

Win or Go Home

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*A Guide to Negotiation Success in
Competition and in Life*

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CAROLINA ACADEMIC PRESS

Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Names: Knolton, Cristina C., author. | Gray, H. Nyree.
Title: Win or go home : a guide to negotiation success in competition and in life / by Cristina C. Knolton and H. Nyree Gray.
Description: Durham, North Carolina : Carolina Academic Press, 2016. | Includes bibliographical references and index.
Identifiers: LCCN 2016036258 | ISBN 9781611638639 (alk. paper)
Subjects: LCSH: Dispute resolution (Law)--United States. | Negotiation--United States. | Mediation--United States.
Classification: LCC KF9084 .K66 2016 | DDC 347.73/9--dc23
LC record available at <https://lccn.loc.gov/2016036258>

CAROLINA ACADEMIC PRESS, LLC
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

*For Derek, Julia, Ashley, Hailey, Derek Joe,
Natalee, Papa, and Nana
CK*

*For Jeremy, Jeremiah, Preston, and Mom
NG*

*For every student that has given us the privilege of
teaching them negotiation
NG and CK*

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Acknowledgments

We are grateful to those who read and commented on this book during its many drafts, especially Austen Parrish, Dean of Indiana University Maurer School of Law and James H. Rudy Professor of Law, Paul Bateman, Professor of Legal Analysis, Writing, and Skills at Southwestern Law School, and our research assistant, Ryan Abelman. We are also grateful for the support of Southwestern Law School and our Southwestern students who have inspired many of the techniques we recommend in this book.

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Introduction

The purpose of this book is to assist students with their preparation for law school negotiation competitions and to provide a resource to anyone who wants to learn about or improve on negotiation techniques and strategies. Our hope is that you will be able to use this book as a resource to assist with your strategy and understanding of the competition process. We also believe it will be a great guide for the law professor and/or generous alum who has graciously agreed to coach students for the first time. Lastly, the approaches and insights we share in this book will assist anyone who wants to learn more about negotiation in general. After all, the techniques set forth in this book work in competition because they reflect effective negotiation techniques in the real practice of law. To that end, let us begin.

Students should be encouraged to participate in competitions. The ability to hone practical skills while in law school has several benefits. Law school is about preparing to enter a profession. Part of the preparation requires lawyering skills and these skills will not be attained by reading and briefing cases alone. Students need opportunities to experience the role of a lawyer advocating for clients and working with opposing counsel. The need for participating in negotiation competitions is supported by an increasing awareness of the importance of negotiation as a core competency skill across the legal curriculum.

Many schools have formal programs and faculty advisors to assist students with their preparation; however, a large number of law schools are still limited to just Moot Court and/or Trial Advo-

cacy programs. Other competitions, such as negotiation, client counseling, and mediation, are often left for students to maneuver on their own. The number of competitions in the area of alternative dispute resolution is steadily increasing, yet the resources available to assist with preparation are limited.

That's where we step in. In this book, we provide strategies and tips based on our own experiences during practice as well as on our experience at various competitions. In addition to our experience in negotiating contracts, leases, and settlement agreements, we have participated in countless numbers of competitions over the years and have had our fair share of judging competitions. Thus, we are able to provide real-world practical advice, as well as the judge's perspective when scoring competitors.

The process and approaches we describe in this book are the same things we share with the members of our own team. These are strategies we have implemented and when executed properly have been successful. At the end of the day, students are encouraged to adjust the styles and techniques to fit their personality and strengths and to highlight their skill set. It is important for each individual to develop a style that feels comfortable and that highlights their individual strengths.

We want to start with a reoccurring theme: HAVE FUN! There are times when you can do everything right but certain things happen beyond your control. You face a crazy team. You have a judge fall asleep. Both of which we have experienced. Just keep in mind the real victory is in the process. Your ability to expand your skill set, gain confidence, and improve your own abilities is its own reward. Yeah, we know ... a trophy doesn't hurt either.