



# Negotiations 101

A Skill Set for Freelancers & Editors

American Horse Publications—Hunt Valley MD

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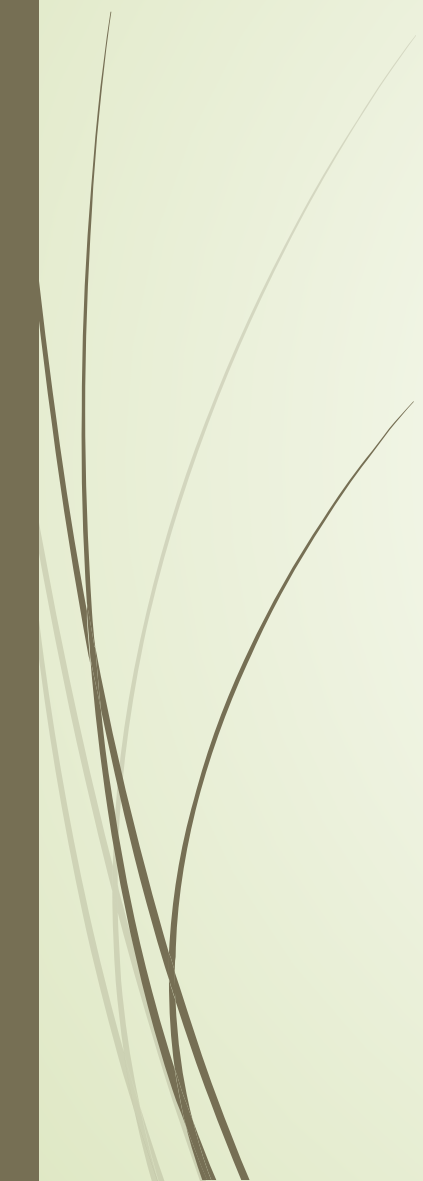


# For Today

- I. Purpose of the session
- II. Position v. Interest in negotiation
- III. The three phases of contract negotiation
- IV. Things you absolutely, positively need to know
- V. Questions?



# Purpose of the Session



This session will introduce fundamental negotiation skills to help writers, photographers, and editors resolve misunderstandings when publishing contract disputes arise—and they will



# The “position” v. “interest” dilemma



# Position v. Interest

Another name for a position-based negotiation is

?



**ARGUMENT!**



# Position v. Interest

Positions are inflexible and limit negotiation

Editor: "We only pay on publication"

Freelancer: "I want payment on acceptance"

Editor: "We only pay on publication"

Freelancer: "I want payment on acceptance"

Editor: "We only pay on publication"

Freelancer: "I want payment on acceptance"

And so on . . . until one side gives up





# Position v. Interest

Understanding the other party's Interest (the “why” behind the position) can lead to resolution

Knowing that the deadlock between  
“pay on publication”/“pay on acceptance”  
is the result of economic issues on both sides might lead to a compromise solution that benefits both the writer and the editor



# Three phases of a successful negotiation



# Phase 1 of a successful negotiation

► **ORGANIZE**

Read and Understand the publishing contract, if there is one

If there is no contract, be certain that you and your editor agree on the basics of the assignment:

Deadline


Fee

Word count (for writers)

Payment details (invoice? acceptance/publication? and so on)

Credentials

Ask questions before accepting the assignment



# Phase 1 of a successful negotiation

► **ORGANIZE**

Read and Understand your contract


→ Identify potential problem areas:

1. Boilerplate issues common to most contracts

([www.asja.org/members/professional-resources/asja\\_guide\\_to\\_common\\_contract\\_questions.pdf](http://www.asja.org/members/professional-resources/asja_guide_to_common_contract_questions.pdf))

2, Problem issues specific to your contract

(ASJA Contracts & Conflicts Committee  
[asjahelp@asja.org](mailto:asjahelp@asja.org))



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2, Problem issues specific to your contract

