Contextual Negotiation
Contextual Negotiation
Facilitated Procedures as Advanced Negotiation

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Contents

List of Authors by Chapter .......................................................... ix
Preface ............................................................ xiii
Acknowledgments .............................................................. xv

Chapter 1 Theories of Negotiation ............................................ 3
   A. Introduction ......................................................... 3
   B. Competitive, Cooperative, and Integrative Theories Generally .... 3
      1. Donald G. Gifford, A Context-Based Theory
         of Strategy Selection in Legal Negotiation ....................... 3
   C. Problem-Solving ..................................................... 11
      2. Carrie Menkle-Meadow, Toward Another View of Legal
         Negotiation: The Structure of Problem Solving ............... 11
   D. Assisted Negotiation ................................................ 16
      3. Robert H. Mnookin, Why Negotiations Fail:
         An Exploration of Barriers to the Resolution of Conflict .... 16
   E. Game Theory .......................................................... 20
      4. Moshe Hirsch, The Future Negotiations Over Jerusalem,
         Strategical Factors and Game Theory .......................... 20
   F. Simulation ............................................................ 21

Chapter 2 Multiple-Party Negotiation ..................................... 23
   A. Introduction ......................................................... 23
   B. Conflict of Interests Concerns .................................... 23
      5. Steven Lubet, There Are No Scriveners Here ................. 23
   C. Public Policy Negotiation (Reg/Neg) .......................... 26
      6. Lawrence Susskind, Multi-Party Public Policy Mediation:
         A Separate Breed .................................................. 26
   D. Domestic Negotiations .............................................. 30
      7. Robert D. Benjamin, The Use of Mediative Strategies
         in Traditional Legal Practice ................................. 30
   E. Simulation ............................................................ 31

Chapter 3 Corporate Negotiation .......................................... 33
   A. Introduction ......................................................... 33
      8. Ronald Lee Gilman, Resolving Commercial Cases
         Through Alternative Dispute Resolution ....................... 33


**Chapter 4** Family Law & Negotiation  
A. Introduction ............................................. 47  
10. Barbara Stark, Marriage Proposals: From  
    One-Size-Fits-All to Postmodern Marriage Law .......... 47  
11. Andrew Schepard, An Introduction to the  
    Model Standards of Practice for Family  
    and Divorce Mediation .................................. 49  
B. Simulation ............................................. 62  

**Chapter 5** Insurance Law & Negotiation  
A. Introduction ............................................. 63  
B. Interference with Plaintiff’s Choice of a Negotiator:  
    “Defense Within Limits” Policies .......................... 63  
12. Gregory S. Munro, Defense Within Limits:  
    The Conflicts of “Wasting” or “Cannibalizing”  
    Insurance Policies ...................................... 63  
C. A Lawyer’s Settlement Related Duties ...................... 72  
13. Ellen S. Pryor and Charles Silver, Defense Lawyer’s  
    Professional Responsibilities:  
    Part I — Excess Exposure Cases .......................... 72  
14. Michael Sean Quinn, The Defending Liability Insurer’s  
    Duty to Settle: A Mediation Upon Some First Principals ...... 80  
D. Simulation ............................................. 88  

**Chapter 6** Sports Law Negotiation  
A. Introduction ............................................. 89  
15. Brian Burke, Negotiations Involving Agents and  
    General Managers in the NHL ............................ 89  
B. Elements of Negotiation ................................ 91  
17. Stephen J. Bartlett, Contract Negotiations and Salary  
    Arbitration in the NHL — An Agent’s View ............ 97  
C. Mediation in Sports Law ................................ 102  
18. Peter B. Kupelian and Brian R. Salliotte, The Use  
    of Mediation for Resolving Salary Disputes in Sports .... 102  
D. The Court of Arbitration for Sport ...................... 104  
19. Nancy K. Raber, Dispute Resolution in Olympic Sport:  
    The Court of Arbitration for Sport .................... 104  
E. Simulation ............................................. 108
Chapter 7  Negotiation of Health Law Issues ........................................ 109
A. Introduction ................................................................. 109
B. Medical Malpractice Claims in the Managed Care Setting ........ 109
  20. Amy E. Elliott, Arbitration and Managed Care:
      Will Consumers Suffer if the Two are Combined? ............... 109
C. Hospital Conflict Resolution Process ................................. 119
  21. Lillian S. Lehrburger & Margaret Van Cleve, Appropriate
      Dispute Resolution in Boulder Community Hospital:
      An Approach to Self-Healing ........................................... 119
D. Simulation ................................................................. 124

