MERCURY

Mediation & Negotiation Skills for Lawyers

4 – 8 October 2027
New York (USA)



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Ref: 16393_1084009 **Date:** 4 – 8 October 2027 **Location:** New York (USA) **Fees:** 7900 Euro

Introduction:

Mediation & Negotiation Skills for Lawyers offers legal professionals a rigorous, theory-driven yet practical framework for resolving disputes outside of court. This Mediation and Negotiation Skills for Lawyers course explores the foundational principles of negotiation, mediation theory, and conflict resolution as applied to legal practice. Participants will learn to integrate negotiation techniques, mediation advocacy, and ethical decision-making in litigation and transactional contexts.

This Mediation and Negotiation Skills for Lawyers program emphasizes structuring negotiations, managing power dynamics, and guiding parties to durable agreements. The curriculum links conceptual models e.g., BATNA, ZOPA, interest-based negotiation with real legal challenges. By the end of the training, lawyers will represent clients more persuasively in mediation or negotiation settings.

Targeted Groups:

This Mediation and Negotiation Skills for Lawyers targets professionals seeking specialized knowledge and skills:

- Lawyers working in litigation who want effective dispute resolution tools.
- In-house counsel and corporate legal teams handle conflicts internally.
- Legal advisors engaged in transactional negotiation.
- Mediators with a legal background wanting to deepen advocacy skills.
- Judges, arbiters, or tribunal members exploring mediation techniques.

Course Objectives:

Participants will achieve the following objectives by completing the Mediation and Negotiation Skills for Lawyers course:

- Master the core concepts of negotiation and mediation tailored to legal disputes.
- Analyze clients' cases to identify their best alternatives to a negotiated agreement.
- Design negotiation strategies that balance collaborative and competitive approaches.
- Apply mediation frameworks to guide disputing parties toward voluntary resolution.
- Evaluate and manage power imbalances, emotional barriers, and bias in negotiations.
- Articulate ethical obligations and professional roles in mediation advocacy.
- Integrate legal and procedural issues into mediation and settlement planning.
- Reflect on their negotiation style, adapt to opposing strategies, and measure outcomes.

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Targeted Competencies:

Participants will gain the following competencies during the Mediation and Negotiation Skills for Lawyers program:

- The ability to listen actively, reframe statements, and ask clarifying open questions.
- Skill in diagnosing interests, positions, conflicts, and underlying motivations.
- Facility in structuring negotiation sequences, offers, counteroffers, and tradeoffs.
- Confidence in managing difficult personalities, emotional escalation, or impasse.
- Competence in drafting mediation agreements, settlement terms, and implementation plans.
- Strategic sense of when to push, pause, caucus, or shift tactics.
- Awareness of legal, procedural, and ethical constraints in dispute resolution.
- Ability to monitor and adapt techniques during live negotiation and mediation processes.

Studying Scenarios:

In this Mediation and Negotiation Skills for Lawyers training, participants will develop their skills through the analysis of the following scenarios:

- Commercial contract dispute between two companies, involving negotiations over warranty terms and compensation.
- Family business shareholder conflict in mediation, balancing legal rights and relational dynamics.
- Negotiations to settle tort claims involve disputed liability and require addressing emotional narratives.
- Legal systems, cultural norms, and information asymmetries will hinder cross-border transactions, hampering mediation.
- Regulatory negotiation over legislative compliance and enforcement, with public interests at stake.

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Course Content:

Unit 1: Foundations of Negotiation and Mediation:

- Definitions, evolution, and the role of mediation and negotiation in legal practice.
- Distinguishing positions vs. interests; principled negotiation.
- Concepts of BATNA, reservation point, and ZOPA in legal settings.
- Types of negotiation: distributive, integrative, and multi-issue bargaining.
- Mediation theory: facilitator role, neutrality, procedural control.
- Ethical foundations and professional responsibilities for lawyers.

Unit 2: Preparation, Planning & Strategy Design:

- Case diagnosis: facts, legal claims, strengths, weaknesses, alternatives.
- Stakeholder analysis and multiple-party mapping.
- Strategy development: sequencing, contingent offers, bundling.
- Agenda setting, ground rules, process negotiation.
- Information exchange, signaling, and deception risk.
- Risk assessment, heuristics, and decision thresholds.
- Contingency planning and walk-away criteria.

Unit 3: Communication, Listening & Influence Techniques:

- Active listening and empathy, reframing, and summarizing.
- Questioning techniques: open, probing, hypothetical.
- Persuasion tools include framing, anchoring, and normative appeals.
- Handling narratives, storytelling, and value language.
- Managing nonverbal cues and emotional regulation.
- Responding to power plays, threats, and stonewalling.
- Use of caucus, shuttle diplomacy, and confidential communication.

Unit 4: Mediation Advocacy & Intervention Tactics:

- Role of the Lawyer in Mediation vs. Mediator Role.
- Designing mediation process: joint sessions, caucuses, hybrid models.
- Facilitating offers, bridging gaps, exploring options.
- Breaking impasse: reframing, “what if” moves, step-by-step.
- Managing power asymmetry, bias, and third-party influence.
- Legitimacy and legitimacy standards, anchored to objective criteria.
- Closing techniques, drafting settlement agreements, and compliance mechanisms.

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Unit 5: Specialized Contexts & Advanced Challenges:

- Multiparty negotiation and multiparty mediation design.
- Cross-cultural and international mediation challenges.
- Complex disputes: environmental, regulatory, class actions.
- Interplay between mediation, arbitration, and litigation pathways.
- Technology-assisted negotiation, e-mediation, and virtual settings.
- Post-settlement monitoring, renegotiation, and dispute prevention.
- Reflective practice: feedback, self-assessment, continuous improvement.

Final Insights & Key Takeaways:

You will leave this course with a robust conceptual and tactical toolkit ready to apply in legal disputes. You will also internalize a reflective mindset to evolve as a more effective negotiator and mediator.