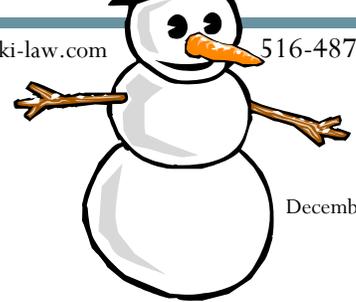


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December 2004

Special Holiday Edition!

*How to be a better
negotiator, or, how to get
what you want in 5 easy
steps... Page 2*

CHAPTER 4 OF MR. OGINSKI'S NEW BOOK, see page 5



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In this Holiday Edition, we discuss how to be a better negotiator.

5 steps to getting a better contract, a better offer or even a better deal!

You have something someone else wants. Usually it's money. Sometimes, it's the work you perform. You want a car, but you don't want to spend a lot. You have a job, but you feel you deserve a raise. You want to sell your house, but you've rejected each offer.

Here are the 5 steps you need to climb to becoming a better negotiator:

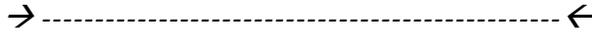
1. Figure out what the value of your car is; what your services are worth in the marketplace (ask friends, relatives or colleagues what people like you earn in the private sector); ask a few real estate agents to give you a straight-forward assessment of your home.
 - a. Once you know the approximate value of these things (also called research), you're well on your way to understanding how to obtain them for the price you want to pay or receive.
 - b. Your goal is to maximize the value of your car, home or services.
 - c. The buyer's goal is to obtain these things for the least possible amount. The seller's goal is to sell the item for the most possible. The key is figuring out where each side is willing to come to in order to reach their goal.
2. Armed with that research, you ask your boss for a few minutes of his time to discuss your progress with a project you're working on. Explain how much you've done recently to improve the bottom line for your company. Show how your efforts have increased productivity while keeping down costs. Put your best foot forward. If you've had some pitfalls while at work, or have not interacted well with some co-workers, don't hide that fact. Your boss will undoubtedly know. Instead, turn it around. "You know, I had some difficulty with Jim and Sam while running this project, but I've learned from my mistakes, and I'm proud to say I'm a better person for it." Be humble, but also be forceful. "With all the effort I'm putting into this project, and all the extra hours I'm needed here at the office, it would be great if you could see your way to increase my salary by 'x' dollars per week. I've saved the company a truckload of money...and I'd like you to know that I'm eager to take on more responsibility...I'm here for you, and I know you support the effort we're making for the company. Any extra income would be a great incentive to work even harder." Don't put him on the spot. Instead suggest, "I know you didn't expect this, so I don't expect an answer right away. But if you could let me know your answer by the end of the week, that would be great." Even if you don't get your raise that week, you've let your boss know that you're a team player, and you're making the company money by your efforts.
3. "I'll give you \$500,000 for your house," said the prospective buyer.
"My asking price is \$600,000," answered the homeowner.
"But the house needs renovations, the basement leaks, the roof is damaged, the house hasn't

been painted in 20 years, the hot water heater looks as if it's on its' last legs..." says the potential buyer.

"Ah, but what house doesn't have its' faults? Look at the neighborhood. Property values have doubled lately. So what's a little touch-up here and there. You know the blemishes in the house. You know it's a great location, the school district is incredible, and this property is huge. You also know that in a few years this property will be worth at least \$200,000 more than you're going to pay. It's a great steal at \$600,000," replied Mr. Take-it-or-leave it.

- a. Well, here's the dilemma: Do you increase your offer? You know you want the house, otherwise you wouldn't have offered \$500,000. But you're also trying to save money, because you know that you'll have to do a lot of major work to the house even before you move in. My suggestion: Try again to point out the "blemishes" and the costs associated with all of the renovations and repairs needed. Go the extra mile, and get actual estimates of what it would cost to get those repairs done. Then present the costs to Mr. Stuck-in-a-hole mentality, and make sure you add in some extra to cover your time and effort to get those repairs done. By the end, your number will probably come close to the \$600,000 the buyer wanted to begin with.
 - b. If he's still not willing to budge, you have to determine if it's financially worth the extra money to be in that house, in that neighborhood. If not, move on. If yes, good luck, and before you plunk down your hard earned money, go rent the movie "The Money Pit" with Tom Hanks and Shelly Long. It's a comedy about a young couple that buys a clunker of a house in the suburbs and spends endless amounts of money fixing it up.
4. When negotiating, do not yell and scream. Instead, remain polite, firm and forceful. Do not back down on your principles, but acknowledge when a weakness has been exposed. Use it to your advantage. "Sure, it's a weak point, but just look at our strong points..." If your requests are rejected, ask them to reconsider. Explain why your position is a better position than theirs.
 5. Meanwhile, at the car dealer, Mr. Buy-it-for-a-bargain is looking at that brand-new SUV that just came on the market. He really likes the car. The sticker price is \$20,000. "I'll give you \$15,000," says Mr. Buy-it-for-a-bargain.
"That's below my cost," replies Mr. Sleazy Dealmaker. "I'll lose money. How about \$18,500...my best deal...my manager will kill me for offering this fully loaded car at this price," says Mr. Dealmaker.
 - a. What do you do? Get up and walk out? Hope the salesman will stop you in your tracks and plead for you to return, giving you the car below his cost? Unlikely in today's market.
 - b. Counter-offer. Tell him you can get a better deal across town. To really put the screws to him, tell him the exact number you were quoted across town, and if he says no, then you can go buy your car across town. At least you've given him the opportunity to match his competitor's price. (You better make sure that you actually got a number, and are not simply trying to make up a number to use for negotiating. Lying won't work well during negotiation. Facts are always much, much better.)

