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Tactic of the Week #69

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Tactic #69 - We've Never Done That Before

Summary: Citing lack of precedent as a reason for turning down a deal point.

When you cite a precedent, you use something that has happened in the past to justify a current request, position, or concession. Lawyers often cite precedents, using actual court cases to support their positions. Reversing this tactic by saying, "There is no precedent for that" or "We've Never Done That Before" in reference to a deal point can be very effective.

Example

A hotel guest asks to extend his checkout until 2:00 PM. The guest-services person denies the request, saying, "I am sorry for any inconvenience, but we never extend checkouts past 12:00 noon."

Counter

The hotel guest could respond by [Asking a Closed-Ended Question](#), such as, "How much would it cost to stay an additional two hours?" Or he could counter with a precedent by pointing out, "Every time I have stayed with this hotel chain before, I have been allowed a 2:00 PM checkout when I requested it." As a last resort, he could utilize the tactic of the [Higher Authority](#), going over the guest-services person's head and asking to speak to the manager.

Do you have any negotiation questions? If so, then send them to us by hitting the "reply" button in your email window. We'll do our best to address them in upcoming issues.

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This tactic is one of 101 strategies and tactics featured in [The Only Negotiating Guide You'll Ever Need](#), by Peter Stark and Jane Flaherty.



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