

# THE OSGOODE CERTIFICATE IN NEGOTIATION

November 15-19, 2021  
5 Consecutive Days  
Online – Live & Interactive

An interactive learn-by-doing  
online program focused on practical  
negotiation skills and strategies

Now in a unique online format, this intensive, five-day Osgoode certificate program will help build your theoretical knowledge and develop your negotiation skills including:

- Redefining your own negotiation strategy by understanding the other side
- Using effective questioning and reframing techniques
- Recognizing and managing power imbalances at the negotiation table
- Employing negotiation strategies that work best in the virtual world

Register today at:

[osgoodepd.ca/negotiation](https://osgoodepd.ca/negotiation)

## Program Directors

**Trevor C.W. Farrow**  
Professor, Osgoode Hall  
Law School, York University;  
Academic Director, Winkler  
Institute for Dispute Resolution;  
Chair, Canadian Forum on  
Civil Justice

**Shannon Moldaver**  
Principal, Shannon Moldaver  
Dispute Resolution Inc.

## Location

ONLINE – Live & Interactive

*You will have online access  
to the program for 120 days.*



# The Osgoode Certificate in Negotiation

This learn-by-doing online program will help any professional develop negotiation skills and strategies that can be applied to a variety of negotiation contexts. Throughout the week, you will develop your skills by participating in:

- Critiques of demonstrations by leading practitioners
- Role play focused on a specific skill set
- Discussions led by expert faculty
- A full simulation of a complex negotiation scenario

Whether you are doing deals or resolving conflicts, effective negotiation skills are essential for success. In today's increasingly competitive market, understanding why and how negotiations succeed, and having the skills required to achieve your goals are must-have tools for any legal or business professional.

Led by Trevor Farrow and Shannon Moldaver, the program draws on the expertise and experience of leading negotiation scholars, practitioners and judges. They will take you beyond the basic "getting to yes" principles and provide you with the strategies needed to handle obstacles that are barriers to agreement.

You will get intensive training in negotiation theory and practice in a dynamic, hands-on online environment, participate in simulated negotiation exercises, watch leading experts demonstrate effective negotiation practice and engage in discussions with faculty and participants.

Register today at:  
[osgoodepd.ca/  
negotiation](https://osgoodepd.ca/negotiation)

**Space is strictly limited to ensure hands-on learning and feedback, so reserve your place in this valuable program by registering today.**



## Learn essential negotiation steps, advanced strategies and practical tips, including:

- What are the implications of your individual negotiation style?
- Dissecting negotiation: the anatomy of the process
- Defining negotiation “success”
- How you can improve your success rate
- Understanding your legal and ethical obligations at the negotiation table
- Developing negotiation skills: strategy development skills; communication skills; creativity skills; assessment skills; drafting skills
- Redirecting negotiation through reframing
- Avoiding situational traps that could lead to impasse
- Recognizing the role of culture and its impact on the negotiation process
- Working with clients: managing the challenges in representative negotiation
- Three special circumstances in which negotiations occur: negotiating with the mediator; negotiating with the government; negotiating in the shadow of the court
- Generating best practices for e-negotiations in the pandemic age

## Who Should Attend

- Lawyers – both private practice and in-house counsel
- Other professionals who negotiate on behalf of clients (individual, corporate and/or government clients)
- Senior management/executives in the public and private sectors

Register today at:

[osgoodepd.ca/  
negotiation](https://osgoodepd.ca/negotiation)

Drawing on the expertise and experience of leading lawyers and experts, including:

## Program Directors



### Trevor C.W. Farrow

Professor, Osgoode Hall Law School, York University;  
Academic Director, Winkler Institute for Dispute Resolution;  
Chair, Canadian Forum on Civil Justice

Trevor C.W. Farrow, AB (Princeton, politics), BA/MA (Oxford, jurisprudence), LLB (Dalhousie), LLM (Harvard), PhD (Alberta, politics), is a Professor and former Associate Dean at Osgoode Hall Law School. He is the Chair of the Canadian Forum on Civil Justice and was the founding Academic Director of the Winkler Institute for Dispute Resolution and was the Director of the York Centre for Public Policy and Law. Professor Farrow's teaching and research focus on the administration of civil justice, including access to justice, legal process, legal and judicial ethics, advocacy and globalization. His scholarship is published widely in Canada and around the world. He has led and collaborated on numerous major research projects, including a \$1 million SSHRC CURA grant – the "Costs of Justice" – for which he was the Principal Investigator. Professor Farrow was formerly a litigation lawyer at the Torgys law firm in Toronto and has received teaching awards from Harvard University and Osgoode Hall Law School.



