

THE OSGOODE CERTIFICATE IN NEGOTIATION

November 20-24, 2017
5 Consecutive Days
In Person

An interactive learn-by-doing program focused on practical skills and strategies

Now in its sixth year, this intensive, five-day Osgoode certificate program will help develop your negotiation skills in an organized, thoughtful and practical way. You will learn

- The seven essential steps in negotiation, and the consequences of missing any one of them
- The key questions for negotiators and how to overcome obstacles (strategies for avoiding traps and phenomena that lead to impasse)
- How to deal with negotiating challenges that arise in specific practice areas

Register today at:

osgoodepd.ca/negotiation-certificate

PROGRAM DIRECTORS

Leslie H. Macleod
Osgoode Hall Law School &
Leslie H. Macleod & Associates

Trevor C.W. Farrow
Osgoode Hall Law School
& Winkler Institute for Dispute
Resolution

LOCATION

**Osgoode Professional
Development**
1 Dundas St. West, 26th Floor
Toronto, ON



The Osgoode Certificate in Negotiation

Whether you are doing deals or resolving conflicts, effective negotiation skills are essential for success. In today's increasingly competitive market, understanding why and how negotiations succeed, and having the skills required to achieve your goals are must have tools for any legal or business professional.

Led by Professors Leslie Macleod and Trevor Farrow, the program draws on the expertise and experience of leading negotiation scholars, practitioners and judges. They will take you beyond the basic "getting to yes" principles and provide you with the strategies needed to handle obstacles that are barriers to agreement.

You will get intensive training in negotiation theory and practice in a dynamic, hands-on environment, participate in simulated negotiation exercises, watch leading experts demonstrate effective negotiation practice and engage in discussions with faculty and participants.

Space is strictly limited to ensure hands-on learning and feedback, so reserve your place in this valuable program by registering today.



You Will Learn:

- The implications of your individual negotiation style
- Dissecting negotiation: the anatomy of the process
- Defining negotiation "success"
- How you can improve your success rate
- Developing negotiation skills: strategy development skills; communication skills; creativity skills; assessment skills; drafting skills
- Redirecting negotiation through reframing
- How to build and manage a negotiating team
- Working with clients: managing the challenges in representative negotiation
- Three special circumstances in which negotiations occur: negotiating with the mediator; negotiating with the government; negotiating in the shadow of the court

Who Should Attend?

- Lawyers – both private practice and in-house counsel
- Other professionals who negotiate on behalf of clients (individual, corporate and/or government clients)
- Senior management/executives in the public and private sectors

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Agenda

DAY 1

Monday, November 20, 2017
9:00 a.m. – 4:15 p.m.

Understanding Negotiation: The Basic Ingredients and the Process

Morning Session

Starting with a brief look at the kinds of conflicts that typically underlie negotiations, you will learn what goes into the mix of negotiations and the effect of each of these elements on the negotiation process and the outcomes that flow from negotiations.

The following questions will be addressed:

- What are the key ingredients of negotiation?
- When, where and how do negotiations occur?
- What are the implications of your individual negotiation style?
- How can the effectiveness of negotiations be improved?

Afternoon Session

The structure of negotiations will be examined from two principal perspectives:

- The terminology used in theory and practice to describe key aspects of the negotiation process and negotiation strategies.
- The seven essential steps in a negotiation, and the consequences of missing any of them.

DAY 2

Tuesday, November 21, 2017
9:00 a.m. – 4:30 p.m.

Advanced Negotiation: Taking Your Negotiation Skills to the Next Level

Morning Session

With the models of negotiation in hand, the morning session focuses on execution: how to use the seven essential steps to obtain superior results. Questions to be canvassed include:

- How is negotiation “success” defined?
- What distinguishes the best negotiators from average negotiators?
- How can you improve your success rate?

This session will also concentrate on skills, and in particular:

- Preparation skills, including the client interview
- Strategy development skills, such as how to select and implement an effective negotiation strategy
- Communication skills, both with your client and those across the table
- Creativity skills, at the table and in caucus
- Assessment skills, which include when and how to react to an emerging agreement
- Drafting skills, including Minutes of Settlement

Afternoon Session

More advanced negotiating skills will be examined, including:

- Redirecting the negotiation through reframing
- Using caucuses and breaks effectively
- Building and managing a negotiating team

- Reading and interpreting non-verbal clues

Day Two concludes with a presentation and discussion on managing the tension between creating and claiming value (the co-operative and competitive approaches to negotiation); empathy and assertiveness; and the interests of the client and negotiator.

DAY 3

Wednesday, November 22, 2017
9:00 a.m. – 4:30 p.m.

