

NEWS

The art of negotiation hinges on the 'walk away' strategy

“This isn't your neighbour, it is your baby,” the lady said, emphatically. As I continued walking away she continued: “Don't you love her? Don't you love your daughter?”

Just minutes before, the same lady challenged my wife, saying: “This isn't China!” and, “Hey lady, you must be drinking tequila!”

My wife and I were not guilty of some heinous neglect or abuse of one of our children. Neither had we committed some drunken social faux



ACHIEVING JUSTICE

Paul Hergott

pas.

No, we were simply following through with one of the most important rules of negotiation—be prepared to walk away.

The Mexican vendor whose store we were walking out of was exercising an interesting ne-

gotiation strategy we had not encountered before in Mexico—insult.

Her “best price” for the dress our daughter, Cassidy, wanted had gone down considerably from the time we first entered the store.

The sales lady had reached a price that was the lowest the owner would allow her to go, or so she said, another negotiation tactic.

The same negotiating tactics come up when you try to negotiate your personal injury claim with ICBC, although the in-

sults are more subtle.

The adjuster is never the decision-maker. The adjuster leads you to believe that she/he is doing their best to get you the highest settlement offer but their hands are tied by a manager.

The adjuster also uses the “walk away” in the sense that the offer authorized by the manager is a “take it or leave it” number.

Once they reach that number, which might take several negotiation steps, they won't budge from it.

You can threaten all you like how you will hire a lawyer to pursue your claim properly, but it will have no effect.

For the least severe of injuries—those taking

no more than two to three months to 100%, completely resolved with zero ongoing symptoms—the offer might be a fair one.

Once it becomes clear that your symptoms might never resolve, fairness requires a settlement in a completely different ballpark.

Your adjuster won't budge, instead resorting to those “subtle” insults I referred to, like saying: “There is nothing objectively wrong with you” or “Your injuries should be healed by now.”

It is implying either that you are lying about your ongoing pain or that it is somehow your fault that you have been left with a lifetime of pain because some distracted

driver smashed into you. Your walk away is to go the next step of hiring a lawyer.

Once a lawyer is retained and the lawsuit commenced, your claim is automatically transferred to a different adjuster who has a different manager.

It's like walking from one Mexican store to another. Only this time, the salesperson is able to negotiate fairly.

This time the adjuster knows that your walk away is a walk into a courtroom.

The closer you get to those courthouse steps, the more fair the offers become until, in most cases, a settlement is finally reached.

That settlement is regularly several times

whatever the maximum the first adjuster was able to offer you.

In our Mexico shopping scenario, Cassidy ended up getting her dress and it looks beautiful on her. The negotiation was a poor one, though.

Her helpful little sister, Morgan, was scouring the displays in store after store, looking for an identical one to the one we walked away from.

When she found it, she squealed out in excitement: “That's it, that's the one we've been looking for!” Hearing that, the salesperson must have done a little dance on her way to “negotiate” with us.

Paul Hergott is a lawyer at Hergott Law in West Kelowna.

paul@hlaw.ca



Kelowna

Sunday May 4 at Stuart Park

Pledge Drop Off : 9:00 AM Walk Start Time: 10:30 AM

May the fourth be with you as we end MS at the Scotiabank MS Walk, Musical Entertainment, Kids Zone, and BBQ Lunch!

Register now to end MS

mswalks.ca | 250.762.5850

BC & Yukon Title Sponsor: Scotiabank®

National Sponsors: CANADIAN PACIFIC, BRINKS

Provincial Sponsors: Global BC, island FARMERS

MS Multip Sclerosis Society of Canada

ezROCK MORE MUSIC VIBES, Sunfm #1 HIT MUSIC STATION, AM 1150 NEWS-TALK-SPORTS, news

Ask how you can save up to 40% off your monthly fee for 5 months

ACCOMMODATION & SERVICES

starting at... \$1295 • Bachelor Suite
\$1525 • One Bedroom
\$1730 • Two Bedroom

Retirement Simplified

- ✓ 24 hour emergency response system
- ✓ Housekeeping & linen service
- ✓ Laundry facilities on site
- ✓ Home-style meals & afternoon tea
- ✓ Shopping, banking & doctor's offices nearby
- ✓ Smoke-free environment
- ✓ Leisure & recreational programs
- ✓ Shuttle service
- ✓ Staff on site 24 hours per day

400 Snowsell Street North
Call 250-763-7265
to arrange your tour!
www.HighlandsRetirement.com

Zokol Dental Centre

Dr. Deborah Zokol and Associates are pleased to announce ... YES, we are accepting new patients!

We provide general dentistry as well as cosmetic dental services in both Vernon and Kelowna.

Ask about our complimentary Starter Bleach Kits.

We offer oral sedation. ✨ invisalign®

Our team is passionate about building strong, life-long relationships one person at a time

Please call Zokol Dental Centre at 250-860-3545

206 - 1890 Cooper Road, Kelowna (Orchard Plaza Professional Building)

the Casey Clarke show w/ Roo Phelps

#1 for Family Fun!

COUNTRY 100.7

The Okanagan's Country Station

www.okanagancountry.com