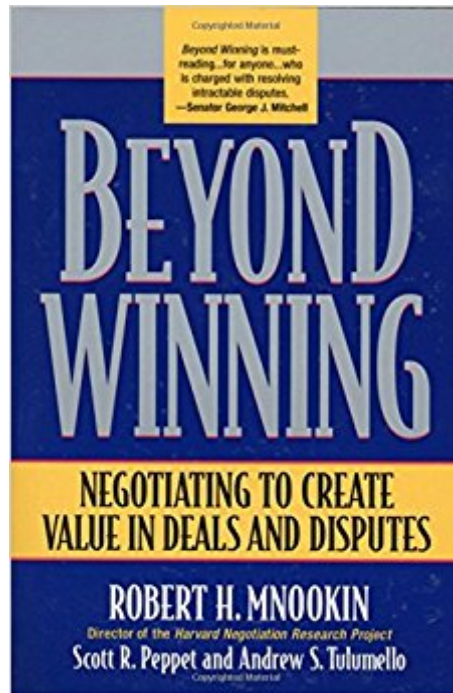


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# Beyond Winning: Negotiating To Create Value In Deals And Disputes



## Synopsis

Conflict is inevitable, in both deals and disputes. Yet when clients call in the lawyers to haggle over who gets how much of the pie, traditional hard-bargaining tactics can lead to ruin. Too often, deals blow up, cases don't settle, relationships fall apart, justice is delayed. *Beyond Winning* charts a way out of our current crisis of confidence in the legal system. It offers a fresh look at negotiation, aimed at helping lawyers turn disputes into deals, and deals into better deals, through practical, tough-minded problem-solving techniques. In this step-by-step guide to conflict resolution, the authors describe the many obstacles that can derail a legal negotiation, both behind the bargaining table with one's own client and across the table with the other side. They offer clear, candid advice about ways lawyers can search for beneficial trades, enlarge the scope of interests, improve communication, minimize transaction costs, and leave both sides better off than before. But lawyers cannot do the job alone. People who hire lawyers must help change the game from conflict to collaboration. The entrepreneur structuring a joint venture, the plaintiff embroiled in a civil suit, the CEO negotiating an employment contract, the real estate developer concerned with environmental hazards, the parent considering a custody battle—clients who understand the pressures and incentives a lawyer faces can work more effectively within the legal system to promote their own best interests. Attorneys exhausted by the trench warfare of cases that drag on for years will find here a positive, proven approach to revitalizing their profession.

## Book Information

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## Customer Reviews

I have had the pleasure of taking a minicourse using these methods from Professor Mnookin, and

can attest to the excellence of the concepts suggested here. Anyone who benefited from and enjoyed the groundbreaking work in Getting to Yes will appreciate and value this follow-on work in more beneficial negotiations. You will find BATNAs again (Best Alternative to a Negotiated Agreement), but also great tools for maneuvering with your client, the other attorney, and the problem at hand. This is a book for lawyers, but indirectly it is also a book for clients and what they should look for and expect from their attorney in a dispute. When I went to law school, every case was treated as though it had the potential to go to the Supreme Court. With the exception of a brief class in decision theory, there was no training in anything other than preparing to wage World War III on behalf of the client. Now even preparing to wage World War III is very expensive, and may chew up a lot of the benefits of contesting the issue. The ideas here go well beyond that perspective. "At its core, problem-solving implies an orientation or mindset -- it is not simply a bundle of techniques." "The goal is to search for solutions that save the clients interests while also respecting the legitimate needs and interests of the other side." "Rather than starting a war at the outset, you can begin your legal negotiations by trying to get your clients' problem solved as efficiently and creatively as possible." A strength of this book is to realize that although it would be great if every lawyer took this approach, more will not than will for the immediate future. So the process takes that into account.

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