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→ Formulate your options

# Phase 2 of a successful negotiation

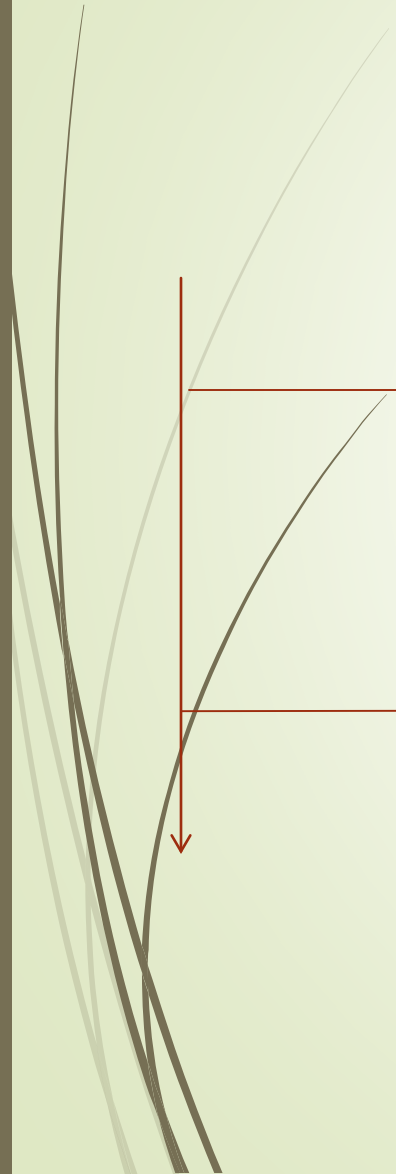
## ➤ *PRIORTIZE*


1. *Most Important*

Deal Breakers

Throwaways

10. *Least Important*

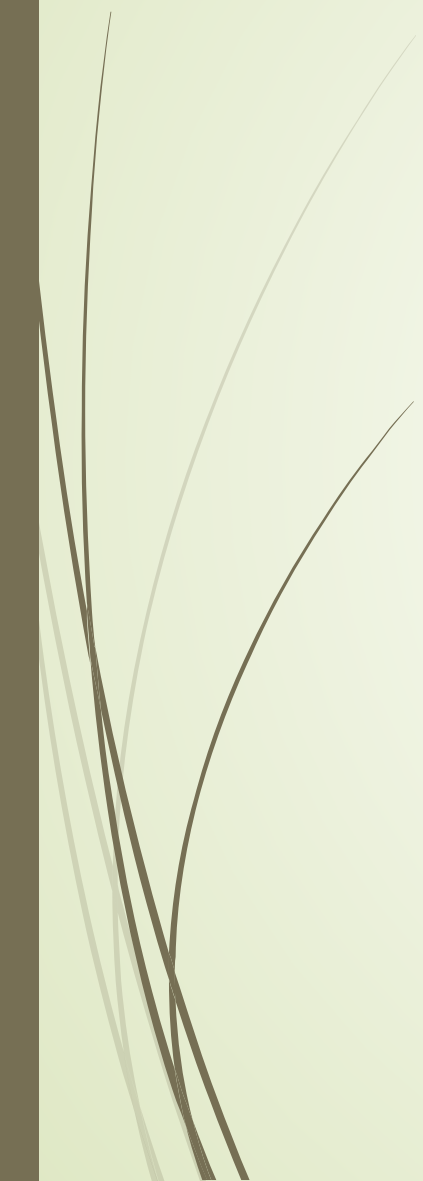




# Phase 3 of a successful negotiation

➤ *COMPROMISE*

Neither party leaves a successful negotiation completely satisfied!





**Things an author absolutely,  
positively needs to know  
(and remember)**





# 1

Everything Is Negotiable



# 2



Not everything is negotiable for everybody



# 3

It's business, not personal  
(it just doesn't feel that way)



# 4

Interests matter more than positions





# 5

Lawyers write publishing contracts; editors don't



# # 5

Corollary # 1: After the assignment, the editor may  
not remember  
what the agreement was  
(get the details in writing)



# # 5


Corollary # 2: After the assignment, the freelancer  
may  
not remember  
what the agreement was  
(get the details in writing)



# 6

Crap happens!





# # 7

For freelancers: Don't work for nothing

For editors: Don't ask



# # 8

Exposure doesn't put food on the table now  
(but it might later)






# 9

Know your **BATNA**\*

\* Best Alternative Io Negotiated  
Agreement

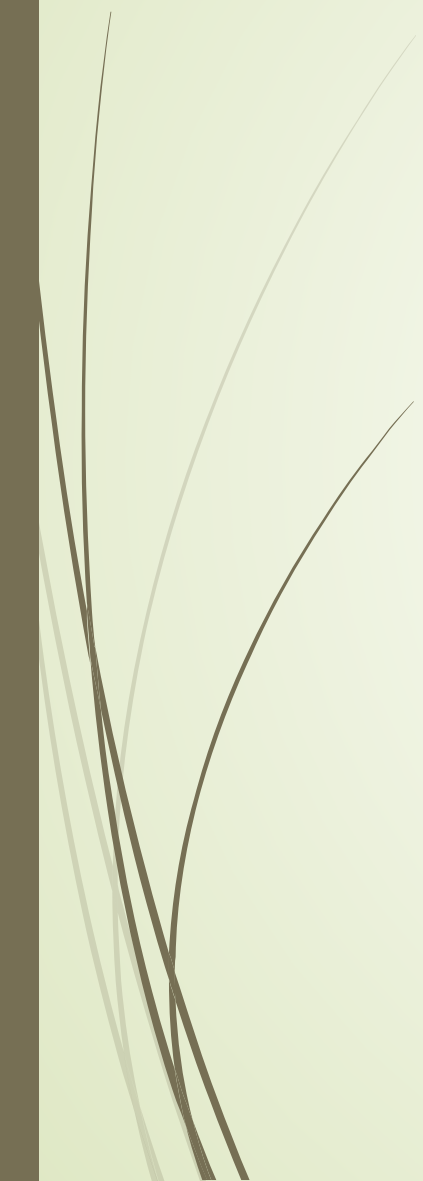


**# 10**

**Be willing to walk away!**



# Take-Away Message

- Pay attention to interests, not positions
  - Most things are negotiable, but only if you ask
  - Organize, Prioritize, Compromise
  - Know your BATNA
  - Be prepared to walk away
- 



# LEARN MORE ABOUT NEGOTIATION:

Getting to Yes: Negotiating Agreement Without Giving In,  
Roger Fisher & William Ury, Penguin Books, ISBN 978-0-14-  
311875-6

Getting Ready to Negotiate: The Getting to Yes  
Workbook, Roger Fisher & Danny Ertel. Penguin Books,  
ISBN 978-0-14-023531-9

Negotiation, Harvard Business School Publishing, ISBN  
978-1-59139-111-1

Win Your Case: How to Present, Persuade, and Prevail—  
Every Place, Every Time, Gerry Spence, ISBN 0-312-36067-



# QUESTIONS?

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