Overcoming Obstacles: Why Negotiations Fail and What You Can Do About It

Morning Session

Not all negotiations lead to agreement. Sometimes it is because the available agreements are less attractive than no agreement. More often it is because the negotiators failed to understand and avoid the pitfalls that lead to failure.

This module will explain and demonstrate why good agreements often elude negotiators; and offer a number of strategies for avoiding the traps and phenomena that lead to impasse, such as:

- The rationality trap
- The sunk cost trap
- The irrational escalation trap

In addition, the morning session will also look at:

- The phenomena of reactive devaluation, optimism bias, risk aversion, the “jackpot syndrome”, and attribution theory

Afternoon Session

The second half of the module will explore three key questions for negotiators:

- Do culture and gender make a difference?

- What role does personality play in how people negotiate?
- What is appropriate, ethical and legal behaviour?

DAY 4

Thursday, November 23, 2017
9:00 a.m. – 4:15 p.m.

Working with Clients: The Challenges in Representative Negotiation

Morning Session

The importance of thorough preparation for negotiation cannot be overstated. Building on the steps and skills covered in earlier sessions, this module focuses on critical components of preparation as between counsel and clients. These include:

- Interviewing the client
- Defining the role of the client in negotiation
- Preparing your client for negotiation
- Obtaining instructions before and during the negotiation
- Addressing communication and other issues that arise

Participants will have the opportunity to practice their skills and observe others through the use of simulated fact scenarios.

Afternoon Session

The second half of the day addresses three special circumstances in which negotiations occur:

- “Negotiating” with the mediator
- Negotiating with government (politicians and public servants)
- Negotiating in the shadow of the court (including settlement conferences)

DAY 5

Friday, November 24, 2017
9:00 a.m. – 4:30 p.m.

Full Day Negotiation Exercise

Morning Session

The final day of the program will be devoted to negotiating a complex, multi-party fact situation. Each negotiating group will have an assigned coach, who will provide constructive feedback at designated steps of the negotiation process. Participants will hone the numerous skills that are essential to effective negotiating.

Afternoon Session

The negotiation exercise will continue into the afternoon. Following the group negotiations, the full class will reconvene and share lessons learned from the negotiation exercise. The program will conclude with a review of the key learning points and a review of the checklists and other practical resources that will be provided to each participant.

This program draws on:

- The latest research on effective negotiation in diverse contexts
- The extensive experience of the workshop leaders as negotiators, mediators and instructors
- Instruction based on a combination of participants’ own experiences, teaching and practical exercises.

Our participants say it best:

“*This program was without doubt the most informative, interesting and effective course that I have ever taken in any area of endeavour.*”

Mark Ansara
Executive Director, Timmins Temiskaming
Community Legal Clinic

“*A truly great program and a necessary foundation for every person in a management or supervisory position.*”

Claudio Ruiz-Pilarte
The Centre for Spanish Speaking Peoples

“*I really enjoyed the program. By far, the best I have attended.*”

Melanie Tompkins
Counsel, City of Saint John

“*Although I am not a lawyer, this course gave me the skills to work with my legal counsel and my negotiating team.*”

Paul Emingak
Executive Director
Kitikmnest Inuit Association

Drawing on the expertise and experience of leading lawyers and experts, including:

Program Directors



Leslie H. Macleod

Adjunct Professor, Osgoode Hall Law School;
Founder, Leslie H. Macleod & Associates



Trevor C.W. Farrow

Professor, Osgoode Hall Law School;
Academic Director,
Winkler Institute for Dispute Resolution;
Chair, Canadian Forum on Civil Justice

Program Faculty

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Leslie H. Macleod

Adjunct Professor, Osgoode Hall Law School, York University;
Founder, Leslie H. Macleod & Associates

John Matheson

Principal, StrategyCorp Inc.

Professor Lorne Sossin

Dean, Osgoode Hall Law School

Helen C. Walsh

Member (PT), Human Rights Tribunal of Ontario

“This program is one of the best things I’ve done professionally since my Call to the Bar in 1976.”

Anthony T. Keller
Keller Morrison LLP

Certificate of Program Completion

Participants must attend all 5 days of the program to receive the Osgoode Certificate.

“It was a fabulous course and I am absolutely thrilled that I was able to participate in it. I will be able to apply what I learned to both personal and professional situations.”

Lisa Cabral
Director, Business & Legal Affairs
Entertainment One

Registration Details

Fee per Delegate

\$2,795 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information please contact:

Stéphane McRoberts, Program Lawyer
at 416.619.4351 or email smcroberts@osgoode.yorku.ca

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LSUC (ON): 32h 15m CPD Hours (28h 15m Substantive; 4h Professionalism)

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