SKILLS & VALUES: ALTERNATIVE DISPUTE RESOLUTION

Negotiation, Mediation, Collaborative Law, and Arbitration
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ALTERNATIVE 
DISPUTE RESOLUTION 

Negotiation, Mediation, Collaborative 
Law, and Arbitration 

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1. THIS BOOK IS YOUR BOOK

This book was written primarily for law students. If you are like most students, you bought it because it was assigned by your professor. You just paid good money and would like to know what you can hope to get for it. That is a fair request, and we will try to give you a clear answer.

But first, if you are using this book for a course involving any aspect of alternative dispute resolution, including negotiation, mediation, collaborative law, and arbitration, we commend you on your course selection! You probably signed up for the course because you were interested in learning the subject. We think this is a smart decision on your part. Although nearly all lawyers are repeatedly involved in some way with aspects of alternative dispute resolution, most law schools do not require any training. If you apply yourself, we predict that this will be one of the most useful courses you take in law school. Please let us know if you agree after you have been in practice for a few years. We would like to hear from you.

2. WHAT YOU CAN GET FROM THIS BOOK

This book is designed to give you both theory and practical application for the skills and values which come into play during the various forms of alternative dispute resolution, including negotiation, mediation, collaborative law and arbitration. This book is not intended to be the last word on alternative dispute resolution theory, although it will direct you to lots of further discussion. It is not intended to be a comprehensive treatise on the law and specific rules. Your professor may choose to use it as a practical supplement to a standard text or as a stand-alone course book. This book is designed to provide a practical, hand’s on experience so that you can practice and reflect upon what you will be doing as a lawyer. Think of it as “practice practice”! Each chapter focuses on a different aspect of the dispute resolution process. The idea is to read the material and then test and develop your knowledge through exercises and simulations. Some of the hands-on materials are in the book, some of them are online, and some of them will be distributed by your professor. When the material is online, you will be asked to visit the LexisNexis Webcourse for the chapter you are reading. After each experience, you will be given an opportunity to evaluate and reflect upon your performance. If you work through the exercises before you “peek” at the self-study sections, you will get more out of the experience.

The LexisNexis Webcourse for this book provides supplemental reading and reference materials. In addition, there are online videos. You can watch examples of lawyers doing the various things that are discussed in the book. There are some commentaries by us further discussing the materials and links to other video commentaries. We encourage you to read each chapter in conjunction with the LexisNexis Webcourse for that particular chapter, since the Webcourse materials are intended to complement the reading.

3. THE POWER OF REFLECTION

Many attorneys go from case to case without ever reflecting on what they learned from the interactions. Most people who do not reflect do not improve and are doomed to make the same mistakes over and over. During this course, you have an opportunity to practice good
PREFACE

habits by reflecting after each exercise. By doing this consciously in the beginning, you can train yourself to internalize the process and do it even without realizing that you are doing it. This will make you a more intentional lawyer and you will actually be able to observe and mark your progress. Your results will be consistently better, your career will be more rewarding and your clients will be better served.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter 1</th>
<th>INTRODUCTION TO ALTERNATIVE DISPUTE RESOLUTION</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>WHAT IS ALTERNATIVE DISPUTE RESOLUTION?</td>
<td>1</td>
</tr>
<tr>
<td>B.</td>
<td>DEVELOPMENT OF THE ADR MOVEMENT</td>
<td>1</td>
</tr>
<tr>
<td>C.</td>
<td>HOW PREVALENT IS ADR?</td>
<td>2</td>
</tr>
</tbody>
</table>