### Shannon Moldaver

Principal, Shannon Moldaver Dispute Resolution Inc.

Shannon Moldaver is the Principal of Shannon Moldaver Dispute Resolution Inc., providing services in mediation, workplace restoration, training, coaching, facilitation and education design. Along with mediating various types of disputes and designing bespoke processes, she has taught and coached for several public and private sector organizations.

Shannon has a Master's Degree in International Relations, an LL.B. and an LL.M. (Dispute Resolution) from Osgoode Hall Law School, and course work in management and design of e-learning. Before law school, Shannon worked in various capacities for the City of Toronto, including working directly for the Mayor and holding a position in Human Resources. After law school, she worked at a litigation firm in downtown Toronto, ultimately running her own practice. Areas of practice included commercial, employment and family litigation. She then worked for the Law Society of Ontario as Complaints Resolution Counsel and Professional Development & Competence Counsel before opening her own mediation practice.

## Program Faculty

### Nancy J. Davis

Founder, NJD Consulting

### Trevor C.W. Farrow

Professor, Osgoode Hall Law School,  
York University; Academic Director,  
Winkler Institute for Dispute Resolution;  
Chair, Canadian Forum on Civil Justice

### Kelly Doctor

Partner, Goldblatt Partners

### Frank Gomberg

Mediator, Gomberg Mediation  
Solutions Inc.

### Kiran Kang

Goldblatt Partners

### Jonathan Kulathungam

Partner, Teplitsky Colson LLP

### Dawn McDermott

Senior Advisor of Dispute Resolution  
and Support, Wilfrid Laurier University

### Shannon Moldaver

Principal, Shannon Moldaver Dispute  
Resolution Inc.

### Sean O'Connor

Member, Workplace Safety and Insurance  
Appeals Tribunal

### Bob Thompson

Osgoode Hall Law School, York University

### Mina Vaish

Principal Mediator and Managing Director,  
York Mediation

Register today at:

[osgoodepd.ca/  
negotiation](http://osgoodepd.ca/negotiation)

# Agenda

## DAY 1

Monday, November 15, 2021  
9:00 a.m. – 4:30 p.m.

### Understanding Negotiation: The Basic Ingredients and the Process

#### Morning Session

Starting with a brief look at the kinds of conflicts that typically underlie negotiations, you will learn what goes into the mix of negotiations and the effect of each of these elements on the negotiation process and the outcomes that flow from negotiations.

The following questions will be addressed:

- What are the key ingredients of negotiation?
- When, where and how do negotiations occur?
- What are the implications of your individual negotiation style?
- How can the effectiveness of negotiations be improved?

#### Afternoon Session

The structure of negotiations will be examined from two principal perspectives:

- The terminology used in theory and practice to describe key aspects of the negotiation process and negotiation strategies.
- The seven essential steps in a negotiation, and the consequences of missing any of them.

With the models of negotiation in hand, the remainder of the session focuses on execution: how to use the seven essential steps to obtain superior results. Questions to be canvassed include:

- How is negotiation “success” defined?
- What distinguishes the best negotiators from average negotiators?
- How can you improve your success rate?

The first day will conclude with a discussion on determining your and your client’s negotiation goals: what you and what your client would want to see out of the negotiation and the ideal process and experience.

## DAY 2

Tuesday, November 16, 2021  
9:00 a.m. – 4:30 p.m.

### Stakeholders, Contexts and Ethics

#### Morning Session

This session will concentrate on skills with stakeholders and contexts in mind, and in particular:

- Communication skills, both with your client and those across the table
- Creativity skills, at the table and in caucus
- Assessment skills, which include when and how to react to an emerging agreement
- Drafting skills, including Minutes of Settlement

#### Afternoon Session

The afternoon session will focus on an in-depth discussion and exercise of appropriate ethical and legal behavior while negotiating, including:

- Negotiation behaviour and communication required by Rules and Codes
- Ethical issues when communicating with parties, counsel, the mediator and the courts

- How to recognize and appropriately deal with conflicts of interest

The second half of the module will be a discussion on culture, and expand into its interaction with gender, personality and power. Discussions will explore three key questions for negotiators:

- Do culture and gender make a difference?
- What role does personality play in how people negotiate?
- How do you manage power imbalances at the negotiation table?

## DAY 3

Wednesday, November 17, 2021  
9:00 a.m. – 4:30 p.m.

