

Negotiation Skills

Online



CENTER FOR
Legal Aid
Education

Course Description

Based on the Harvard Program on Negotiation's Principled Negotiation Framework, CLAE's two week online negotiation skills workshop gives participants an easy to follow seven element framework for preparing and conducting negotiations, and an immersive experience applying the framework in four carefully sequenced mock negotiations developed by the Harvard program. The seven elements framing the curriculum include:

- **Interests** - the needs, hopes, desires and fears that motivate the negotiation
- **Options** - the full range of possibilities upon which the parties might frame an agreement
- **Alternatives** - the 'walk away' possibilities that each party has if it cannot reach an agreement (expressed as BATNA: the best alternative to a negotiated agreement)
- **Legitimacy** - external benchmarks that lend information about fairness to the negotiation
- **Relationships** - a critical factor when we find ourselves repeatedly in negotiation with the same counsel, a typical legal services experience
- **Communication** - the process of conveying our message in a constructive way to aid in the process of negotiation
- **Commitments** - the actual product of the process expressed through oral and written understandings

Each negotiation builds on the previous, focusing on different components of the seven element framework and revealing new insights into the process of interest based negotiation. After the first negotiation, faculty observe the subsequent negotiations live and provide immediate feedback and critique.

In addition to the sequenced negotiations, students participate in two weekly class meetings—utilizing Webinar technology—featuring faculty presentations and group discussions and activities. Additional activities and exercises focus on dealing with the difficult negotiator and effective communication strategies to keep the conversation open, exploring means to proactively improve alternatives as a means to strengthen a negotiation, and using the technique of role reversal to better understand an opponent's negotiating position.

Participant texts include specially designed materials developed by CLAE, together with Roger Fisher and William Ury's *Getting to Yes*. In addition, participants receive a set of negotiation preparation worksheets that most use to plan and conduct their real negotiations back home.

Sample Weekly Activity Schedules

Week One

Activity	Timeframe						Time Estimate
	MON, 2/6	TUE, 2/7	WED, 2/8	THU, 2/9	FRI, 2/10	MON, 2/13	
PRE-TRAINING ACTIVITIES							
0-1. Assess your conflict style • Assess your conflict style using the DynamicFeedback survey. • Have four or more others assess your conflict style.	due: 8pm						1 hour
0-2. Read <i>Getting to Yes</i> and “The Seven Elements of Interest-Based Negotiation”	due: 8pm						3 hours
0-3. Introduce yourself • Post your self-introduction • Reply to at least 2 other participants	due: 8pm (1 st post)	due: 12pm (2 replies)					1 hour
Activities for Unit 1: THE SEVEN ELEMENTS OF INTEREST-BASED NEGOTIATIONS							
1-1. Conduct a Negotiation: <i>Sally Soprano I</i> • With your partner, negotiate the <i>Sally Soprano</i> scenario • Debrief the simulation • Submit an evaluation	1 hour negotiation	due: 12pm (evaluation)					2 hours
Live Linkup #1		12 – 1pm					1 hour
1-2. Investigate legitimacy and alternatives in your practice • Identify a common negotiation scenario in your practice • Complete and post the Legitimacy and Alternatives worksheet • Comment on one other post				due: 12pm (1 post)		due: 12pm (1 reply)	2 hours
1-3. Conduct a Negotiation: <i>the PowerScreen Problem</i> • Prepare for the negotiation by watching the DVD, completing the preparation worksheet, and meeting with the other participants representing your party. • With your partner, negotiate the <i>Power Screen</i> scenario • With your partner and facilitator, debrief the simulation • Submit an evaluation			4 – 5pm (prep meeting)	2 hour negotiation		due: 12pm (evaluation)	4 hours
Total time estimate:							11 hours

Week Two

Activity	Timeframe						Time Estimate
	MON, 2/13	TUE, 2/14	WED, 2/15	THU, 2/16	FRI, 2/17	TUE, 2/21	
Activities for Unit 2: NEGOTIATING DIFFICULT SITUATIONS							
2-1. Conduct a Negotiation: <i>Bullard Houses</i> • Prepare for the negotiation using the preparation worksheet. • With your partner, negotiate the <i>Bullard Houses</i> scenario. • Submit an evaluation.	2 hour negotiation	due: 12pm (evaluation)					3 hours
2-2. Discuss applying the 7 elements framework to legal aid work • Post potential difficulties of using the 7 elements in actual practice • Reply to at least 1 post.	due: 8pm (1 post)			due: 12pm (1 reply)			1 hour
Live Linkup #2		12 – 1pm					1 hour
2-3. a. Assess your communication strategy by switching roles • With your partner, negotiate in the role of the opposing party of the situation identified.		due: 12pm					1.5 hours
2-3. b. Assess your communication strategy by switching roles • With your partner, negotiate in the role of the other party in the situation identified.				due: 12pm			1.5 hours
2-4. Conduct a Negotiation: <i>Sally Soprano II</i> • With your partner, negotiate the <i>Sally Soprano II</i> scenario • Debrief the simulation with your partner and facilitator				2 hour negotiation	due: 8pm		3 hours
2-5. Evaluation • Complete the evaluation of this course and your learning.						due: 12pm	1 hour
Total time estimate:							12 hours

At a Glance

Time Frame: 2 weeks of online activities

Faculty to Student Ratio: 1:4

Skills and Concepts Explored:

- The seven elements of principled negotiation (the *Getting to Yes* negotiation framework)
- Negotiation strategy
- Proactive efforts to improve 'walk away' power as a negotiation tactic
- Techniques to deal with difficult negotiators and communication strategies to keep negotiations open
- Role reversal as a technique to understand an opponent's position
- The search for options and added value as a powerful negotiation tool
- Participants conduct four carefully designed and sequenced telephonic negotiations, each exploring different elements of the seven elements framework
- Mock negotiations are observed and critiqued by experienced faculty

Learning and Production Materials and Media Resources Used:

- Participant manuals
- *Getting to Yes*, Fisher and Ury
- Harvard-developed Program on Negotiations Simulation, including general information, special facts for each party and negotiations authority instructions
- Video demonstrations of negotiations and negotiation planning sessions
- Video demonstrations of techniques for dealing with difficult negotiators

ABA Civil Legal Aid Practice Standards addressed:

7.9: Negotiation

"To be honest, I tend to be hesitant about training courses, believing that there is nothing like the actual experience. This course offers some of the most helpful concepts and information I have received from any training course."

Linda Samels, Legal Aid Foundation of Los Angeles