
Negotiations

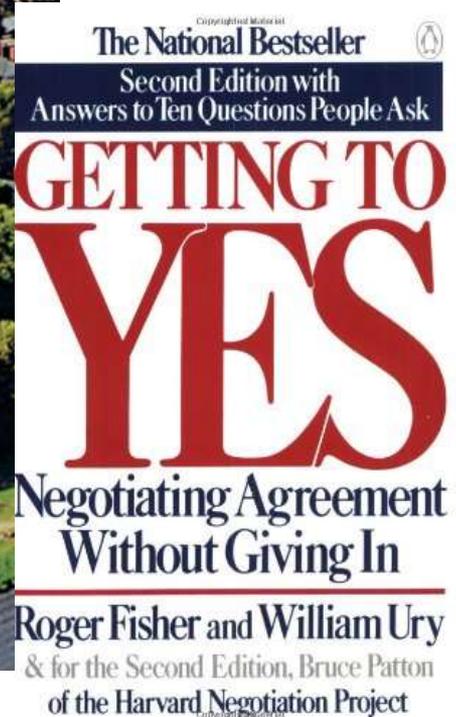
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**We do it all the time,
but were never really
taught how to do it.**

Principled Negotiation: A Framework



The Approach

- 1. Separate people from the problem**
- 2. Focus on interests, not positions**
- 3. Look at a variety of options to meet interests**
- 4. Look at objective criteria**

1. Separate people from the problem



Prosecutors are people. And so are we.

