



Events

Event Details

CLE Information

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First Offers and Counteroffers: Striving for a Solid Start

Closed

Date: November 1, 2016
Time: 12:00 PM - 1:15 PM ET

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Credits: 1.25 General CLE Credit Hours

Speaker(s): [Jan Frankel Schau](#)
[Jeffrey R Jury](#)
[Lee Mitchell Jacobson](#)

Moderator(s): [Jerome F Weiss](#)

Sponsor(s): [Section of Dispute Resolution](#)

List Price:
 ABA Member Price:
 Sponsor Member Price:

Program Description:

This webinar will explore why the initial demand or offer can be of profound significance when pursuing resolution through the distributive bargaining process. Among the topics to be discussed:

- 1) Who goes first? Which party starts the distributive bargaining process where no pre-mediation negotiations have taken place?
- 2) The role of the mediator in the development and presentation of initial demands and offers.
- 3) The action/reaction nature of the distributive bargaining process and how first numbers can either favorably or adversely influence the negotiation process.
- 4) Unique first number issues presented in multi-plaintiff and/or multi defendant cases.
- 5) Pre-mediation settlement negotiations and their effect the distributive bargaining process. What happens when the plaintiff begins a mediation with a demand that is higher than one previously communicated to the defense, or a defendant starts with an offer that is lower than a previously communicated offer made to the plaintiff?

The panel will explore techniques such as anchoring, priming, pre-conditions to mediations, timing, coaching, and how to get out of the slow lane towards a productive mediation session. They will also discuss communication skills mediators can employ to avoid rancor and divisiveness, and to express empathy through numbers. Finally, the panel members will present practical and invaluable advice on managing the client's actions, reactions, emotions, and expectations during the negotiation process.

Registration Deadline:

October 31, 2016

Scholarships:

Scholarships to defray tuition expense for ABA programs are available upon application on a program-by-program, case-by-case basis. Preference will be given to public interest lawyers, government lawyers, full-time law professors, solo or small firm practitioners of limited means, and unemployed attorneys. [Click here to complete a scholarship request for a specific program.](#) **Scholarship applications must be received at least one week before the program start date; applications submitted after that date will not be considered.** You will be notified prior to the program if your application is approved. A minimum fee may be charged on all approved scholarship applications to defray expenses.

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