

**SKILLS AND VALUES:
LEGAL NEGOTIATING**
Third Edition

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SKILLS AND VALUES: LEGAL NEGOTIATING

Third Edition

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CAROLINA ACADEMIC PRESS

Durham, North Carolina

ISBN: 978-1-63284-763-8 (print)

Library of Congress Cataloging-in-Publication Data

Names: Craver, Charles B., author.

Title: Skills and values. Legal negotiating / Charles B. Craver, Freda H. Alverson Professor of Law, George Washington University Law School.

Other titles: Legal negotiating

Description: Third edition. | New Providence, NJ : LexisNexis, 2016.

Identifiers: LCCN 2015048234 (print) | LCCN 2015048347 (ebook) | ISBN 9781632847638 (soft-bound) | ISBN 9781632847645 (epub)

Subjects: LCSH: Compromise (Law)—United States—Problems, exercises, etc. | Negotiation—United States—Problems, exercises, etc. | Attorney and client—United States.

Classification: LCC KF9084 .C73 2016 (print) | LCC KF9084 (ebook) | DDC 347.73/9—dc23

LC record available at <http://lcn.loc.gov/2015048234>

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Carolina Academic Press, LLC
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.caplaws.com

Printed in the United States of America
2018 printing

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.

Students assigned this book can gain access to the LexisNexis Web Course to view videos of lawyers negotiating exercises they may have negotiated and to demonstrate many of the concepts discussed in this book, to see Professor Craver summarizing some of the fundamental areas covered in this text, and to access 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.

Charles B. Craver
Washington, D.C.

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