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Advanced Negotiation Strategies for Lawyers

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ADVANCED NEGOTIATION STRATEGIES FOR LAWYERS

March 31, 2022

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ADVANCED NEGOTIATION STRATEGIES FOR LAWYERS



Description

This advanced negotiations webcast will increase your arsenal of strategies, techniques and tactics and help you further develop the strategic mindset that's at the heart of successful negotiation and aid in maximizing the results you provide your client. Leave behind the intuitive and instinctive – along with their inherent uncertainties.

Going beyond the basics, Martin Latz teaches you how to avoid divulging strategic information, how to maximize your leverage, how to counter “objective” standards, and the strategies for successful closing.

Plus, he'll share his secrets for avoiding and breaking impasses and responding to and utilizing risky negotiation tactics like walkouts and bluffing. Even if you've been negotiating for years, you'll leave this seminar with new strategies you can use in your next negotiation, mediation, or settlement conference.

Latz is one of North America's leading experts and instructors on negotiating techniques. A Harvard Law honors graduate, Marty will help make YOU a more effective lawyer.

Strategies, Techniques and Tactics You'll Learn:

- Latz's 5 Golden Rules of Negotiation ... and their Corollaries
- Ways to block tough questions
- Methods to maximize your leverage
- 5 countermeasures for “objective” standards
- Secrets to the successful close
- Techniques for successful bluffing

Faculty

Martin E. Latz – Chair

Latz Negotiation Institute (LNI)
Seminars. Customized Training. Consulting.
6242 East Shangri La Road
Scottsdale, Arizona 85254
Ph: 480.951.4273
E: latz@negotiationinstitute.com

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6242 EAST SHANGRI LA ROAD • SCOTTSDALE, ARIZONA 85254

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ADVANCED NEGOTIATION STRATEGIES FOR LAWYERS

by Martin E. Latz, Esq.

Adj. Professor of Law – Negotiation 1995 - 2005

Arizona State University College of Law

Indiana Continuing Legal Education Forum
March 31, 2022 Live Webcast

LNI's faculty for this program

“Marty Latz is one of the most accomplished and persuasive negotiators I know.”
George Stephanopoulos, Host - ABC's *This Week*

Martin E. Latz, Esq.



- **Adjunct Professor of Law for Negotiation, Arizona State University College of Law 1995 - 2005**
- **Founder and CEO, Latz Negotiation, a national training, e-learning and consulting firm**
- **Developed and taught negotiation training programs for over 100,000 lawyers and business professionals around the world since 1995**
- **Negotiated for The White House nationally and internationally on the White House Advance Teams**
- **Appeared as a negotiation expert on CBS, CNN, MSNBC and FOX and has been cited in USA Today, Politico, The Economist, US News & World Report, and many others.**
- **Author, *Gain the Edge! Negotiating to Get What You Want* & *The Real Trump Deal: An Eye-Opening Look at How He Really Negotiates***
- **Negotiation columnist for various newspapers since 1999**
- **Harvard Law School, *cum laude***

www.LATZNegotiation.com

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Presentation Outline

for

LATZ NEGOTIATION INSTITUTE'S

***ADVANCED NEGOTIATION STRATEGIES
FOR LAWYERS***

NEGOTIATION LESSONS “HOUSE NEGOTIATION STORY”

Your Negotiation Challenges

What negotiation issues have you found most challenging?

LATZ'S FIVE GOLDEN RULES OF NEGOTIATION AND THEIR COROLLARIES

RULE 1 INFORMATION IS POWER — SO GET IT!

- A. **Get Information to Set Your Goals**
- B. **Develop an Information-Bargaining Strategy – Ways to Get and Share Information**

COROLLARY 1 SHARE INFORMATION STRATEGICALLY

- A. **Understand the Information Exchange Game**
- B. **Answer Truthfully – But Don't Share All**

PREPARE BLOCKING TECHNIQUES TO AVOID TOUGH QUESTIONS

1. Change the subject and/or delay answering
2. Answer a different question
3. Respond with your own question
4. Discount the question's relevance, or ask for clarification
5. Answer a specific question by focusing on the general, or vice versa
6. Refuse to answer due to policy, tradition, lack of authority, etc.

