



## 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