Gerald R. Williams

Gerry Williams will put you on the proven path toward being a great negotiator. He’s seen and cataloged great negotiators. He’s taught them. He knows how they got there and he knows how to make you one of them.

Lawyers are not litigators. Lawyers are negotiators. Even those few who specialize in litigation generally settle more cases than they take to trial. The practice of law has evolved to a point where negotiated or mediated outcomes are the most obvious measure of your value to your clients.

About the Seminar

8:00 a.m. registration / 8:30 a.m. seminar begins / 4:15 p.m. adjourn
Lunch is on your own from 11:45 p.m. - 1:00 p.m.
CLE Credits: 7.2 Mo. / Kan. pending

WHAT YOU’LL LEARN

Six Organizing Questions

How to Develop as a Negotiator Short and Long-Term
  • Know HOW to Evaluate a Case (and to apply the New Economic Analysis of Settlement)
  • Involve Your Client in Evaluating the Case
  • Learn the Two Most Powerful Methods for Developing Negotiation Skills

The Art and Science of “Deliberate Practice”

Systematic “Reflective Practice”

Examples of Negotiation Skills to Deliberately & Reflectively Practice

Pre-Negotiation - What the Best Negotiators Do Before They Negotiate
  • Preparation & Evaluation
  • Deciding Upon Negotiating Objectives
  • Deciding Upon and Implementing a Negotiating Strategy

Characteristics of Conflicts That Come to the Attention of Lawyers
  • How Such Conflicts Arise
  • The Dangers They Present
  • Methods for Resolving Them
  • The Nature of the Lawyer-Client Relationship Negotiation as a Ritual Process

• A Necessary Means to the End
  • It Unfolds in Predictable Stages
  • If You Do It Right, Something “Sacred” May Happen
  • Three Kinds of Negotiated Outcomes

Mere Compromise and Settlement

A “Business-Like Solution” That Makes Both Sides Better Off

A “Business-Like Solution” Accompanied by Transformation or Healing
  • Five Stages or Steps Clients Must Pass Through to Achieve Resolution
  • Six Qualities of True Professionals

Negotiating Patterns of Experienced Lawyers (based on Williams’s landmark studies of 1,100 lawyers)
  • Basically Cooperative and Basically Aggressive
  • Effective and Ineffective Negotiators of Each Pattern
  • Healer and Warrior DVD of a “Requirements Contract” Business Negotiation

Gaining Personal Experience with Cooperative & Aggressive Patterns
  • Win As Much As You Can
  • Brief Explanation and Reference to Additional Materials

Tit-for-Tat in Theory and Practice

Applying Tit-for-Tat-with-Softeners to the Business Negotiation

Recognizing and Resolving Two Major Difficulties
  • A Cooperative Negotiator vs. an Aggressive Negotiator
  • An Aggressive Negotiator vs. Another Aggressive

Brief Review of Deliberate and Reflective Practice

Deliberate Practice Against a Persistently Combative Opponent

• Review of the Strategy of Master Negotiator Against this Opponent
  • A Defining Characteristic of Aggressive Ineffective Negotiators: a Refusal to be Influenced
  • Deliberate Practice: Proposing Responses to a Persistently Combative Opponent

If Tit-for-Tat-with-Softeners Fails – Dealing with Opponents Who Refuse to be Influenced
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Gerald Williams’ career is distinguished by more than 30 years of continuous focused research on the negotiation styles and patterns of lawyers. He blends unparalleled knowledge with a teaching style that is consistently evaluated by registrants as “second to none.”

Williams is the Marion G. Romney Professor of Law Emeritus at Brigham Young University’s J. Ruben Clark Law School and also serves as director for Scientific Negotiation Research and Training, LLC, in Provo. In addition to writing numerous articles on this subject, his textbook, Legal Negotiation and Settlement (West, 1983), has been adopted by more than 150 law schools around the world. His monograph, Negotiation as a Healing Process (P.E.G., 1998), is a reprint of the award winning article by that title that appeared in the Journal of Dispute Resolution in 1996.

How does this program stand out amid the flood of promises you hear about other CLE programs?

• Gerry and his pioneering team have studied the negotiating practices and effectiveness of 1,100 lawyers. Gerry leads the field in teaching negotiation based on the real-world experience of practicing lawyers.
• Gerry’s team discovered and documented two conflicting paths to effectiveness in legal negotiation - 1) the cooperative, problem-solving approach that seeks win-win outcomes and 2) the aggressive or combative approach that seeks win-lose outcomes.
• Lawyers who deal skilfully with one type of opponent are often ineffective in dealing with the other. Success in negotiation requires a repertory of skills and techniques. It is not based on a “one-size-fits-all” approach.
• Gerry incorporates the findings and methods of other leading researchers and teachers. He shows how their observations and prescriptions fit into an approach that will increase your satisfaction and effectiveness as a negotiator.
• Negotiation fulfills important social and psychological needs in individuals and organizations that cannot be satisfied in other ways. Gerry Williams will help you see that negotiation is a process that can be polished every day.

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