

Basic Negotiation Skills 2018

San Francisco, Live Webcast and www.pli.edu,* January 10, 2018

Why You Should Attend

Negotiation is part of any lawyer's everyday life. You negotiate with colleagues, clients, and staff about an array of issues, ranging from simple project deadlines to complex contractual language. This program is designed to help you gain confidence in every negotiation you conduct. The panelists represent academicians, sole practitioners, and members of leading local law firms.

What You Will Learn

- Following six steps to a successful negotiation
- Organizing a strategy before, during and after a negotiation
- Identifying the three types of negotiations and when to use each
- Creating and using currencies during a negotiation
- Bargaining and offering concessions effectively
- Preparing tactics and avoiding ploys during a negotiation
- Considering alternative dispute resolutions and alternatives to trial

Who Should Attend

Practitioners who want to gain understanding of the negotiation process should attend. This program will prove helpful for new attorneys, or those transitioning to a negotiation-heavy practice. Also, the sessions will address issues pertinent to those experienced practitioners who wish to refresh their negotiation skills, or learn new approaches to the negotiations they conduct.

Program Schedule

9:00

Program Overview and Introductions

Doug MacKay

9:15

Outlining Negotiation Types and Processes

This session provides an overview of the key types of negotiations most lawyers face. It details the six steps of the negotiation process. We'll also examine the three types of negotiations attorneys will likely encounter in face-to-face, phone and email negotiations.

Doug MacKay

10:15

Understanding the Ethics of Negotiation

Ethics in negotiations involve a balance between a lawyer's obligations of honesty and candor with zealous client advocacy, pursuant to the Model Rules of Professional Responsibility and relevant state provisions. Whether in a transactional or litigated settlement context, lawyers may often find themselves in gray areas. This session will use survey questions on common tactics to frame the discussion.

John Dean, Dorit Perry

11:15 Networking Break

11:30

Strategizing Before a Negotiation

Successful negotiations begin well before you sit opposite the other negotiator. This session focuses on how to prepare in advance of any negotiation. The panelists will discuss setting goals and parameters, and considering the other side's perspectives.

Brendan P. Glackin, Lowell Haky

12:30 Lunch

1:30

Setting the Climate and Flexing Your Communication and Negotiation Style

As a negotiation begins, you need to set the tone of the conversation. You also need to gather valuable information from the other side. The key is phrasing the questions correctly. Understanding your communication style and how to flex your style during a negotiation makes you a more facile and effective negotiator, as the conversation evolves.

Gayle M. Athanacio, Jamison R. Narbaitz, Robin G. Workman

2:45 Networking Break

3:00

Managing the Bargaining and Concession-Making, while Mastering Tactics and Deflecting Ploys

Bargaining is most effective in a negotiation once you realize the value of what you can trade. Each side may trade items of unequal value, but each side must trade something, otherwise a stalemate occurs. Concessions provide the structure around the bargaining process. The panelists will address their strategies, using real scenarios, for giving and making concessions.

You can draw on a number of tactics to improve your presence and importance during a negotiation. Similarly, becoming aware of ploys other negotiators may attempt allows you to calmly sidestep these distractions. The panelists will discuss the range of tactics and ploys they've encountered.

Jennifer Tomlin Sanchez, Matthew P. Vafidis

4:00

Considering Alternatives to Trial: Alternative Dispute Resolutions and Mediations

In the 21st century, counsel needs to competently advise clients on ADR option. In this program, the panelists explore the various ADR options available through court programs and private providers, including mediation, ENE, arbitration and private jury trials. In addition, they'll provide strategies on preparing for a mediation, as well as managing client expectations.

Shirish Gupta, Elizabeth M. Link

5:00 Adjourn

Faculty:

Chair:

Doug MacKay

Director

Exec|Comm LLC

San Francisco, California

Gayle M. Athanacio

Shareholder

Rogers Joseph O'Donnell

San Francisco, California

John Dean

Adjunct Professor

UC Hastings College of the Law

San Francisco, California

Brendan P. Glackin

Partner

Lieff Cabraser Heimann & Bernstein, LLP

San Francisco, California

Shirish Gupta

Mediator/Arbitrator

JAMS

San Francisco, California

Lowell Haky

Associate General Counsel

Charles Schwab & Co

San Francisco, California

Elizabeth M. Link

Link Mediation & Arbitration

Lecturer, UC Berkeley Law School

San Francisco, California

Jamison R. Narbaitz

Senior Counsel
Clyde & Co US LLP
San Francisco, California

Dorit Perry

Adjunct Professor of Law, Negotiation and Conflict Resolution
Santa Clara University School of Law
Santa Clara, California

Jennifer Tomlin Sanchez

Partner
Gibson Robb & Lindh LLP
San Francisco, California

Matthew P. Vafidis

Partner
Holland & Knight LLP
San Francisco, California

Robin G. Workman

Principal Owner
Workman Law Firm, PC
San Francisco, California

Program Attorney: Christina Thompson