## Part One  NEGOTIATION  3

<table>
<thead>
<tr>
<th>Chapter 2</th>
<th>INTRODUCTION TO NEGOTIATION</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>THE IMPORTANCE OF NEGOTIATION SKILLS</td>
<td>5</td>
</tr>
<tr>
<td>B.</td>
<td>LIMITED LAW SCHOOL TREATMENT OF NEGOTIATION</td>
<td>6</td>
</tr>
<tr>
<td>C.</td>
<td>CHARACTERISTICS OF EFFECTIVE NEGOTIATORS</td>
<td>6</td>
</tr>
<tr>
<td>D.</td>
<td>THE IMPACT OF CULTURE ON NEGOTIATION</td>
<td>7</td>
</tr>
<tr>
<td>E.</td>
<td>GETTING MENTALLY PREPARED TO LEARN HOW TO NEGOTIATE</td>
<td>8</td>
</tr>
<tr>
<td>F.</td>
<td>ETHICAL CONSIDERATIONS</td>
<td>8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 3</th>
<th>THINKING ABOUT NEGOTIATING</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EXERCISES</td>
<td>12</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 4</th>
<th>UNDERSTANDING THE NEGOTIATION PROCESS</th>
<th>19</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>PREPARATION STAGE: ESTABLISHING LIMITS AND GOALS</td>
<td>19</td>
</tr>
<tr>
<td>1.</td>
<td>Client Preparation</td>
<td>20</td>
</tr>
<tr>
<td>2.</td>
<td>Lawyer Preparation</td>
<td>22</td>
</tr>
<tr>
<td>a.</td>
<td>Calculating Own and Opposing Side’s Bottom Lines</td>
<td>22</td>
</tr>
<tr>
<td>b.</td>
<td>Establishing Elevated Aspiration Levels</td>
<td>24</td>
</tr>
<tr>
<td>c.</td>
<td>Formulating Elevated but Principled Opening Offers</td>
<td>25</td>
</tr>
<tr>
<td>d.</td>
<td>Choreographing the Impending Interaction</td>
<td>26</td>
</tr>
<tr>
<td>B.</td>
<td>PRELIMINARY STAGE: ESTABLISHING NEGOTIATOR IDENTITIES AND THE TONE FOR THE INTERACTION</td>
<td>31</td>
</tr>
<tr>
<td>C.</td>
<td>INFORMATIONAL STAGE: EXCHANGE OF INFORMATION AND VALUE CREATION</td>
<td>33</td>
</tr>
<tr>
<td>1.</td>
<td>Use of Information-Seeking Questions</td>
<td>34</td>
</tr>
<tr>
<td>2.</td>
<td>Exploring Underlying Needs and Interests of Parties</td>
<td>35</td>
</tr>
<tr>
<td>3.</td>
<td>Multiple Item Negotiations</td>
<td>37</td>
</tr>
<tr>
<td>4.</td>
<td>How to Disclose and Withhold Important Information</td>
<td>37</td>
</tr>
<tr>
<td>D.</td>
<td>DISTRIBUTIVE STAGE: EXCHANGING ITEMS TO BE DIVIDED — VALUE CLAIMING</td>
<td>39</td>
</tr>
</tbody>
</table>
**TABLE OF CONTENTS**

1. Benefits of Inducing Opponents to Make First Offers .......................... 39
2. Carefully Planned Concession Patterns ............................................. 40
3. Power Bargaining ................................................................................. 44
   a. Argument ....................................................................................... 45
   b. Threats,Warnings,and Promises ..................................................... 46
   c. Ridicule and Humor ......................................................................... 48
   d. Silence .......................................................................................... 48
   e. Patience ......................................................................................... 49
   f. Guilt, Embarrassment, and Indebtedness ....................................... 49
   g. Voice and Language ....................................................................... 49
4. Negotiators must Remember Their Nonsettlement Options .................. 50
E. CLOSING STAGE: MAKING THE DEAL AND VALUE SOLIDIFYING ........ 50
F. COOPERATIVE STAGE: VALUE MAXIMIZING ..................................... 52
   1. Carefully Working Together to Make the Pie as Big as Possible ....... 52
   2. Committing it to Writing ............................................................... 55
EXERCISES ......................................................................................... 56

