



MICHAEL R. DILIBERTO, ESQ.



Mind Games

Hardball tactics are mind games designed to throw you off your game. An example from the world of tennis shows the power of extreme tactics. In the Showtime documentary “Love Means Zero,” tennis star Boris Becker described the mind games he used to beat the top-ranked tennis superstar Andre Agassi at Centre Court in the 1995 Wimbledon Semifinals.

Everything was working for Agassi. Becker was losing and had to change something quickly: “How can I interrupt his flow? How can I make him question what I am doing?” Becker remembered his coach’s advice: “To beat Agassi, you have to break his mind.” Becker noticed Agassi’s wife Brooke Shields seated in the stands. He began “flirting” with Shields long distance from the court: “I blew kisses to her . . . and I was charming to her.” (Note: the author does not endorse this tactic). When he saw it was bothering Agassi, he continued to do it. The tactic got into Agassi’s head and threw him off completely, causing him to lose the match. Becker called it the most extraordinary match in his life because “tennis-wise, Andre was better.”

Here are some common hardball tactics, and tips on how to counter them:

1. Extreme demands (or offers) followed by small, slow concessions. This is to “anchor” your expectations. Counter this by knowing your own target, reservation point, and alternatives.
2. Commitment tactics. Your opponent claims his hands are tied, or has limited discretion. Be skeptical. Counter this by asking questions to test whether the commitment tactics are real.
3. Take-it-or-leave-it offers. It’s best to ignore the tactic. Remind them that offers are always negotiable. Focus on the content of their offer and respond with your own counteroffer.
4. Inviting unreciprocated offers. Don’t bid against yourself. Wait for a counteroffer before reducing your demand (or increasing your offer).
5. Trying to make you flinch. Your opponent keeps making demands, waiting for you to reach your breaking point. Don’t fall for it. Be clear that “nibbling” won’t get them free concessions.

6. Personal insults and feather ruffling. This is a strategy to play on your insecurities and gain a psychological advantage. If you become flustered, take a break, change the pace, or name their tactics.

7. Bluffing, puffing, and lying. Exaggerating and misrepresenting facts can throw you off guard. Be polite, but skeptical.

8. Threats and warnings. Promises of drastic consequences if demands are not met should be called out as the non-productive, futile tactics they are.

9. Belittling your alternatives. Know your best alternative to a negotiated agreement (BATNA) and don't let your opponent shake your resolve.

10. Good cop, bad cop. In a two-negotiator team, one opponent is reasonable, the other is tough. Recognize that they are working together. Find your own bad cop if you need one.

Knowing these tactics and understanding the motives behind them will help you to defuse these challenges, and keep the focus on your goal.