Confidence.**

The most effective negotiators tend to be the most confident negotiators. Conversely, negotiators who are less confident are less effective. So, how do you get confidence and become a better negotiator? Get smart.

Lack of confidence is mostly lack of knowledge. Knowledge is power. You will be armed with the knowledge it takes to deal from strength. You won't be cocky; you'll be confident. The former is imitating someone who knows what he's doing; the latter is the person who the cocky person is imitating.

## 2. Achieving WIN-win.

Today, everybody talks about win-win negotiation. Both sides win. Both get what they want. Both are equally happy. How delightful. How unrealistic.

If we negotiators were seeking truly equal terms and deals, like King Solomon, we'd simply divide everything in half. In reality, we're out to achieve *all* (or most) of *our* goals, to make *our most desirable deal*. But the best way to do so is to let the other side achieve *some* of their goals, to make their acceptable deal. That's **WIN-win**: maximize your win, but don't forget theirs.

The most common approach to dealmaking is I Win-You Lose, the pound-of-flesh school—the only good deal for me is a bad deal for you. The unfortunate fate of too many negotiations is:

We both lose

or

If I can't win, nobody can.

We'll show you how to avoid both of these negative categories.

## 3. Using the 3 Ps.

There's an old saying, "If all you have in your toolbox is a hammer, then every problem looks like a nail." The same holds true for negotiation. More tools enable you to solve more problems. Better tools enable you to find longer lasting, more enriching solutions. *Prepare*, *Probe*, and *Propose* are the first of the tools that we'll put in your negotiator's toolbox.

There is no secret formula that will enable you to get what you want every time you negotiate. But we have created a *systematic approach*—a step-by-step program

—that, if repeated and mastered, will maximize your results. Like all good systems, this one is simple:

Prepare, Probe, and Propose.

That's it. Close the book, you've learned it. Well, it's not quite that simple. We'll show you how to *prepare* better than the other side; how to *probe* so you know what they want and why; and how to *propose* without going first and revealing too much, to avoid impasses or getting backed into a corner, but still achieving what you want. *As you'll see, negotiation is a process, not an event.*

#### **4. Handling Tough Negotiations.**

Welcome to the real world of dealmaking. Unfortunately, it's full of tough negotiators and tough negotiations. Some people think you have to be a bad guy to be a good negotiator. So, they act the part. Some aren't really so awful but have to answer to an awful boss who demands that they act the part. Sometimes, the negotiation itself may be brutal. The time, terms, or goals may be so difficult to meet that the *process* turns loathsome, even if the person opposite you isn't.

The tools in your negotiator's toolbox will enable you to deal with the toughest people and situations, from neutralizing animosity, to breaking deadlocks, to knowing when the best deal is no deal. You'll learn how to out-negotiate the bad guys without becoming one of them.

One more thing: If you've been around sports long enough, you know the value of a good pep talk—whether it's Herb Brooks talking to the 1980 U.S. Olympic Hockey Team—the “miracle on ice,” Gene Hackman as the coach in *Hoosiers*, Babe Ruth talking to a sick kid in the hospital, or Pat O'Brien invoking the memory of the Gipper (Ronald Reagan