

THE OSGOODE CERTIFICATE IN NEGOTIATION

November 19-23, 2018 (5 Consecutive Days)
9:00 a.m. - 4:30 p.m.
In Person

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

Now in its seventh 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
- Advanced negotiation strategies, such as how to avoid traps and situations that lead to impasse
- How to deal with negotiating challenges that arise in specific practice areas

Register today at:

osgoodepd.ca/negotiation-cert

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.

"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

"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



Learn essential negotiation steps, advanced strategies and practical tips, including:

- What are the implications of your individual negotiation style?
- Dissecting negotiation: the anatomy of the process
- Defining negotiation “success”
- How you can improve your success rate
- Understanding your legal and ethical obligations at the negotiation table
- Developing negotiation skills: strategy development skills; communication skills; creativity skills; assessment skills; drafting skills
- Redirecting negotiation through reframing
- Avoiding situational traps that could lead to impasse
- Recognizing the role of culture and its impact on the negotiation process
- 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
- Generating best practices for e-negotiations

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

Register today at:

[osgoodepd.ca/
negotiation-cert](https://osgoodepd.ca/negotiation-cert)

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

Program Faculty

Nancy J. Davis

Founder, NJD Consulting

Trevor C.W. Farrow

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

Frank Gomberg

Mediator, Gomberg Mediation Solutions Inc.

Charles Harnick, Q.C.

Principal, Counsel Public Affairs Inc. Mediator & Arbitrator, YorkStreet Dispute Resolution Group Inc.

Helen Lightstone

Chartered Mediator, Lightstone Mediation Services

Andrew Lokan

Partner, Paliare Roland Rosenberg Rothstein LLP

Leslie H. Macleod

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

John Matheson

Principal, StrategyCorp Inc.

Shannon Moldaver

Principal, Shannon Moldaver Dispute Resolution Inc.

Martha Simmons

Academic Co-Director, Winkler Institute of Dispute Resolution; Director, Mediation Clinic and Intensive Program, Osgoode Hall Law School, York University

Bob Thompson

Osgoode Hall Law School, York University

Helen C. Walsh

Adjudicator, Human Rights Tribunal of Ontario

Program Directors



Leslie H. Macleod

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

Leslie H. Macleod is an Adjunct Professor at Osgoode Hall Law School and Co-Director of the LL.M. Program in Dispute Resolution. She is the founder of Leslie H. Macleod & Associates, a firm providing conflict resolution services. Leslie's current practice includes teaching and training in dispute resolution; facilitation, mediation, and fact-finding/investigation; and conflict resolution system design and evaluation. Leslie has more than thirty-five years of combined experience as a lawyer, as an executive in industry and government, and as a mediator and educator in conflict resolution. She was previously the Assistant Deputy Attorney General responsible for development of Mandatory Mediation in Ontario and for establishment of the Province's Dispute Resolution Office. Leslie has received several awards for her work in the conflict resolution field.



Trevor C.W. Farrow

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

Trevor C.W. Farrow is a Professor and Associate Dean at Osgoode Hall Law School. He is the Chair of the Canadian Forum on Civil Justice and was the founding Academic Director of the Winkler Institute for Dispute Resolution. A former litigation lawyer at the Torys law firm in Toronto, Professor Farrow's teaching and research focus on the administration of civil justice, including legal process, legal and judicial ethics, advocacy, globalization and development. Professor Farrow has received teaching awards from Harvard University and Osgoode Hall Law School. He holds a PhD degree from the University of Alberta, and also holds degrees from Princeton University, University of Oxford, Dalhousie University and Harvard University.

Agenda

DAY 1

Monday, November 19, 2018 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.

The first day will conclude with an in-depth discussion of appropriate ethical and legal behavior while negotiating, including:

- Negotiation behaviour and communication required by Rules and Codes
- Ethical issues when communicating with parties, counsel, the mediator and the courts

- How to recognize and appropriately deal with conflicts of interest

DAY 2

Tuesday, November 20, 2018 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

Additionally, speakers will lead a discussion on managing the tension between these competing strategies and values:

- The cooperative and competitive approaches to negotiation
- Empathy and assertiveness
- Interests of the client and the negotiator

Day Two concludes with an introduction about the role of culture and how your understanding of culture can be incorporated into – and benefit – your existing negotiation skill set.

DAY 3

Wednesday, November 21, 2018 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 revisit earlier discussions on culture, and expand into its interaction with gender, personality and power. Discussions 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 22, 2018 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

Beginning in the morning and continuing into second half of the day, faculty will address 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)

The remainder of the afternoon will be spent tackling the challenges in today’s increasingly technology-focused negotiation environments, and the strategies for overcoming them, including:

- What are the best practices in dealing with the impacts of technology?
- Does negotiating through email communication affect the outcome?
- How to deal with ethical challenges of negotiating through email

DAY 5

Friday, November 23, 2018 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 upon:

- 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 and practical exercises.

Throughout the week, you will develop your skills by participating in:

- Critiques of demonstrations by leading practitioners
- Role play focused on a specific skill set
- Discussions led by expert faculty
- A full simulation of a complex negotiation scenario

Registration Details

Fee per Delegate

\$2,795 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Visit www.osgoodepd.ca/financial-assistance for details 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:

Gail Geronimo, Program Lawyer at email ggeronimo@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Negotiation**. Participants must attend all 5 days of the program to receive the Osgoode Certificate.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/negotiation-cert



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.



Eligible CPD Hours - LSO (ON):

30h CPD (26h 30m Substantive; 2h Professionalism; 1h 30m EDI)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

"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
Kitikmest Inuit Association