Chapter 5 ETHICAL BOUNDARIES AND DILEMMAS .............................. 69

A. TRUST ME, I’M A LAWYER ................................................................. 69
B. HOW DO YOU TELL WHEN A LAWYER’S LYING? HIS LIPS ARE MOVING! ................................................................. 69
   1. Lying Without Being Dishonest ...................................................... 69
   2. Three Basic Areas of Factual Misrepresentation ............................. 71
      a. Affirmative Factual Misrepresentations ..................................... 71
      b. Partially Truthful Factual Statements ......................................... 72
      c. Impermissible Factual Omissions .............................................. 73
   3. Legal Misrepresentations and Omissions ........................................ 73
C. UNCONSCIONABLE NEGOTIATING TACTICS .................................. 74
D. INTERACTIONS WITH NEUTRAL FACILITATORS .......................... 74
E. CONCLUSION ..................................................................................... 75
EXERCISES ......................................................................................... 76

Chapter 6 ADDITIONAL NEGOTIATION TECHNIQUES .......................... 81

A. EXTREME INITIAL DEMANDS/OFFERS .......................................... 81
B. BOULWAREISM — BEST OFFER FIRST BARGAINING ....................... 82
C. LIMITED CLIENT AUTHORITY ............................................................. 83
D. NIBBLE TECHNIQUE .......................................................................... 84
E. LIMITED TIME OFFERS/DECREASING OFFERS OR INCREASING DEMANDS ................................................................. 85
F. ANGER/AGGRESSIVE BEHAVIOR ..................................................... 85

viii
TABLE OF CONTENTS

G. WALKING OUT/HANGING UP TELEPHONE ........................................ 86
H. IRRATIONAL BEHAVIOR ................................................................. 86
I. UPROAR ......................................................................................... 86
J. BRER RABBIT .................................................................................. 86
K. TOM SAWYER AND THE FENCE ....................................................... 87
L. GOOD COP/BAD COP ....................................................................... 87
M. PASSIVE-AGGRESSIVE BEHAVIOR .................................................... 88
N. BELLY UP .......................................................................................... 89
  EXERCISES ....................................................................................... 90

Chapter 7  NONVERBAL COMMUNICATION — THE WORDLESS MESSAGE .................................................... 97

A. COMMON NONVERBAL (WORDLESS) SIGNALS (CLUES) ............... 98
  1. Facial Expressions ............................................................................ 98
  2. Flinch ............................................................................................... 98
  3. Wringing of Hands ......................................................................... 98
  4. Rubbing Hands Together in Anticipatory Manner .......................... 99
  5. Tightly Gripping Arm Rests/Drumming Fingers on Table ............. 99
  7. Eyes Wandering/Looking at Watch .............................................. 99
  8. Opening Mouth But Not Speaking ................................................. 99
  9. Sitting on the Edge of One’s Chair ............................................... 99
 11. Steepling (Hands Pressed Together with Hands or Fingers Pointed Upward) .................................................. 100
 12. Leaning Back with Hands Behind Head ...................................... 100
 13. Placing One Hand Behind Head .................................................. 100
 14. Open/Uplifted Hands with Palms Facing Out ............................... 100
 15. Crossed Arms/Crossed Legs .......................................................... 100
 16. Covering and Rubbing One Eye ................................................... 100

B. COMMON NONVERBAL (WORDLESS) SIGNS OF DECEPTION ......... 101
  1. Increase/Decrease in Statement Specificity .................................. 101
  2. Increased/Decreased Gross Body Movement ............................... 101
  3. Placing Hand Over Mouth .............................................................. 101
  4. Eyes Looking Up to Wrong Side .................................................... 102
  5. Dilated Pupils/More Frequent Blinking ....................................... 102
  6. Narrowing/Tightening of Margin of Lips ....................................... 102
  7. Elevated Voice Pitch ..................................................................... 102
  8. More Deliberate/Rapid Speech ..................................................... 102
  9. Increased Speech Errors .............................................................. 102
TABLE OF CONTENTS

10. More Frequent Clearing of Throat .................................... 103
    EXERCISES .................................................... 104

