



THE OSGOODE INTENSIVE WORKSHOP NEGOTIATION SKILLS AND STRATEGIES FOR LITIGATORS

Cases can turn on pre-trial settlement conferences and out of court discussions with opposing counsel – are your negotiation skills up to par?

Negotiation is the cornerstone of litigation, and is a skill that can be learned and mastered with practice. When you negotiate, you need to get results - your client, and your professional reputation, depend on it. In this intensive, one day **learn-by-doing workshop**, you will get the key strategies and practice you need to rapidly improve your negotiation skills.

Register today at:

osgoodepd.ca/negotiationskills

Program Chairs

Brian G. Grant, Lerner LLP

Leslie H. Macleod, Adjunct Professor, Osgoode Hall Law School and Founder, Leslie H. Macleod & Associates

Program Details

DATE AND TIME

April 11, 2017

9:00 a.m. - 5:00 p.m. EDT

(Registration and Continental Breakfast begin at 8:30 a.m. EDT)

LOCATION

Osgoode Professional Development

1 Dundas St. West, 26th Floor
Toronto, ON



The Osgoode Intensive Workshop Negotiation Skills and Strategies for Litigators

Created by the producers of the renowned **Intensive Trial Advocacy Workshop (ITAW)**, and led by some of Canada's foremost instructors in skills training, this intensive **learn-by-doing** workshop provides a unique opportunity to hone your negotiation skills while learning strategies and best practices from experienced practitioners.

This day long program includes a sample case file (specifically designed for the program), lectures, demonstrations, hands-on exercises and small group breakout sessions. Our expert faculty will provide you with **personalized feedback** and equip you with the skills and knowledge you need to prepare for and conduct an effective negotiation. You will learn:

- How to apply various negotiation strategies and tactics to improve your next negotiation
- Best practices for navigating ethical and practice dilemmas when negotiating with opposing counsel
- The most commonly faced dilemmas encountered by litigators, including conflicts of interest, courtesy, disclosure, reporting, etc. and how to handle them
- How to effectively use collaborative vs. adversarial negotiation approaches

Practice in a "no consequences" setting. A significant part of the day will be spent role playing and putting what you've learned into action, with constructive feedback. You'll come away from this program a better and more confident negotiator.

Also, don't miss the **Keynote Speaker: The Hon. Justice June A. Maresca, Ontario Court of Justice.** You will receive guidance on how to effectively negotiate when it counts the most - in the presence of a judge. An interactive Q&A period will allow you to get your most pressing questions answered.

Who Should Attend

- Experienced litigators/advocates who want to hone their negotiation skills
- Litigators/advocates newer to practice

Here's what participants said about past *OsgoodePD* advocacy skills programs:

"The workshops were excellent, and provided a rare opportunity to have feedback in respect to the tools and methods we use in Examination for Discovery on a daily basis. I'd recommend this to my colleagues."

Monty Dhaliwal, Pace Law Firm, attended *Examinations for Discovery: Advanced Skills Workshop, 2016*

"Very helpful and engaging."

Omid Tavakoli, Grillo Barristers P.C., attended *Examinations for Discovery: Advanced Skills Workshop, 2016*

"The advanced questioning programs were invaluable to me as a family litigator. I used them in a Trial to great effect. It enhanced my understanding of the Trial process, made my preparation more efficient and increased my confidence. They were well worth the time, money and effort."

Kathryn L. Smithen, Barrister, Solicitor & Notary Public, attended *Advanced Questioning Techniques: Mastering Examinations-In-Chief & Mastering Cross-Examinations, 2015*

Agenda

April 11, 2017

Registration and Continental Breakfast begin at 8:30 a.m. EDT

Keynote Speaker:

**The Hon. Justice June A. Maresca,
Ontario Court of Justice**

This introductory keynote presentation will provide you with valuable insight into how to effectively negotiate when it counts the most - in the presence of a judge. An interactive Q&A period will allow you to benefit from Justice Maresca's wealth of knowledge and experience.

Activity and Debrief:

Win as Much as You Can

This interactive learn-by-doing activity will lay the groundwork for the program by giving you an in-depth understanding of game theory and negotiation strategy, which you can then use to improve results in your next negotiation.

Presentation and Demonstration:

Negotiation Styles

An understanding of basic negotiation theory and styles is essential for every litigator. This presentation will provide an overview of collaborative and adversarial negotiation approaches, including commentary on when and how to effectively use each. A demonstration will put these approaches in context to bridge the gap between theory and application.

12:00 p.m. - 1:00 p.m.

Networking Luncheon

Case Study:

Ethical and Practice Dilemmas

Working in small groups of no more than 8 participants, two faculty members will lead your group through an interactive discussion and explanation of the thorny ethical and practice dilemmas commonly faced by litigators in various negotiation settings. You will work from a fact scenario specifically designed for the program. Benefit from the insight of experienced practitioners who have been there, done that and emerged unscathed from the other side.

Role Play:

Simulated Negotiation

In this simulated negotiation, you will have numerous opportunities to get on your feet and practice the skills and strategies you've learned. Using a common fact scenario in conjunction with confidential facts for each party, you will work in pairs as "co-counsel" to engage "opposing counsel" in a two on two mock negotiation. The exercise will begin with a guided team planning/strategy session, where you will develop your negotiation strategy with your "co-counsel" partner and receive input from expert faculty members. You will then engage in a supervised mock negotiation. This is an interactive session in which you will receive **personalized feedback and critique** from faculty.

Wrap-up, Q & A and Concluding Remarks

In this wrap-up session, the group will come back together to explore the key issues that arose in the mock negotiation, and discuss which negotiation strategies and tactics were most effective. Co-counsel groups with the same confidential facts will be encouraged to discuss and share negotiation results. Negotiation concepts and skills learned throughout the day will be reinforced, and the Program Chairs and faculty will be available for any additional questions.

Please note that about 1 hour of reading preparation is required for this program. Fact scenarios and case studies will be emailed to participants one week prior to the program date.



Chairs



Brian G. Grant
Lerners LLP



Leslie H. Macleod
Adjunct Professor, Osgoode Hall Law School and Founder, Leslie H. Macleod & Associates

Keynote Speaker

The Hon. Justice June A. Maresca
Ontario Court of Justice

Faculty Includes

Kris Borg-Olivier
Paliare Roland Rosenberg
Rothstein LLP

Natalie Mullins
Gowling WLG

Donna A. Polgar
Dutton Brock LLP

Carolyn D. Silver
Senior Legal Counsel, College
of Physicians & Surgeons of
Ontario

Lawrence E. Thacker
Lenczner Slaght Royce Smith
Griffin LLP

Kathleen Urdahl
Global Resolutions Inc.

Jane M. Waechter
Associate General Counsel &
Managing Director, Litigation,
BMO Capital Markets

Helen C. Walsh
Barrister & Solicitor

Registration Details

Fee per Delegate

\$595 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire 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 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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



LSUC (ON): 7.0 CPD Hours (6.0 Substantive, 1.0 Professionalism); *OsgoodePD* programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca

© Osgoode Professional Development, 2016



osgoodepd.ca

Osgoode Professional Development



416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3



New Workshop! Negotiation Skills & Strategies for Litigators

Register today at:

osgoodepd.ca/negotiationskills