

FACULTY SCHOLARSHIP

Legal Negotiation: Theory and Applications

[Donald G. Gifford](#), *University of Maryland School of Law*

Document Type

Book

Publication Date

1-1-1989

Keywords

negotiation

Comments

This title has been superseded by a 2d edition, 2007.

Abstract

This book presents a comprehensive overview of legal negotiation for law students and lawyers studying their negotiating behavior. The analysis presented often is derived from the research of social scientists, but the book is specifically designed to teach the reader how to negotiate more effectively in the actual practice of law. Examples of specific negotiation techniques are included throughout the text, and theoretical models of social scientists are discussed only when the conclusions derived from them are directly relevant to legal negotiation. At the same time, the book avoids the mundane mechanics of both local negotiation practice and "pop-psychology." Included within this single book are analysis of both competitive negotiation tactics and more collaborative approaches, such as problem-solving and cooperative tactics. No single negotiation strategy works best in all negotiations. Accordingly the lawyer should be able to use a variety of approaches and know when to choose each tactic. Most lawyers not only change their tactics from one negotiation to another, but also use a combination of varying tactics – for example, problem solving and competitive tactics – within a single negotiation. For this reason, this text divides the negotiation process into six components or subprocesses: negotiation planning, initial orientation, initial proposals, information bargaining, narrowing of differences and closure. This organization allows discussion in a single chapter of how the different approaches to negotiation – competitive, cooperative or problem-solving – address varying aspects of the negotiation process. The book focuses on negotiation as client representation. The lawyer's role as an advocate changes the negotiation process in a number of ways that often are not considered in general negotiation texts written by social scientists and others. This book includes separate chapters on Negotiation Planning and Negotiation Counseling, and the impact of the client is stressed throughout the text.

Digital Commons Citation

Donald G. Gifford. Legal Negotiation: Theory and Applications. St. Paul, MN, West Publishing Company, 1989.

This document is currently not available here.

SHARE



Enter search terms:

[Advanced Search](#)
[Notify me via email or RSS](#)

Links

[University of Maryland School of Law](#)

Browse

[Collection](#)
[Subjects](#)
[Authors](#)

Author Corner

[Author FAQ](#)
[Submit Research](#)
[Connect to ExpressO](#)

3. negotiation theory: foundations and approaches. Negotiation theories may be prescriptive, descriptive, or normative in nature. Additionally, theorists and practitioners from various disciplines have developed and utilized a variety of approaches or levels of analysis to improve their understanding of particular aspects of negotiations. The resulting theories are diverse, and frequently highlight features that reflect salient concerns from the perspective of the disciplines from which they came. Noted statesman and negotiator Henry Kissinger defined negotiation as, "a process of combining conflicting positions into a common position, under a decision rule of unanimity" (Kissinger, 1969). Gifford's Legal Negotiation book. Read reviews from world's largest community for readers. Provides for the first time a single text that describes compe... Goodreads helps you keep track of books you want to read. Start by marking "Gifford's Legal Negotiation: Theory and Applications (American Casebook Series)" as Want to Read: Want to Read saving... Want to Read. Title: Effective legal negotiation and settlement / Charles B. Craver. Description: Eighth edition. | Durham, NC : Carolina Academic Press, 2016. | It would be impossible to prepare a book on the negotiation process without relying substantially upon the theories and concepts articulated by many diverse scholars. During the years I have been a negotiator and a legal negotiating teacher, I have

benefitted greatly from the literature cited in the bibliography listed at the end of this book. I wish to express my appreciation to those writers and to acknowledge the fact that many of their ideas have influenced my understanding of the negotiation process.