The line in the sand



In every negotiation there is an endpoint at which you have determined not to step over, regardless of what's being offered. "I'm not paying more than \$17,000 for that car." "I'm not paying more than \$500,000 for that house." "I'm not going to continue working here unless I get at least a salary increase of 'x' dollars per week."

That line in the sand is your breakpoint. If you reach that point, you must be able to walk away and evaluate your other options. If you don't walk away, you lose credibility (you lose face) and both sides know it. But again, it all boils down to what are you willing to accept, and do you have acceptable alternatives that can carry you through the day? Only you can answer that question.

I hope I've been able to impart some useful information about negotiating and by doing so, improve your chances for a better deal.

I hope you've had a great Thanksgiving, and I wish you and your families a wonderful and healthy holiday season.☺

Best regards,

Gerry

Now, for something totally unrelated to law...here's our 4th installment of Mr. Oginski's new book that he's in the process of finishing...

At 4:30 p.m. Jacob took a quick shower. Looking in the mirror as he's toweling off, he wondered whether the President of the United States would ask *the* question. What should he say? He threw down the multicolored towel, which said "Property of Marriott Hotels" and called Ellen Aym Nuts. "Ellen, you're never going to believe what just happened!" "What happened sweetie pie?" she asked. "I'm going to the White House tonight for dinner. I'd love for you to come, but the secret service men said I had to come alone. Maybe next time. Bye." Jacob hung up the phone, and ran into his bedroom to get dressed. Ellen was still hanging onto her earpiece, looking into the air, wondering where Jacob had just gone. He picked out

his only suit, a navy suit with a white shirt. He had a red and blue striped Princeton tie, and black shoes. He looked pretty good, he thought.

Just before he left his house that evening, he called his parents to let them know where he was going. “Mom, its Jacob, how are you?” “Jacob, is that you sweetie?” she asked. “Yes, ma. It’s me. Your one and only. How’s dad doing?” Jacob inquired. “Oh, he’s fine. He’s asleep on the couch waiting to watch ‘Who Wants to be a Billionaire’.” “You mean millionaire, mom,” retorted Jacob. “Sure, sure. Whatever. So vat’s new bubeleh?” “Well ma, you’re never going to believe this, but in ten minutes I’m going to the White House. They’re sending a limo for me, and I’m going to have dinner with the President, his wife, and their daughter. Can you believe it?” asked Jacob. “Jacob, what are you talking about? You know we don’t have a White House? Our house is blue and red, with some beige,” his mom answered. “Mom, listen carefully, Dad is being abducted by secret aliens as we speak. They’ll take him into the spaceship, brainwash him, and then return him before you get off the phone. Then he’ll wake up, ask you who was on the phone, and fall back asleep again, only to wake up for his television show. He won’t remember anything at all about being brainwashed. They’ll have zapped him with their secret decoder laser light thing-a-ma-jig, like they had on ‘Men in Black’, and then if you’re not careful, they might do the same to you!”

“Alright, alright, just tell me what you’re doing at the White House so I don’t go crazy wondering where you are,” shrieked Jacob’s mother. “Ma, it’s a long story. Basically, the president wants to talk to me about my special powers. You remember which ones don’t you? The powers where I can make people fly, and disappear, and erase their memories...just kidding ma. He wants to talk to me about my ability to predict the future...ah, there’s the door now. Gotta go, mom. Tell Dad the aliens love him. Bye.” Jacob quickly hung up, and went to answer the door.

