



Watershed *Best Negotiating Practices*® Workshop Series

Philosophy and Content for *Best Negotiating Practices for Lawyers*

Philosophy

Watershed advocates collaborative, interest-based negotiations, often referred to as win-win negotiations. We provide participants a framework for negotiations that guides them through process and strategies in five phases: preparation, information exchange and validation, bargaining, concluding agreements, and execution. Participants learn the interrelation between the five phases as well, assuring that the negotiation results in more than a beneficial agreement for attorney and client, but also one where compliance and performance are most likely. Our framework is supported by our *Best Negotiating Practices*®, a set of skills, behaviors and strategies participants need to move from fundamental understanding, to proficiency, to mastery in negotiations.

Watershed's Framework for Collaborative Negotiations



Audience

Watershed negotiation workshops are designed for attorneys who practice in:

- Large and small law firms
- Federal, State, and local government agencies, and
- Corporate counsel departments.

Our program is designed to address a variety of skill levels and practice areas: civil and criminal litigation, transactional, and corporate, as well as unique practice areas in equity and law.

Learning Objectives

- ❖ Explain the role collaborative negotiations play in today's legal and business relationships and provide a framework for planning and bargaining
- ❖ Move lawyers away from confrontation and toward establishing and maintaining a productive negotiating climate
- ❖ Build skills needed to generate creative solutions that expand value, manage ego and build trust for a successful negotiation

Topical Agenda

Watershed negotiation workshops are substantive, skill building, and interactive, giving attendees the opportunity to learn from practice in relation to their work. Depending on a client's needs, course formats are available from 2 hours to 2 days. A typical one-day negotiation workshop covers the following topics:

- ❖ Introduction of collaborative negotiations and a framework for negotiating
- ❖ Shifting paradigms: from advocates arguing positions to negotiators offering solutions that address interests
- ❖ Exploration of bargaining and related critical *Best Negotiating Practices*
- ❖ Probing to get information from opposing counsel and your client that will guide your negotiating strategy
- ❖ Planning a negotiation strategy from opening position to closure
- ❖ Managing concessions that turn resistance into possibilities
- ❖ Ethics in attorneys' negotiations

Activities Utilized in Workshops

Attorneys succeed in applying new skills and changing behaviors because of the learning tools used in every workshop:

- ❖ *Role play* –provides skill practice and builds confidence
- ❖ *Movie clips* – view and debrief of licensed movie clips from popular films with powerful negotiation scenes that drive lessons in a memorable way
- ❖ *Small group exercises* –where participants reflect, share and capture learnings, and thus improve retention
- ❖ *Goal setting* – preparation of Individual Action Plans for focused improvement
- ❖ *Job aids* – resources for use on the job that support use of new skills, including the bound 200+ page *Negotiator's Reference Guide for Lawyers*
- ❖ *Reinforcement* – *Best Negotiating Practices* Consulting Services includes: six months access to expert negotiators via Watershed's *Need Help Now* advice service, tools in electronic format, and support and coaching for managers