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Whatever It Is, I'm Against It!

*Your proposition may be good,
but let's have one thing understood –
whatever it is, I'm against it!
And even when you've changed it or condensed it,
I'm against it!*

Marx Brothers, *Horse Feathers*, 1932

Every negotiation is advanced through a series of reciprocal concessions. However, there can be a tendency to automatically reject a proposal by an adversary, simply because it was made by the adversary. This can especially occur in highly emotional cases where people feel that their negotiation opponent is their enemy. (“They wouldn’t have offered those terms if those terms strengthened our position relative to theirs.”) This line of thought can be a barrier to resolution. It is called reactive devaluation.

This inferential process assumes a true “zero-sum” game (more for you is less for me), when such is not always the case. An experienced mediator can identify this and react. The late Hon. Mario Clinco* was renowned for avoiding this mental roadblock. He would make hypothetical proposals, such as, “How would you respond if . . . ?” When the timing was right, he would make a recommendation.

If you see this problem occur during your negotiation, and your mediator does not pick up on it, discuss whether he or she should convey your proposal as a hypothetical from the mediator. By changing the source of the proposal, you can change how it may be perceived by the other side.

Keep this strategy in mind, and you may find your opponent is for your proposal after he was against it.

* Judge Clinco was a trial judge in Santa Monica, California and a founder of the Italian American Lawyers Association.