At the appointed time, 5:15 p.m. Jacob heard a loud knock on his door. He opened it, and who do you think was standing there? Chelsea Clinton. She had been directed by her mother to come to New Jersey to accompany him to the White House. Who knew? She happened to be home for a weekend (the presidential helicopter does wonders when you need to get back to school quickly). “Hi. I’m Chelsea,” she said with a big smile. “Hi. I’m Jacob Morgan. Nice to meet you. I’m shocked that you came here to pick me up. Do you do this for all the young guys who eat at your house?” asked Jacob. “Nope. Just you. Mom says your special,” replied Chelsea.

In the black armored presidential limousine, which was accompanied by two police cars and two secret service cars, Jacob learned that Chelsea was a junior at Stanford University in California. She was studying art and history. Jacob, on the other hand was studying Chelsea and wondering what it must be like to have a dad who was President of the United States. “So, what’s it like to have your dad as the President?” asked Jacob. “It’s not that easy,” replied Chelsea. “I am constantly scrutinized everywhere I go. I always have secret service geeks around me. My life is not normal. I can’t go out when and where I want. I have to make arrangements days in advance so that the secret service can check it out.” Jacob found her very easy to talk to. She seemed down to earth. If only she’d get a different haircut, and maybe use some makeup...nah...don’t even think about it.

It took them less than an hour and ten minutes to screech to a halt in front of the West Wing of the White House Portico. Everything looked official. Guards were in uniform. A military guard opened Chelsea’s door and saluted to her. Chelsea giggled and said “Hi, Chuck. Nice to be back.” He replied, “Glad to have you back Miss Clinton.” Jacob followed her into the brightly lit hall where he bypassed the security checkpoint and those pesky metal detectors. What he didn’t realize was that there were secret x-ray devices installed at the door to the West Wing Portico so that anyone walking in was automatically x-rayed for weapons. Then, five feet further into the hall was a built-in metal detector. He passed both with flying colors, and never even knew he was scanned. That’s why Chelsea walked in ahead of Jacob. Jacob marveled at all the history that he could see in the West Wing hall. Paintings of presidents, all dead, who had graced these halls years ago. The tapestry and chandeliers were glorious, and gilt lined. Everything was regal and ceremonial. Lots of pomp and circumstance. He couldn’t believe he was here in the White House. He was almost waiting to hear the presidential band strike up a marching song as he entered the West Wing.

Chelsea bypassed all of the secret service agents, who politely nodded to her, and carefully scrutinized this newcomer from a respectful distance. They had all heard the green code from their Central headquarters in the White House broom closet, that this young man was clear to enter the presidential living quarters. Where was the chaperone, one agent asked himself? Chelsea led Jacob up a side staircase, covered in royal red carpet. The handles were highly polished bronze. As he was going up, the National Security Advisor was coming down. “Hello, Chelsea. Hello, Jacob. My name is Jimmy Vargas. Nice to meet you. I’ll be speaking with you after you’ve had dinner with the President. Have a nice time kids,” said Jimmy- the

Hack-Vargas. Every ten feet, Jacob could see security cameras. As he got to the second floor, he was amazed that there were no secret service agents in sight. “Chelsea, how come there are no agents here?” asked Jacob. “Simple. They’re here. They’re just trying to be inconspicuous. Besides the whole house is wired for sound. The only exceptions are, I think, Mom and Dad’s room and my room. I have my doubts about my room, but I try not to think about it. It’s all for ‘national security’, so they say,” answered Chelsea. Jacob reflexively began to smile at the walls, thinking that all of the cameras were pointed and looking at him. It was almost like going into a haunted house and watching all of the paintings with eyes following you. Except this wasn’t a haunted house. Anyway, Chelsea pulled Jacob into the second door on the left side of the hallway, deep within the West Wing. It was a double door, which opened inward. When she opened the door, the view took Jacob’s breath away. He saw a pink room with pink chiffon covering a four-post king-sized canopy bed. To the right of the bed was a hot tub. To the left of the bed was a massage table. Looking behind the bed Jacob saw a window overlooking the Presidential Rose Garden. The pink carpet was about three inches thick. The carpet was so deep, he couldn’t even hear himself walk. When he went to open his mouth to speak, Chelsea whispered to him not to talk, just look. In a quiet whisper Jacob asked “Why are we in here?” “Because we have ten minutes till dinner, and we didn’t need to sit in the dining room by ourselves all stiff and formal,” replied Chelsea. “My goodness, this is amazing,” said Jacob. “Do you actually use all this stuff?” asked Jacob. “I try to use it when I’m home. It’s such a drag not having all this equipment at school in California. Instead, I’m living in a single dorm room. My next- door neighbor to my right and left are Secret Service agents. If a student looks funny at my dorm door, the secret service stops them.

