

ETHICAL OBLIGATIONS DURING NEGOTIATIONS

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ETHICS

- What are they?
- How do we approach ethical reasoning?

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NEGOTIATING

Bargaining (give and take) process between two or more parties (each with its own aims, needs, and viewpoints) seeking to discover a common ground and reach an agreement to settle a matter of mutual concern or resolve a conflict.

NEGOTIATIONS: THE ETHICAL DILEMMA

How do you accomplish your aims, meet your needs and ensure your viewpoint prevails while acting with the highest level of ethical integrity?

Model Rule 1.1: Must provide competent representation.

Model Rule 1.3 This duty “requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.



DOES GAINING AN ADVANTAGE REQUIRE DECEIT?

Scholarly studies reveal that:

- “Commercial negotiations appear to require a talent for deception;” and
- When someone asks, “What is your bottom line, few negotiators tell the truth;
 - They dodge the question;
 - They change the subject; or
 - They lie.”

DOES GAINING AN ADVANTAGE REQUIRE DECEIT?

- To gain a concession on what really matters, even the most cooperative bargainers:
 - inject straw issues;
 - exaggerate the importance of minor problems; and
 - communicate they are firm on positions, when they are, in fact, flexible – **in short, they bluff about their intentions.**

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