Chapter 8 INFLUENCE OF NEGOTIATOR STYLES ................. 105
A. COOPERATIVE/PROBLEM-SOLVING NEGOTIATORS ............... 105
B. COMPETITIVE/ADVERSARIAL NEGOTIATORS ..................... 106
C. COMPARATIVE EFFECTIVENESS OF COOPERATIVE/PROBLEM
   SOLVING AND COMPETITIVE/ADVERSARIAL NEGOTIATORS .... 106
D. INTERACTIONS BETWEEN PERSONS WITH THE SAME AND
   DIFFERENT NEGOTIATING STYLES .............................. 108
E. COMMON TRAITS FOR BOTH NEGOTIATION STYLES .......... 109
F. BLENDED STYLES — COMPETITIVE/PROBLEM-SOLVING “BLENDED”
   APPROACH .................................................... 110
G. CONCLUSION .................................................. 112
    EXERCISES .................................................... 113

Chapter 9 AN INTRODUCTION TO BRAIN SCIENCE ............... 115
A. WHAT IS BRAIN SCIENCE? ...................................... 115
B. THIS IS YOUR BRAIN MAKING A DECISION: INTERPRETATION,
   JUDGMENT, REASONING ....................................... 116
   1. Interpretation .............................................. 116
   2. Judgment .................................................. 117
   3. Reasoning .................................................. 117
C. WAYS IN WHICH NEUROSCIENCE MAY HELP US NEGOTIATE MORE
   EFFECTIVELY .................................................. 118
   1. Fear and Timing of Bargaining .......................... 118
   2. Loss Frames Reduce Creativity ......................... 119
   3. Impact of Face to Face Negotiations .................. 119
D. CONCLUSION .................................................. 119
    EXERCISES .................................................... 120

Part Two MEDIATION .................................................. 125

Chapter 10 INTRODUCTION TO MEDIATION ....................... 127
A. WHAT IS MEDIATION? .......................................... 127
B. ARE THERE ANY BENEFITS TO MEDIATION VERSUS
   LITIGATION? .................................................. 127
C. ARE THERE ANY DOWNSIDES TO MEDIATION VERSUS
   LITIGATION? .................................................. 128
D. WHY MEDIATE WHEN YOU CAN NEGOTIATE DIRECTLY? .... 129

x
**TABLE OF CONTENTS**

E. WHEN DOES MEDIATION OCCUR? ............................................. 130
F. SELECTING THE MEDIATOR .................................................. 132
G. MEDIATOR STYLES ............................................................ 133
   1. Facilitative/Elicitive Mediators ..................................... 134
   2. Directive/Evaluative Mediators ..................................... 134
   3. Transformative Mediators ........................................... 135
   4. Blended Styles ......................................................... 136
H. BEFORE THE MEDIATION SESSION STARTS ............................ 136
I. PREPARATION FOR MEDIATION SESSIONS ............................... 138
J. THE ACTUAL MEDIATION .................................................... 139
   1. Tactical Considerations for the Mediator .......................... 142
   2. Tactical Considerations for the Bargainers ....................... 144
K. ETHICAL CONSIDERATIONS ................................................ 146
   1. Specific Considerations for the Advocates ....................... 147
   2. Specific Considerations for the Mediator ........................ 148
      EXERCISES .................................................................. 151

Chapter 11 EXAMPLES OF TOPICS FOR MEDIATION ............... 155
A. PERSONAL INJURY ............................................................. 155
B. EMPLOYMENT LAW .......................................................... 156
C. FAMILY LAW ................................................................. 158
D. COMMERCIAL LAW .......................................................... 160
   1. Intellectual Property Disputes .................................... 162
   2. Construction Disputes .............................................. 162
E. CONSUMER DISPUTES ....................................................... 163
F. CRIMINAL MATTERS ........................................................ 163
      EXERCISES .................................................................. 164