“What do you do with the massage table?” Jacob naïvely asked. “I get my massages each morning from my masseuse. It’s incredible,” said Chelsea. “You mean, the taxpayers pay for your masseuse?” asked Jacob. “Not a chance. Last year, I asked my parents for this privilege. They said that if I keep up a B average, they’d let me have this privilege, but that I’d have to pay for it. I said, definitely,” answered Chelsea with enthusiasm. “Do your windows open?” asked Jacob. “Not now. I have to get permission from the secret service before I do that. It’s not worth the hassle now... come on, let’s go eat, I’m hungry,” said Chelsea.

She led Jacob out of her room, turned left, and walked up another flight of stairs. Again, there were no agents anywhere. Only this time, Jacob saw house-servants. Four of

them. Each carrying starched white towels, and tea sets. They were heading into the dining room. Chelsea walked in first, then Jacob. The President and his wife were already seated, and immediately stood up to greet Jacob. “Well, hello Jacob. I’m Bill, and this is Hillary. It’s nice to meet you. We’ve heard so much about you,” the President proclaimed. “Jacob, I hope you’re hungry. We’ve got some delicious food. Come, sit down next to me,” Hillary said with a twinkle in her eye. Chelsea went across the table and sat next to her dad. The family dining room looked like any other family room in Middle America. Except this family room had three separate chandeliers looking like they came from a hotel ballroom. The President was dressed in a shirt and tie. Hillary looked like she was going to a fancy restaurant. Chelsea was wearing a black dress, and Jacob was in his suit. It turns out that the Clintons were scheduled to have dessert with the Prime Ministers of 5 leading nations. Jacob was not invited. Yet.

“So Jacob. Tell us about your special ability,” said Hillary.

“I assume you mean my ability to tell when someone was going to die...yes, I have this ability. Also the ability to predict the future, like in the stock market...” answered Jacob. Hillary’s eyes started to glow, her cheeks began to flush, and she started to perspire. She quickly gulped down a large glass of ice water. “Tell me Jacob, what will happen to us in the future,” asked the President of the United States. “If you mean, tell you what will happen in the world in the future, I don’t know. But individual things I can tell. Prices of stocks in the stock market I can tell. When each of you will die, I can tell...but do you realize what effect this would have on world politics if I predict accurately when a political leader will die? If that information got into the wrong hands it could devastate the nation and its leaders.

“Jacob, I’m 51 years old. I’m running for the United States Senate. I’m a consenting adult (with that comment she gave an icy stare toward her husband), I’m a big girl. I want to know two things. First, I’d like to know for sure that you can predict the future. Second, I want you to tell me how much longer I have on this planet, so that I can do some good for mankind and humanity.” “O.K. Check out AOL stock. Right now it’s languishing because of the recent news of their merger with Time-Warner. In three months the price of the stock will skyrocket to 4 times the current price of \$55/share. So, if you want to make some quick money, AOL is one place to do it. Now, how do you know if I have insider information? You don’t. But if you want to know about any stock, just ask me,” answered Jacob authoritatively. “Alright,” said Chelsea, “how will Apple Computer do tomorrow?” “It’ll go up 2 ½ points.”

The President wanted to know how he's used his ability so far. "Jacob, tell us what you've done with your special ability so far." Jacob proceeded to tell them about the homeless lady and how she got rich on Yahoo stock. He told them about his admission interview with Dean Green at Princeton, and how the Dean continues to use Jacob's talents to increase the financial value of the College. Jacob thought about telling them about Julie Schwartz and what happened when he told her when she'd die, but thought better to keep that one quiet.

"To tell you the truth, I'm scared to death to tell people when they're going to die. It's not something that anyone really wants to hear. I mean we all want to be immortal, and live forever. On the other hand, if you really knew when you'd die, you could live your life to the fullest until that day. Obviously, the worst part about our lives is not knowing when it'll happen," answered Jacob. "Do you know when you'll pass on, Jacob?" asked the President. "No. I can't tell with myself. I don't know why. Also, the only way I can tell is if I get to know the person a bit. I'm not sure exactly when this feeling kicks in, but it's usually not immediate," replied Jacob.

