

This book is based on three key assumptions: First, to represent clients effectively, lawyers must be skilled negotiators. Second, lawyer negotiation differs from direct negotiation between parties because lawyers are professional agents representing clients and therefore have unique responsibilities and potential conflicts. Finally, a negotiation textbook should be interesting to read; bring together the latest, best, and most provocative thinking on negotiation; and lend itself to interactive, experiential teaching.

Our book, therefore, has a different perspective from most other texts on negotiation. It focuses on legal negotiation—the settling of legal claims in which the disputants are represented by attorneys. Although the emphasis is on lawyers negotiating settlements of disputes, negotiation of deals and transactions is also covered. In addition, this book includes a chapter on obstacles to reaching agreements and the use of assisted negotiation in the form of mediation. Another chapter covers how to advocate in a mediation. The reality is that lawyers, in addition to negotiating directly, increasingly use mediation to conclude difficult negotiations of litigated disputes and need to understand how mediation works and how to use it as an advantageous negotiation tool to best meet their clients' needs. Most students enrolling in a negotiation course will not take a separate mediation course, and if they do, it may focus on how to be a mediator rather than an advocate in the process, as emphasized here. This book concludes with a chapter that asks if there are situations in which you should not negotiate and examines settlement policy.

The text is practical while grounded in theory, and lawyer-focused but also enriched by interdisciplinary material. This book asks many questions and poses problems designed to provoke critical thinking about the readings and stimulate class discussion. Accompanying role-plays and exercises provided in the Teacher's Manual allow students to apply the readings and bring the text material to life. These role-plays center on the types of disputes in which students are likely to find themselves as practicing lawyers—cases with legal claims or issues, rather than purely personal conflicts, neighborhood quarrels, or international peace negotiations.

This fourth edition welcomes a new co-author, Professor Jen Reynolds, who has contributed a fresh perspective from both her practice and teaching experience. Together, we have updated each chapter, adding new insights and examples in place of some of the older material. This book continues to benefit from the input and writing of Professor Dwight Golann, whose contributions are utilized throughout this edition.

We have followed the same general organization that proved popular in prior editions and this new edition contains the same core elements. However, in response to requests that readings be shortened to allow more time for experiential learning, most of the excerpts have been summarized. Former Chapters 3 and 4

have been consolidated into one chapter on negotiator styles, and the material on telephone and cyber negotiation has been integrated into the chapters on negotiation stages to reflect the ubiquitous use of technology and multiple modes of communication in modern law practice. This has reduced the number of chapters to 12. This edition also takes more advantage of technology and students' increasing preference for electronic and video formats. We have removed the appendix in recognition that the selected materials may become obsolete between editions and that electronic searches of foundational documents are more efficient and current.

A new feature is that students can now stream negotiation videos from a special web platform. The text contains references to short videos that illustrate specific stages, techniques, styles and issues that arise in both direct negotiation and negotiating with the aid of a mediator.

The text and accompanying Teacher's Manual are designed for a semester course with readings assigned before class so that class time can be devoted to exercises, role-plays, and discussion. This more streamlined edition also lends itself to concentrated courses taught on a two-unit basis or as professional training. Although the title reflects our combined experience teaching and providing negotiation training in legal contexts, the material is appropriate for teaching anyone who will negotiate on behalf of others.

A note about form: We have converted all in-line citations of articles and other references to chapter endnotes. Deletions of material are shown by three dots or ellipses, but omitted footnotes and other references are not indicated.

Finally, we express our gratitude to the many students and lawyers whom we have had the pleasure of teaching negotiation and from whom we have learned much about what works in a negotiation class. We are also thankful to the professors who have suggested corrections and improvements for this new edition. Finally, we thank our wonderful co-authors of *Resolving Disputes: Theory, Practice and Law*, 4th Edition, Dwight Golann, Thomas Stipanowich and Amy Schmitz, whose collaboration made this "spinoff" volume possible.

J.F.
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