### Representative Negotiation

#### Morning Session

The importance of thorough preparation for negotiation cannot be overstated. Building on the steps and skills covered in earlier sessions, this module focuses on critical components of preparation as between counsel and clients. These include:

- Interviewing the client
- Defining the role of the client in negotiation
- Preparing your client for negotiation
- Obtaining instructions before and during the negotiation
- Addressing communication and other issues that arise

Participants will have an opportunity to practice their skills and observe others through the use of simulated fact scenarios.

Guest faculty will discuss lessons learned from their most memorable and challenging representative negotiations.

### Afternoon Session

Not all negotiations lead to agreement. Sometimes it is because the available agreements are less attractive than no agreement. More often it is because the negotiators failed to understand and avoid the pitfalls that lead to failure.

This module will explain and demonstrate why good agreements often elude negotiators; and offer a number of strategies for avoiding the traps and phenomena that lead to impasse.

#### DAY 4

Thursday, November 18, 2021  
9:00 a.m. – 4:30 p.m.

### Advancing Discussion – Negotiation Nuances

#### Morning Session

The morning session will delve into the psychology and nuances behind negotiations, including:

- The neuroscience of negotiation
- Recognizing your own negotiation style and understanding how it affects the negotiation process
- Knowing the other side and adjusting strategies accordingly

More advanced negotiating skills will be examined, including:

- Redirecting the negotiation through reframing
- Using caucuses and breaks effectively
- Building and managing a negotiating team
- Reading and interpreting non-verbal clues

The session will tackle nuances and challenges in today's increasingly technology-focused negotiation

environments, and the strategies for overcoming them, including:

- What are the best practices in dealing with the impacts of technology?
- What are factors to keep in mind when negotiating online?
- Does negotiating through email communication affect the outcome?
- How to deal with ethical challenges of negotiating through email

#### Afternoon Session

Building upon the morning session, the afternoon will be spent in a role play focused on negotiation nuances and online negotiation skills.

Our guest faculty will lead a discussion on the value of trust and apology in the negotiation table, including:

- How do you develop the trust of your client and the other side?
- Are there strategies to regain trust between parties when discussions break down?
- When is it appropriate to incorporate apologies into the negotiation discussions?

#### DAY 5

Friday, November 19, 2021  
9:00 a.m. – 4:30 p.m.

### Full Day Negotiation Exercise

#### Morning Session

The final day of the program will be devoted to negotiating a complex, multi-party fact situation. Each negotiating group will have an assigned coach, who will provide constructive feedback at designated steps of the negotiation process. Participants will hone the numerous skills that are essential to effective negotiating.

### Afternoon Session

The negotiation exercise will continue into the afternoon. Following the group negotiations, the full class will reconvene and share lessons learned from the negotiation exercise. The program will conclude with a review of the key learning points and a review of the checklists and other practical resources that will be provided to each participant.

*“Although I am not a lawyer, this course gave me the skills to work with my legal counsel and my negotiating team.”*

**Paul Emingak**  
Executive Director,  
Kitikmeot Inuit Association

# Registration Details

## Fee per Delegate

**\$3,295 plus HST**

## Newly Licensed (2019-Present): **\$1,647.50 plus HST**

Fees include attendance, program materials and 120-day access to program archives. Visit [www.osgoodepd.ca/financial-assistance](http://www.osgoodepd.ca/financial-assistance) for details about financial assistance.

## Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

## Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

## For Further Program-Related Information, Please Contact:

Gail Geronimo, Program Lawyer at [ggeronimo@osgoode.yorku.ca](mailto:ggeronimo@osgoode.yorku.ca)

---

## Certificate of Program Completion

You will receive a certificate upon completion of the **Osgoode Certificate in Negotiation**. Participants must attend all program modules and any applicable assessments to receive a certificate.

---

## 4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

[osgoodepd.ca/negotiation](http://osgoodepd.ca/negotiation)



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours – LSO (ON): 30h (26h 30m Substantive, 2h Professionalism, 1h 30 m EDI)



This program is approved for LAWPRO Risk Management Credit.



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).

*“This program was without doubt the most informative, interesting and effective course that I have ever taken in any area of endeavour.”*

Mark Ansara

Executive Director, Timmins Temiskaming  
Community Legal Clinic

*“A truly great program and a necessary foundation for every person in a management or supervisory position.”*

Claudio Ruiz-Pilarte

The Centre for Spanish Speaking Peoples

*“I really enjoyed the program. By far, the best I have attended.”*

Melanie Tompkins

Counsel, City of Saint John

*“This program is one of the best things I've done professionally since my Call to the Bar in 1976.”*

Anthony T. Keller

Keller Morrison LLP