

AMC 2-Day Certificate Program in Negotiation (Spring 2025)

Offered in collaboration with the Dispute Resolution Institute at Mitchell Hamline School of Law

Dates: Wednesday, April 23 & Thursday, April 24¹

Daily Schedule: 9am-4pm, including lunch and breaks (detailed agenda below)

Location: Mitchell Hamline School of Law, 875 Summit Avenue, St. Paul, MN 55104

Program Description:

Negotiation is never easy. And the diverse settings within which public officials negotiate pose unique challenges – chief among them the complexity of issues involved, contentious interpersonal dynamics, and the necessity to publicly “live the deals” that are brokered. Success demands thoughtful preparation, superb listening and questioning skills, and strategic tactical execution at the bargaining table. This 2-day certificate program will improve participants’ ability to engage in difficult conversations, build and support trust among diverse constituencies, formulate and present “yes-able” offers, and implement stalemate-breaking strategies.

The certificate program will be highly interactive, with a heavy emphasis on participant self-reporting, reflective practice, and engagement with colleagues. Using multiple exercises and role-play simulations, we will explore how best to:

- Prepare effectively for any negotiation;
- Appreciate the importance of listening for “interests” and the constructive role of information gathering throughout the negotiation process;
- Maintain genuine curiosity and constructive distance when engaged in difficult conversations;
- Craft effective proposals, including when and how to make concessions and advocate for sensible trade-offs between issues;
- Increase self-awareness of negotiation strengths and weaknesses; and
- Develop a post-certificate program plan for improvement of negotiation skills.

DAY ONE (Wednesday, April 23)

BLOCK ONE (9:00-10:30am)

PROGRAM INTRODUCTION; CONFLICT THEORY OVERVIEW

Primary Activities: Short exercises to illustrate key conflict resolution themes; Complete and discuss a conflict style self-assessment.

Module Objectives:

- Illustrate wide range of conflict resolution strategies; and
- Gain awareness of each participant’s “default” approach to conflict engagement.

[Morning Break: 10:30-10:45am]

¹ Participation in both days of the program is required to earn the Certificate.

BLOCK TWO (10:45am-Noon)***BUILDING THE NEGOTIATOR'S TOOLBOX PART 1: LISTENING AND QUESTIONING***

Primary Activities: Listening and questioning drills and exercises.

Module Objectives:

- Increase awareness of barriers to effective listening;
- Apply lessons from contemporary cognitive science on perception and decision-making to improve listening and avoid common biases that compromise rational judgment when in conflict situations; and
- Appreciate the importance of “interests” and the constructive role of information gathering throughout the negotiation process.

[Lunch: Noon-1:00pm]

BLOCK THREE (1:00-2:15pm)***BUILDING THE NEGOTIATOR'S TOOLBOX PART 2: INTEGRATIVE BARGAINING***

Primary Activities: Negotiation in dyads; Post-negotiation reflection and debrief; Fishbowl – Strategies to break impasse.

Module Objectives:

- Recognize that even in highly polarized conflicts, negotiation counterparts will often have different preferences (or different ranking of preferences) than one's own;
- Examine a wide array of strategies to generate multiple solutions to identified problems; and
- Practice applying objective criteria to evaluate options.

[Afternoon Break: 2:15-2:30pm]

BLOCK FOUR (2:30-4:00pm)***BUILDING THE NEGOTIATOR'S TOOLBOX PART 3: USING POWER, INFLUENCE AND COMPETITIVE NEGOTIATION TACTICS TO IMPACT THE BARGAINING ZONE; THE INFLUENCE OF FAIRNESS AND SOCIAL NORMS***

Primary Activities: Negotiation in dyads; Post-negotiation reflection and debrief; Fishbowl – dealing with the “Prince/Princess of Darkness” counterpart.

Module Objectives:

- Explore effective methods for persuading a negotiation partner and how the concept of power works in the context of negotiation;
- Consider the role of fairness and other social norms in evaluating negotiation outcomes; and
- Expand options to deal with a hostile (or even irrational) negotiating counterpart.

DAY TWO (Thursday, April 24)

BLOCK FIVE (9:00-10:30am)

BUILDING AND MAINTAINING TRUST/NEGOTIATION ETHICS

Primary Activities: “Vote with your feet” on ethics challenges; Fishbowl – dealing with deception and breach of trust.