"Jacob, I'd like you to be our guest here at the White House over the next three weeks. Come by two or three times a week for dinner. You can arrange it with Chelsea. Maybe during that time you can assist us. Maybe during that time, we can find a good use for your special talents. In the meantime, it's probably a good idea not to mention our conversation to anyone," said Hillary. "Can you imagine the field day the Press would have if they knew we were listening to a psychic?" laughed Hillary. "Excuse me, ma'am," said Jacob haltingly, "but I'm not a psychic. I'm a student at Princeton University. I've been blessed, or cursed, I'm not sure which, with this strange ability. I'm not like some astrologer that Nancy Reagan used to help her husband predict world politics and make decisions on whether we should continue spending billions of dollars on a Star Wars satellite defense system," said Jacob somewhat indignantly. "I've been minding my own business, not bothering anybody. My family comes from a small town in upstate New York, and if it weren't for that big-mouth, Dean Green, saying something to one of your secret service agents, I wouldn't be eating dinner right now with the President of the United States, with you, a contender for the United States Senate, and a very available first daughter," Jacob remarked with a smile, looking over at Chelsea.

"Now Jacob, I didn't mean that in a bad way. You see, we have to keep tabs on what we say to people. The public scrutinizes everything we do. My hairstyle for the day is interpreted ten different ways. My clothes, my words, my handshake are all interpreted and

used as 10-second sound bites for the evening news. We respect your abilities, but we need to make sure this conversation is confidential. O.K.?” asked the Hillary. “Yes, maam. You have my word,” said Jacob quietly.

Dinner was not that memorable. What was memorable was watching Chelsea, and how she ate. She looked very self-confident. She appeared radiant and had a warm smile. Jacob vaguely remembered eating, and finally being asked by the President if he would like to accompany the First Family to dessert with the Prime Ministers of five leading nations. Of course he agreed.

Jacob was introduced by the President of the United States as a “Friend of the Family.” Never, in Jacob’s mind could he have imagined that that one minute he’s reading Shakespeare in his dorm room, and the next, he’s having dinner with the most powerful family in the world, and then meeting world leaders for dessert in the White House.

The moment he was introduced to President Sushi-San from Japan, he knew. Seven years and two months. That’s all. Jacob thought he looked in good health. He was only 52 years old. He was tempted to tell him to get a good medical check-up, but thought that wouldn’t go over too well right now. Instead, he motioned to Hillary from a distance that he needed to speak to her. Hillary caught his eye, and quickly bolted from her Husband’s side to speak with Jacob. “What’s the matter?” she asked. Jacob answered in a hushed tone, “President Sushi-San has seven years, two months and three days to live.” Hillary looked at Jacob, astonished. “How do you know?” she asked. “I have no idea. But the moment I shook hands with him, I knew,” he replied.

Hillary immediately went over to the President and whispered in his ear. “He’s got only seven years left. Find out what his long-term policies are for the next ten years, and see if we can get favorable tax concessions from him for the long term. Oh yeah, don’t mention that he’s going to die in seven years. He might not appreciate the news, coming from the President of the United States.” Bill smiled, and gave Hillary a warm and affectionate hug, while the Japanese President watched and smiled. The President gently pulled Sushi-San aside and asked him how he was feeling. The reply was a curt “Fine. And how is your libido, Mr. President?” “Fine,” came the presidential reply.

“Listen,” said Mr. Clinton in his best, confidential tone, “I need to talk with you privately.” “O.K. so talk,” replied Sushi-San. “You should try eating some prunes, so you’re

not constipated,” said the President. “What the hell are you talking about?” asked the Japanese President.

Jacob’s attention was diverted when he was introduced to the Prime Minister of Britain, none other than Sebastian Von Dooseldorf.. Sebastian was a grand old fellow, who wore three-piece suits, a pocket watch, top-hat, tails, duck shoes, and a walking stick. He sported a moustache, and round eyeglasses that he always called ‘his spectacles’. Sebastian asked Jacob what his favorite subject was in college, and Jacob replied “Girls.” Sebastian laughed politely, patted Jacob on the back, and then told him to go spy on the President of Germany to find out what he was gabbing about. Jacob was about to object, when Chelsea pulled his arm to go talk with Helmut Veenerschnitzle. Helmut was on the heavy side, weighing about 320 pounds. He always wore black, thinking it made him look thin. He also smoked the thinnest cigarettes, again thinking that the thin smokes made him look svelte. Helmut was happy to meet Jacob, so as not to have to talk to the Chinese President and talk politics. Instead Helmut asked Jacob “How’s it hanging, my boy?” Jacob’s mouth flew open, and Chelsea muttered, “It’s hanging a little to the left, mein Helmut, sir!” Jacob glanced at Chelsea and was shocked to see a little sparkle in her eye.

We hope you’ve enjoyed our 4th issue, and would greatly appreciate any comments or feedback about our newsletter. Just as important, we’d love to hear what you think about Mr. Oginski’s book that he’s currently finishing.

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We’d really like to hear what you have to say. Thanks again!

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