



# THE OSGOODE CERTIFICATE IN NEGOTIATION

November 18 – 22, 2019  
5 Consecutive Days  
In Person

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

Now in its eighth 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](http://osgoodepd.ca/negotiation)

## Program Directors:

**Trevor C.W. Farrow**  
Professor, Osgoode Hall  
Law School, York University;  
Chair, Canadian Forum on  
Civil Justice

**Shannon Moldaver**  
Principal, Shannon Moldaver  
Dispute Resolution Inc.

## Location:

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





## 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

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# The Osgoode Certificate in Negotiation

This learn-by-doing program will help any professional develop negotiation skills and strategies that can be applied to a variety of negotiation contexts. 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

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 Trevor Farrow and Shannon Moldaver, the program draws on the expertise and experience of leading negotiation scholars, practitioners and judges. It 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.**

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negotiation](https://osgoodepd.ca/negotiation)

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

## Program Directors



### Trevor C.W. Farrow

Professor, Osgoode Hall Law School, York University;  
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.



### Shannon Moldaver

Principal, Shannon Moldaver Dispute Resolution Inc.

Shannon Moldaver is the Principal of Shannon Moldaver Dispute Resolution Inc., providing services in mediation, workplace restoration, training, coaching, facilitation and education design. Along with mediating various types of disputes and designing bespoke processes, she has taught and coached for several public and private sector organizations.

Shannon has a Master's Degree in International Relations, an LL.B. and an LL.M. (Dispute Resolution) from Osgoode Hall Law School, and course work in management and design of e-learning.

Before law school, Shannon worked in various capacities for the City of Toronto, including working directly for the Mayor and holding a position in Human Resources. After law school, she worked at a litigation firm in downtown Toronto, ultimately running her own practice. Areas of practice included commercial, employment and family litigation. She then worked for the Law Society of Ontario as Complaints Resolution Counsel and Professional Development & Competence Counsel before opening her own mediation practice.

## Program Faculty

### Nancy J. Davis

Founder, NJD Consulting

### Trevor C.W. Farrow

Professor, Osgoode Hall Law School,  
York University; Chair, Canadian Forum  
on Civil Justice

### Frank Gomberg

Mediator, Gomberg Mediation  
Solutions Inc.

### Linda Ippolito

Senior Partner, Sheridan, Ippolito  
and Associates

### Shannon Moldaver

Principal, Shannon Moldaver  
Dispute Resolution Inc.

### Bob Thompson

Osgoode Hall Law School, York University

### Mina Vaish

Principal Mediator and Managing Director,  
York Mediation

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# Agenda

## DAY 1

Monday, November 18, 2019  
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.

The first day will conclude with an in-depth discussion of appropriate ethical and legal behaviour 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 19, 2019  
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

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 20, 2019  
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 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 21, 2019  
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, and preparing your client for negotiation
- Obtaining instructions before and during the negotiation
- Addressing communication and other issues that arise

Participants will have 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 and lead participants in negotiation role plays that deal with these three special circumstances:

- “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 discussing advanced strategies and considerations during representative negotiation, including:

- Recognizing the effectiveness of the negotiating styles of other negotiators
- Preparing and delivering effective questions during negotiation
- The effect of body language when communicating with parties
- The value of empathy and apology at the negotiation table

#### DAY 5

Friday, November 22, 2019  
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.

*“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

**\$2,995 plus HST**

**Newly Licensed: \$1,497.50 plus HST**

Fees include attendance, program materials, lunch and break refreshments. Visit [www.osgoodepd.ca/financial-assistance](http://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 [ggeronimo@osgoode.yorku.ca](mailto:ggeronimo@osgoode.yorku.ca)

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## Certificate of Program Completion

You will receive a certificate upon completion of the **Osgoode Certificate in Negotiation**. Participants must attend all program modules and any applicable assessments to receive a certificate.

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## 4 Convenient Ways to Register



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Register today at:

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

Eligible CPD Hours – LSO (ON): 30h CPD (26h Substantive; 2h 30m Professionalism; 1h 30m EDI).



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This program is approved for LawPRO Risk Management Credit.

*“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

*“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

*“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,  
Kitikmeot Inuit Association