Sharpening Your Legal Negotiating Skills

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is the Freda H. Alverson Professor of Law at George Washington University. He is the author of Effective Legal Negotiation and Settlement (6th ed. 2009 Lexis), Skills & Values: Legal Negotiating (2009 Lexis), and The Intelligent Negotiator (2002 Prima/Crown) and coauthor of Legal Negotiating (Thomson West 2007) and Alternative Dispute Resolution: The Advocate’s Perspective (3rd ed. 2006 Lexis). Over the past 30 years, Professor Craver has taught negotiating skills to over 85,000 lawyers throughout the United States and around the world. Firms interested in his program should contact the in-house training department at ALI-ABA (information is also available through the ALI-ABA Web site — click on “For Your Organization”). The author can be reached at ccraver@law.gwu.edu. © Charles B. Craver.

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The more you know about negotiating, the better you’ll do it — and the more you’ll enjoy it.

LAWYERS NEGOTIATE constantly both in their private lives and in their professional lives. They negotiate with spouses, children, friends, acquaintances, and many others in their personal lives. They also negotiate regularly at work — even when they don’t realize they are negotiating. They interact with their own colleagues — then with prospective clients and current clients. They also conduct bargaining interactions with outside parties on behalf of their clients.

Most attorneys have not had formal negotiation courses. For many years, most law schools refused to offer such skills courses. In recent years, most schools have added negotiation courses to their alternative dispute resolution curricula, but these tend to be limited enrollment classes that are only taken by a few students. Public and private professional development groups try to fill this void through half-day and full-day negotiation programs, but most attorneys prefer to obtain their professional development credits through more traditional courses. As a result, the vast majority of lawyers have not received any training in the most significant skill they use every day.

Most legal practitioners prepare for negotiations by gathering the factual, legal, economic, and political infor-