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Skills and Values: Legal Negotiating

FOURTH EDITION

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Preface

This book can be used alone to teach law students and practicing attorneys legal negotiation skills or as a supplemental resource in conjunction with other texts. It may be used in a Legal Negotiation course, in an Alternative Dispute Resolution or Lawyering Skills class, or as part of a continuing legal education program. Each chapter explores a different aspect of bargaining interactions and provides ways in which readers can explore those issues through practical exercises that are set forth in various chapters.

Many negotiation texts are quite theoretical in scope. They explore economic game theory, psychological phenomena, and other academic theories. They do not directly explain how individuals actually negotiate. This book is designed to fill that void. It covers the different stages of the negotiation process, the various negotiation techniques persons are likely to encounter, the impact of negotiator styles on bargaining interactions, the importance of verbal leaks and nonverbal communication, the way in which gender-based stereotypes may affect bargaining encounters, the unique aspects of telephone and e-mail interactions, plea bargaining, international business and human rights negotiations, multi-party interactions, ethical issues negotiators are likely to encounter, and mediation. It thus makes it easy for negotiation students to comprehend how bargaining interactions develop and to appreciate the different factors that affect those encounters.

Supplemental materials, available to professors who adopt this book (for more information, see the book's webpage at cap-press.com), include videos of lawyers negotiating exercises that demonstrate many of the concepts discussed in this book, Professor Craver summarizing some of the fundamental areas covered in this text, and a Negotiation Preparation Form, a Post Negotiation Evaluation Checklist, and a useful Summary Guide to Effective Legal Negotiation.

I have included several negotiation exercises in this book that demonstrate the issues explored in different chapters. Readers should **not review the exercises until they are prepared to work with someone else on them**. If they look at the **Confidential Information** for both sides, it would make it difficult for them to work on the exercises in an unbiased manner. When readers are prepared to work on a particular exercise, they and their partners should agree upon the sides they will represent. They should both read the **General Information**, but only read their own side's **Confidential Information**. This will enable them to proceed as if they are really representing their assigned party. Following each multiple item exercise is an efficiency grid that demonstrates the way in which bargainers should have resolved the so-called cooperative or integrative terms

if they wished to achieve efficient agreements that maximized the joint returns obtained by the negotiating parties. A number of additional negotiation exercises are also included in the Teacher's Manual, which allows instructors to assign exercises for which readers cannot see the Confidential Information pages until they are actually disclosed.

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