Part Three COLLABORATIVE LAW ................................. 193

Chapter 12 INTRODUCTION TO COLLABORATIVE LAW .... 195
A. WHAT IS COLLABORATIVE LAW? ......................................... 195
B. HISTORY OF COLLABORATIVE LAW ................................. 195
C. THE LIKELY FUTURE OF COLLABORATIVE LAW DURING YOUR CAREER .................................................. 196
D. HOW DOES THE COLLABORATIVE LAW PROCESS WORK? .... 197
   1. Act One .................................................................... 197
   2. Act Two .................................................................. 198
   3. Act Three .............................................................. 198
E. ETHICAL CONSIDERATIONS AND COOPERATIVE LAW .... 199
TABLE OF CONTENTS

F. ADVANTAGES AND DISADVANTAGES OF COLLABORATIVE LAW ........................................... 200
   1. Advantages .................................................. 200
   2. Disadvantages .............................................. 200
G. POSSIBLE TRAPS FOR UNWARY COLLABORATIVE AND COOPERATIVE LAW MODEL LAWYERS .................................................. 201
EXERCISES ........................................................................ 202

Part Four ARBITRATION .............................................. 205

Chapter 13 INTRODUCTION TO ARBITRATION .............................................. 207

A. WHAT IS ARBITRATION? .................................................. 207
B. BASIC CHARACTERISTICS OF ARBITRATION .............................................. 207
   1. Trial Substitute .................................................. 207
   2. Expeditious ...................................................... 208
   3. Arbitrators Usually Have Subject Matter Expertise .............................................. 208
   4. What Happens in Arbitration Usually Stays in Arbitration .............................................. 208
   5. Arbitration Procedure Is Usually Informal .............................................. 208
   6. Arbitrations Are Usually Shorter than Court Trials .............................................. 209
   7. Arbitrators Are not Strictly Bound by Law .............................................. 209
   8. Arbitrations Are Considered Final .............................................. 210
C. THE LAW OF ARBITRATION .............................................. 210
   2. Uniform Arbitration Act (UAA) .............................................. 211
   3. Revised Uniform Arbitration Act (RUAA) .............................................. 212
D. WHAT ARE THE MOST COMMON SOURCES OF ARBITRATION? .............................................. 212
   1. Pre-Dispute Arbitration Agreement .............................................. 212
   2. Arbitration by Statute or Court Rule .............................................. 213
   3. Arbitration by Treaty .............................................. 213
   4. Arbitration Agreed to after a Dispute Arises .............................................. 213
E. THE TYPICAL ARBITRATION PROCESS .............................................. 214
   1. Commencing the Arbitration Process .............................................. 214
   2. Preparing for the Arbitration .............................................. 214
   3. Pre-Hearing Conference .............................................. 215
   4. Arbitration Hearing .............................................. 215
   5. The Award .............................................. 216
   6. The Appeal .............................................. 216
F. BENEFITS AND LIMITATIONS OF ARBITRATION .............................................. 216
G. ETHICAL CONSIDERATIONS .............................................. 217
   1. Specific Considerations for the Advocates .............................................. 217
## TABLE OF CONTENTS

2. Specific Considerations for the Arbitrator ........................................ 219
   EXERCISES .................................................. 221

### Chapter 14 VARIOUS KINDS OF ARBITRATION .......................... 247

A. UNINSURED/UNDERINSURED MOTORIST (UM/UIM) CASES .......... 247
B. OTHER KINDS OF INSURANCE DISPUTES .............................. 248
C. COMMERCIAL ARBITRATION ............................................. 249
   1. Domestic ...................................................... 249
   2. International ................................................. 250
D. CONSTRUCTION ARBITRATION ........................................... 250
E. EMPLOYMENT ARBITRATION ............................................ 251
   1. When There Is a Collective Bargaining Agreement ............. 251
   2. When There Is No Collective Bargaining Agreement (CBA) ...... 252
F. SPORTS ARBITRATION .................................................. 254
   EXERCISES ..................................................... 255

### Chapter 15 PUTTING IT ALL TOGETHER ............................... 263