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BEYOND WINNING

**NEGOTIATING TO CREATE
VALUE IN DEALS AND DISPUTES**

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Beyond Winning Negotiating To Create Value In Deals And Disputes

Carrie Menkel-Meadow



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Beyond Winning Robert H. Mnookin, Scott R. Peppet, Andrew S. Tulumello, 2004-04-15 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. **Beyond Winning** Robert H. Mnookin, Scott R. Peppet, Andrew S. Tulumello, 2004-04-15 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. *Dispute Processing and Conflict Resolution* Carrie Menkel-Meadow, 2017-03-02 This insightful volume is essential for a clearer understanding of dispute resolution. After examining the historical and intellectual foundations of dispute processing, Carrie Menkel-Meadow turns her attention to the future of conflict resolution. Negotiation and Dispute Resolution for Lawyers Jordaan, Barney, 2022-06-10 Expertly combining negotiation theory and practice, *Negotiation and Dispute Resolution for Lawyers* demonstrates how lawyers can deliver enhanced levels of service to their clients. Comprehensive and engaging, the book is a lawyer's guide to resolving conflict, negotiating deals, preserving important client relationships, and ultimately becoming truly effective problem solvers. **Multi-Party Dispute Resolution, Democracy and Decision-Making** Carrie Menkel-Meadow, 2017-05-15 The articles selected for this volume draw on game theory, political science, psychology, sociology, and anthropology to consider how the process of dispute resolution is altered, challenged, and made more complex by the presence of multiple parties and/or multiple issues. The volume explores issues of coalition formation, defection, collaboration, commitments, voting practices, and joint decision making in settings of increasing human complexity. Also included are examples of concrete uses of deliberative democracy processes taken from new applications of complex dispute resolution theory and practice. The

selected essays represent the latest theoretical advances and challenges in the field and demonstrate attempts to use dispute resolution theory in a wide variety of settings such as political decision making and policy formation regulatory matters environmental disputes healthcare community disputes constitutional formation and in many other controversial issues in the polity

Managing and Transforming Water Conflicts Jerome Delli Priscoli, Aaron T. Wolf, 2010-02-04 What is the one thing that no one can do without Water Where water crosses boundaries be they economic legal political or cultural the stage is set for disputes between different users trying to safeguard access to a vital resource while protecting the natural environment Without strategies to anticipate address and mediate between competing users intractable water conflicts are likely to become more frequent more intense and more disruptive around the world In this book Delli Priscoli and Wolf investigate the dynamics of water conflict and conflict resolution from the local to the international They explore the inexorable links between three facets of conflict management and transformation Alternative Dispute Resolution ADR public participation and institutional capacity This practical guide will be invaluable to water management professionals as well as to researchers and students in engineering economics geography geology and political science who are involved in any aspects of water management

How to Manage Conflict in the Organization Gregg Lee Carter, Joseph F. Byrnes, American Management Association, 2006

Enhanced Dispute Resolution Through the Use of Information Technology Arno R. Lodder, John Zeleznikow, 2010-06-03 Alternative dispute resolution has now supplanted litigation as the principal method of dispute resolution This overview of dispute resolution addresses practical developments in areas such as family law plea bargaining industrial relations and torts The authors elaborate on the necessary legal safeguards that should be taken into account when developing technology enhanced dispute resolution and explore a wide range of potential applications for new information technologies in dispute resolution

The Handbook of Dispute Resolution Michael L. Moffitt, Robert C. Bordone, 2012-06-28 This volume is an essential cutting edge reference for all practitioners students and teachers in the field of dispute resolution Each chapter was written specifically for this collection and has never before been published The contributors drawn from a wide range of academic disciplines contains many of the most prominent names in dispute resolution today including Frank E A Sander Carrie Menkel Meadow Bruce Patton Lawrence Susskind Ethan Katsh Deborah Kolb and Max Bazerman The Handbook of Dispute Resolution contains the most current thinking about dispute resolution It synthesizes more than thirty years of research into cogent practitioner focused chapters that assume no previous background in the field At the same time the book offers path breaking research and theory that will interest those who have been immersed in the study or practice of dispute resolution for years The Handbook also offers insights on how to understand disputants It explores how personality factors emotions concerns about identity relationship dynamics and perceptions contribute to the escalation of disputes The volume also explains some of the lessons available from viewing disputes through the lens of gender and cultural differences

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