Module Objectives:

- Understand the importance of trust to effective conflict resolution intervention;
- Develop practical tools to build and support trust during negotiations, as well as strategies to repair trust once breached;
- Explore how “good people” can endorse vastly different resolutions of ethical questions in negotiation; and
- Offer applied practice opportunities to respond to unethical negotiation behavior.

[Morning Break: 10:30-10:45am]

BLOCK SIX (10:45am-Noon)

MANAGING DIFFICULT CONVERSATIONS AND HIGH EMOTION; DELIVERING BAD NEWS

Primary Activities: Interactive exercises to illuminate the task of translating hostile and adversarial communication into building blocks of collaborative dialogue.

Module Objectives:

- Illustrate how thinking like a mediator can improve conflict engagement;
- Develop strategies to maintain “genuine” curiosity and constructive distance when engaged in difficult conversations; and
- Practice alternative approaches to communicating “bad news” so that counterparts can hear it.

[Lunch: Noon-1:00pm]

BLOCK SEVEN (1:00-2:00pm)

GROUP MEMBERSHIP: THE IMPACT OF GENDER, CULTURE AND RACE ON NEGOTIATION

Primary Activities: Short exercises in partisan perceptions; Multi-party negotiation; Post-negotiation reflection and debrief.

Module Objectives:

- Recognize how your own beliefs, values, and life experiences inform the way you experience, relate to and explain conflict; and
- Explore a basic triad framework for dealing with difference: 1) avoiding judgment and stereotyping (cultures are not monolithic); 2) self-awareness (your own upbringing and “baggage”); and 3) be at peace (but willing to challenge RESPECTFULLY).

[Afternoon Break: 2:00-2:15]

BLOCK EIGHT (2:15-4:00pm)

COLLECTIVE BARGAINING CHALLENGES; DEVELOPING A PERSONALIZED IMPROVEMENT PLAN (SETTING GOALS)

Primary Activities: Multi-party negotiation; Post-negotiation reflection and debrief; Group reflection on lessons learned; Individual completion of a post-workshop conflict resolution improvement plan.

Module Objectives:

- Explore unique challenges of negotiating in collective bargaining settings, specifically the existence of multiple interlinked issues, complex interpersonal dynamics, and the necessity to “live the deal” that is brokered;
- Improve participants’ ability to formulate and present “yes-able” management offers, effectively find linkages between issues, make necessary trade-offs and manage concessions, and implement stalemate-breaking strategies necessary to close a deal; and
- Demonstrate ability to assess one’s own work and translate self-reflection and self-evaluation into personal and professional growth.

Certificate Program Leader

James R. Coben is emeritus professor at Mitchell Hamline School of Law and a senior fellow in the law school’s internationally acclaimed Dispute Resolution Institute (DRI), which he directed from 2000-2009. He taught civil dispute resolution (civil procedure), advocacy, mediation, negotiation, and a variety of alternative dispute resolution (ADR) courses, including psychology and the law. He was the founding director of Hamline University’s Master in the Study of Law (MSL) program and also pioneered a variety of innovative ADR clinical opportunities for law students, including mediation advocacy on behalf of clients in employment and family law cases. During his tenure as DRI director, he co-founded three ADR study abroad programs—an international commercial arbitration program in London, an international business transactions negotiation program in Rome, and a program in democratic dialogue and mediation in Budapest.

Professor Coben has published numerous ADR related articles and is a co-author of the Thomson Reuters trial practice series treatise *MEDIATION: LAW, POLICY & PRACTICE* (2024), a co-editor of the four-volume *RETHINKING NEGOTIATION TEACHING SERIES* (DRI Press 2009-2013), and a former editorial board member of the American Bar Association’s *DISPUTE RESOLUTION MAGAZINE*, for which he co-writes a Research Insights featured column.

As a consultant and trainer, he works with law firms and non-profit companies, as well as state and local government boards and agencies, to improve negotiation skills and the quality of public deliberation and decision-making. As a facilitator, he plans and conducts strategic planning and helps private and public organizations to build and support a culture of collaboration.