

news

Art of negotiating is about understanding the bottom line

This is my last of a series of five columns on negotiating tactics used by insurance adjusters for personal injury claims, my hope is that the lucky majority of you never have to face this situation.

But I hope these columns can provide a protective awareness against manipulative tactics in whatever type of negotiation you might encounter.

At some point in any negotiation, if you push hard enough, you will come up against the portrayal of a brick wall.

I say "portrayal" because it is impossible to know whether or not you have, in fact, come up against the "bottom line."

There are various ways to portray, or signal, a bottom line. On the softer side, you might encounter: "That's my best price," or "I can go as high (or low) as..."

As you push against that portrayal, the signal might become stronger: "I've gone to bat for you with my manager, and that's the very best I can do for you," or "I can't go any lower or I will be selling below cost."

As you continue to push, you will eventually reach the strongest of signals. In a retail context, the strongest signal is to actually walk away.

In a personal injury claim negotiation, you might hear: "Take it or leave it, that's the most the insurance company will pay."

No matter how strong the signal, though, you still can't be sure if you have really, truly, reached the other party's bottom line. The best negotiators are the best actors; best able to convince you that they have reached their bottom line when they really haven't.

But if you walk away, the negotiation is over, right? Why would someone pretend, in the strongest of terms, to be

Achieving Justice

PAUL HERGOTT



at their bottom line if the "signal" means an end to the negotiation?

My father tells the story of getting the best deal he's ever gotten on a vehicle purchase when the salesperson chased him down as he was walking off the lot.

How many of you have had a vendor in Mexico come out of the shop to chase you down the street to offer a better deal after being so very convincing about having given you the very best deal they could?

A purchaser walking away can always walk back. A vendor can always chase down the purchaser.

Even the strongest of signals might simply be a tactic, of bluff, to get to your own bottom line.

This is the most effective of tactics insurance adjusters use in the negotiation of a personal injury claim.

They tell you in the strongest of terms that the amount offered is the most you will ever be offered—"take it or leave it."

They often throw in some threats such as, "If you don't accept this amount now, the offer will go down," or lie to you by saying, "Either you accept this from me or you will have to go to trial."

In the 20 years I have been in legal practice, the insurance company's offer has always, every time, increased after their bluff has been called and a lawyer retained.

With ICBC, the claim gets automatically transferred from one level of adjuster who deals with unrepresented claimants to a higher litigation level of adjuster.

I am often contacted by the new adjuster shortly after being retained with the invitation of picking up the negotiation wherever it had left off.

I know that many, many injured victims don't call the insurance company's bluff and instead settle for inadequate, unfairly low levels of compensation for their losses. It's a very effective negotiation tactic.

So how do you protect yourself from this tactic?

Start by getting a free, independent evaluation to learn what level of compensation is fair for your injuries and losses.

At least, then, you can make an informed decision about whether to accept whatever bottom line is being offered to you by the insurance company or to take the negotiation to the next level with the assistance of a lawyer.

This column is not intended to be a substitute for retaining

a lawyer to provide legal advice specifically

pertaining to your case. Paul Hergott is a personal

injury lawyer at Hergott Law in West Kelowna.

Receive up to \$1,715 in rebates with Carrier® Cool Cash

CONTACT US FOR COMPLETE DETAILS

turn to the experts

Don't Pay for 90 Days • No Payments, No Interest

JWRIGHT Plumbing & Heating Ltd.

~ Since 1967 ~

West Kelowna 250-769-7338 | Peachland 250-767-9060

1880 Byland Road, West Kelowna • www.jwrightplumbing.ca

Sheet Metal
Gas Fitting
Parts & Service

WWW.ROCKITBOY.COM
RockitBoyEntertainment

LED ZEPAGAIN
A Tribute to Led Zeppelin

Most authentic representation of Led Zeppelin in the world today!

MAY 31

JIMMY PAGE SAYS
"IT'S AS CLOSE AS YOU'LL EVER GET TO THE REAL DEAL"

**MARY IRWIN THEATRE
ROTARY CENTRE FOR THE ARTS**

421 Cawston Ave Kelowna
Tickets at the Rotary Centre Box Office. Charge by phone at 250-717-5304 or online at www.rotarycentreforthearts.com
Doors 7:00 PM - Show 7:30 PM

Day of Mourning

Last year, 54 percent of B.C. workers who died on the job worked in a high-risk industry.

Let's make our workplaces safe and healthy.

Thursday, April 28

For more information about ceremonies in your area, visit dayofmourning.bc.ca

CENTRAL OKANAGAN WEATHER FORECAST

SkyTracker

Central Okanagan

Fri	Sat	Sun	Mon	Tue
18° 3°	20° 4°	22° 4°	25° 6°	25° 6°

30% Showers Near Mountains

Duane English & Wesla Wong
The Okanagan's Weather Team

Global OKANAGAN

Shaw)

For the latest weather online, visit globalnews.ca/okanagan