**"IDON'THATEPEOPLE,I
JUSTFEELBETTERWHEN
THEYAREN'TAROUND."**

-CHARLESBUKOWSKI

Common People Problems

Emotions--theirs and yours

Communication problems

Limited time

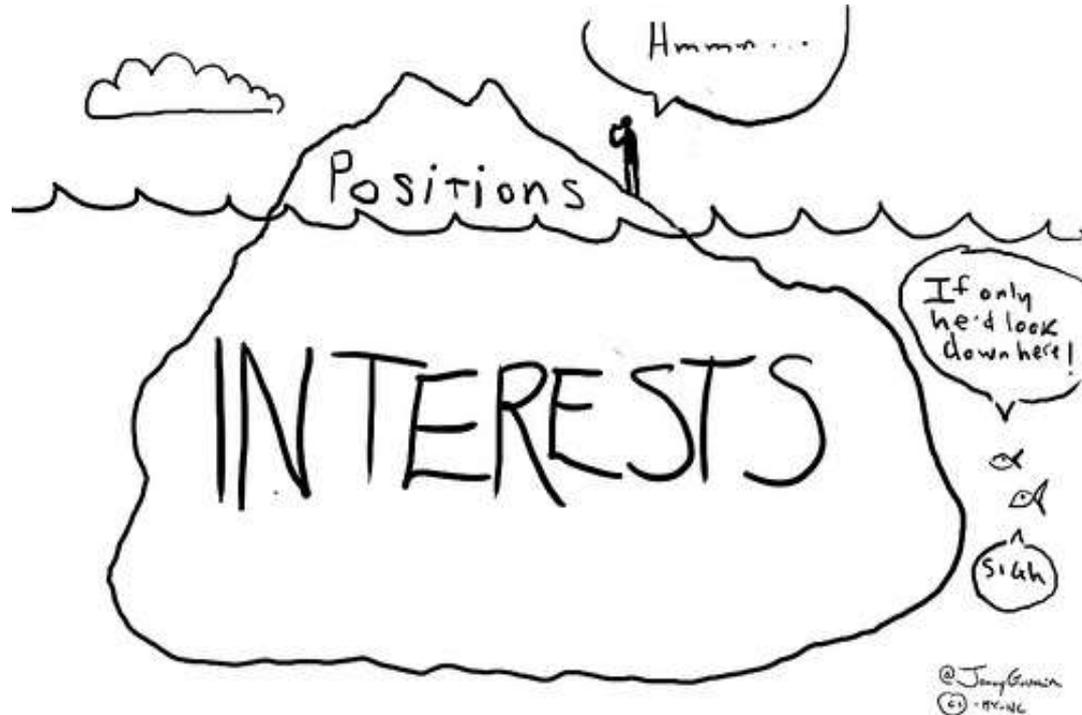
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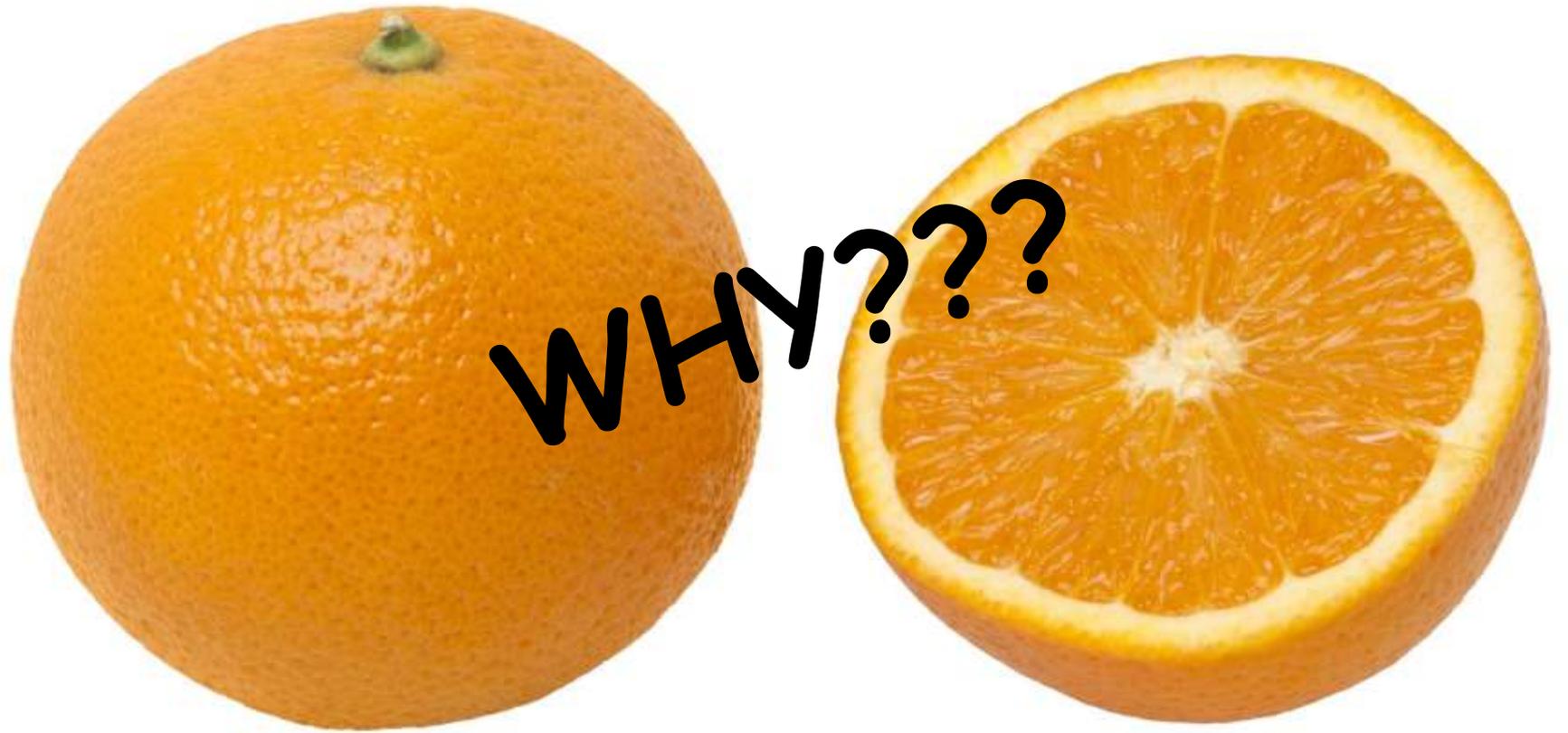
Dealing with the people

- **Acknowledge emotions-- theirs and yours**
- **Step in their shoes**
- **Find effective ways to communicate--not just style but mode**
- **Know your triggers**
- **Know your prosecutor**



2. Interests, not positions





WHY???

Identifying interests

Know your client

“client as expert”

Know your prosecutors

Know the DA’s office’s policies

Know the community



3. Options that meet the interests

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"Instead of getting neutered, can you just give me a lecture on abstinence?"

Looking at options

Look at statutes for lessers

Felony to misdemeanor

Misdemeanor to ordinance

Creative ideas



4. Objective criteria



"OF COURSE I'VE NEVER BEEN MARRIED, THAT'S HOW I MAINTAIN MY OBJECTIVITY."

Finding objective criteria

What is this case “worth”

**Ask your colleagues for guidance
on the “value” of the case**

Evidence-based practices



Implicit Bias

**Best Alternative to a
Negotiated Agreement
(BATNA)**





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