Chapter 8  Negotiating in Systems Design ................................. 125
A. Introduction: Assisted Negotiation Through ADR ................... 125
B. Risks and Benefits of Systemic Dispute Resolution:
   Privatization of Justice .................................................. 125
  22. Jack B. Weinstein, Some Benefits and Risks
      of Privatization of Justice Through ADR ......................... 125
C. Quality of Neutrals in Court Annexed Assisted Negotiation ....... 133
  23. Wayne D. Brazil, Comparing Structures for the Delivery
      of ADR Services by Courts: Critical Values and Concerns ..... 133
D. Simulation ................................................................. 143

Chapter 9  Collaborative Law:
           How Do We Negotiate without the Litigation Hammer? .......... 145
A. Collaborative Lawyering in the Future of ADR ..................... 145
  24. Tom Arnold, Collaborative Dispute Resolution:
      An Idea Whose Time Has Come? ..................................... 145
B. Simulation ................................................................. 151

Chapter 10  Environmental Negotiations ................................. 153
A. Introduction ................................................................. 153
  25. Shana A. Samson, Using Alternative Dispute Resolution
      to Streamline Superfund ............................................... 153
  26. Susan Raines and Rosemary O’Leary, Evaluating the
      Use of Alternative Dispute Resolution Techniques and
      Processes in the U.S. Environmental Protection Agency
      Enforcement Cases: Views of Agency Attorneys ................. 158
  27. Rosemary O’Leary, Tracy Yandle and Tamilyin Moore,
      The State of the States in Environmental
      Dispute Resolution ..................................................... 165
  28. Gerarda Brown, Ethics in Environmental ADR:
      An Overview of Issues and Some Overarching Questions ..... 171
B. Simulations ................................................................. 178

Chapter 11  Personal Injury (and Wrongful Death) Negotiations ........ 179
A. Introduction ................................................................. 179
  29. Milton Heumann & Jonathon M. Hyman, Negotiation
      Methods and Litigation Settlement Methods in New Jersey:
      “You Can’t Always Get What You Want” ......................... 180
30. Paul Rosenberger, Laissez-“Fair”: An Argument for the Status Quo Ethical Constraints on Lawyers as Negotiators . . . . 187
B. Simulations ................................. 191

Chapter 12 Collective Bargaining ........................................... 193
Part One – The Law of Collective Bargaining ................. 193
A. Statutory Provisions ............................................. 193
B. Satisfying the Requirement to Bargain in Good Faith .... 196
C. The Subject Matter of Collective Bargaining ................. 199
D. Impasse ......................................................... 200
Part Two – Techniques of Collective Bargaining .......... 202
A. Preparation for Bargaining ................................... 202
B. Conduct at the Bargaining Table .......................... 206
Simulation ......................................................... 212

Appendix 1 Section of Litigation, American Bar Association, Ethical Guidelines for Settlement Negotiations ..................... 215

Appendix 2 Simulations .................................................... 289
List of Authors by Chapter

Chapter 1. Theories of Negotiation


Chapter 2. Multiple-Party Negotiation


Chapter 3. Corporate Negotiation


Chapter 4. Family Law & Negotiation


Chapter 5. Insurance Law & Negotiation


Chapter 6. Sports Law Negotiation


Chapter 7. Negotiation of Health Law Issues


LIST OF AUTHORS

Chapter 8. Negotiating in Systems Design


Chapter 9. Collaborative Law: How Do We Negotiate Without the Litigation Hammer?


Chapter 10. Environmental Negotiations


Chapter 11. Personal Injury (and Wrongful Death) Negotiations


Chapter 12. Collective Bargaining

Preface

Our goal is to reflect current thinking about various subject specific negotiation and facilitated settlement dynamics. Our format for each chapter is a collection of excerpted articles bringing forth issues relevant to the settlement of cases within the context of the type of negotiation.

This book is primarily intended for law students engaged in skills development through simulation. While some chapters have discussion simulations at the end, Appendix 2 includes teaching simulations which have general facts, confidential facts for plaintiff and confidential facts for defendant. Plaintiffs and defendants may adopt additional confidential facts to challenge probing skills which are not inconsistent with the stated facts or determinative to the outcome of the negotiation.

This book is designed for the law professor to conduct a skills seminar in negotiation and settlement using the treatise for the classroom component and the simulation component without bringing additional simulation handouts. Appendix 1 may be used to stimulate discussion of ethical considerations for both negotiation and facilitated settlement communications.

Footnotes and other references have been omitted from the excerpts.

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Appendix 1