Prepare these in advance

RULE 2 MAXIMIZE YOUR LEVERAGE

- A. Determine Level of Needs (both sides)**
- B. Do the BATNA (Plan B for both sides)**

Best Alternative To a Negotiated Agreement

- 1. Why?
 - a. Tells you when to walk
 - b. Tells you when to sign

COROLLARY 2 LEVERAGE IS FLUID AND TIMING IS CRITICAL

FIVE LEVERAGE-ENHANCING TACTICS

- 1. Assess all sides' initial leverage
- 2. Improve your alternatives and
Limit the attractiveness of counterparts' alternatives
- 3. Tactically share your leverage-related information
- 4. Communicate your leverage credibly
 - a. Be truthful and detailed
 - b. Provide independently verifiable alternatives
 - c. Explain rationale underlying best alternatives
- 5. Selectively use risky tactics like walkouts and threats

RULE 3

EMPLOY “FAIR” OBJECTIVE CRITERIA

Issue: What is “fair and reasonable”?

A. Find Powerful Independent Standards

1. Market-value power

Countermeasure - Challenge definition of “market value”

2. Tradition power

Countermeasure - Research tradition and exceptions

3. Expert- and scientific-judgment power

Countermeasure - Expert of your own

RULE 4

DESIGN AN OFFER/CONCESSION STRATEGY

Issue: What to do regarding *timing, speed* and *size* of offers/concessions?

A. Know Your Offer-Concession Patterns

COROLLARY 4 DON'T LOSE IT AT THE END

POWERFUL CLOSING STRATEGIES

1. Whether you close depends on leverage and goals
2. Pay attention to detail
3. Beware of ego issues
4. Close the gap with independent procedures
Split the difference? Don't offer to do it.
5. Closing stages
 - a. Initial close
 - b. Final close

RULE 5 CONTROL THE AGENDA

COROLLARY 5 TAKE BACK CONTROL OF THE AGENDA

Issues: *If* and *when* and *how* subject matters get addressed affects your results!

- A. Prepare an Agenda to Start**
- B. Negotiate the Agenda**

MAKING LATZ'S GOLDEN RULES WORK FOR YOU

USE A SITUATION-SPECIFIC STRATEGY

Generally, two different negotiation strategies:

A. Competitive Strategies

Strategies and tactics intended to undermine the other negotiator's confidence in his/her bargaining position and strengthen his/her perception of your position.

1. Characteristics of Competitive Strategies

GR1 Substantial information bargaining—share a little and get a lot

GR2 Open conflict on leverage issues

GR3 Minimal reliance on independent standards

GR4 Most aggressive offer-concession moves and tactics

GR5 Overt and biased agenda-control tactics

B. Problem-Solving (PS) Strategies

Strategies focused on building trust, relationships and relatively open communications that enable parties to jointly work to find mutual solutions to problems.

1. Characteristics of Problem-Solving Strategies

GR1 Mutually share critical information openly and liberally. Actions and atmosphere confirm trust and a valued relationship.

GR2 Leverage downplayed, but still there

GR3 Frequently *rely* on independent standards

GR4 Least aggressive offer-concession moves and tactics

GR5 Mutually agreeable agenda and agenda-control tactics

C. Factors Affecting Negotiation Strategy

1. The Relationship Factor

The more you see potential interests satisfied with a future relationship, the more likely you should use Problem-Solving Strategies.

2. The Number Factor

As the number of interests and issues increases, so does the likely success of Problem-Solving Strategies.

3. The Zero-Sum Factor

The more zero-sum type issues exist—where more for one side necessarily means less for the other, the more likely you should use Competitive Strategies.

4. The Mutuality Factor

Will they problem-solve?

STRATEGY QUESTIONS?

- *100+ NEGOTIATION COLUMN LIBRARY*
- *VIDEO CLIPS*
- *COMMON QUESTIONS WITH ANSWERS*
- *BLOG*
- *MEDIA INTERVIEWS ON RECENT NEGOTIATIONS*

QUESTIONS & ANSWERS

MARTY'S "PEARLS OF WISDOM"

Please fill out evaluations, including negotiation column sign-up.

(sign up by emailing me at Marty@LatzNegotiation.com)

Appreciate written comments!

And learn more with us on:



[LinkedIn.com/in/MartyLatz](https://www.linkedin.com/in/MartyLatz)



[Facebook.com/Marty.Latz](https://www.facebook.com/Marty.Latz)



[Twitter.com/MartyLatz](https://www.twitter.com/MartyLatz)

THANK YOU!

SUGGESTED NEGOTIATION READINGS

LATZ, Martin E., [*Gain the Edge! Negotiating to Get What You Want*](#) (St. Martin's Press, 2004)

&

[*The Real Trump Deal: An Eye-Opening Look at How He Really Negotiates*](#) (Life Success Press, 2018)

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