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Commercial Negotiations Masterclass

Mastering negotiation to maximise
outcomes for your client

31 March – 1 April 2009
Stamford Plaza
Melbourne

Don't miss this opportunity to:

- Master advanced negotiation skills and strategies in a legal context
- Achieve lasting agreements with added value
- Influence optimal commercial outcomes at the negotiation table
- Master negotiation tactics in complex contractual negotiation
- Recognise the legal ramifications of negotiation
- Examine the best ADR methods to resolve disputes

Register Today! Ph: 1800 772 772
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10% discount for members of these endorsing organisations:



Your legal expert trainers:



Samantha Hardy, Director of Conflict Resolution and Practice, **Australian Centre for Peace and Conflict Studies, University of Queensland**



Shawn Whelan,
Senior Consultant, **CMA**

Expert sessions by:

Sir Laurence Street, *Former Chief Justice of New South Wales*
Tony Nolan SC, *Victorian Bar*
Michael Pearce SC, *Victorian Bar*

DAY 1: Mastering Negotiation: Advanced Strategy & Skills

– Designed for lawyers, the first day explores advanced skills and tactics in complex commercial negotiation critical to success in practice.

DAY 2: The Legal Negotiator: Practical Real World Legal Scenarios

– Featuring case studies, simulations and mock negotiations, plus a commercial negotiation stream and a dispute resolution stream, delegates can tailor the agenda according to their area of practice.

Product of:



LexisNexis[®]
Professional Development



Commercial Negotiations Masterclass

Mastering negotiation to maximise outcomes

Day One: Tuesday, 31 March 2009 – Mastering Negotiation: Advanced Strategy & Skills

Designed for lawyers and featuring role plays and simulations, the first day explores advanced skills and tactics in complex commercial negotiation critical to success in practice.

Part 1: Complex Negotiations

- 8:30 **Workshop Registration**
- 9:00 **Part 1 commences**
- 10:30 **Morning tea (30 minutes)**

Keys to successful negotiation: Preparation, Power, Persuasion

- Assessing various models of negotiation
- Why Principled Negotiation works
- Using the model to achieve lasting agreements with added value
- Processes of principled negotiation, including effective opening, agenda-setting and closing
- Planning for complex negotiations – preparing for a negotiation using the Harvard 7-element model
- Multi-party negotiation: Managing multiple issues and parties
- What makes an extraordinary legal negotiator? – attitudes, characteristics for success
- Mastering persuasion: the balance of power and the circle of influence

12:30 **Networking lunch for speakers and delegates**

About your legal expert trainer:

Samantha Hardy BA, LLB (Hons), LLM, PhD
Grad Cert University Learning and Teaching, F. HERDSA

Director of Conflict Resolution and Practice, **Australian Centre for Peace and Conflict Studies (ACPACS) at the University of Queensland**

With a legal background practising as a lawyer for some years before moving into education and training, she is a Nationally Accredited Mediator and completed advanced negotiation training at Harvard Law School. She is also a CINERGY trained Conflict Coach. Sam has taught law and conflict resolution for the past twelve years to university students, lawyers and other professionals. She also has a consultancy practice in facilitation, mediation and conflict coaching.

She completed a Masters of Laws in 1997, primarily focusing on Trade Practices Law and Alternative Dispute Resolution. She completed a Graduate Certificate in University Learning and Teaching and her PhD in 2005. She also has a BA (double major in French).

Sam's PhD examined the impact of different methods of dispute resolution on the health outcomes of personal injury litigants. Her research interests include conflict resolution; education; the legal regulation of personal relationships; and the relationships between conflict resolution and psychology, language and literature.

Testimonials about Samantha Hardy:

"Outstanding overall! Enthusiastic, knowledgeable, accessible, interesting."

"Extremely well-presented course that held my attention"

"Presenter excellent – content great. Thank you"

"This workshop should be mandatory for all lawyers."

Part 2: Controlling negotiations at the negotiation table

- 1:30 **Part 2 commences**
- 3:00 **Afternoon tea (30 minutes)**
- 5:00 **Course concludes**

Negotiation strategy: avoiding and managing common pitfalls

You're at the negotiation table, with solid preparation behind you. How do you now manage the process to achieve the best possible outcome? This interactive and practical session will improve your awareness and skills in all types of negotiations.

- Identifying the most common challenges and pitfalls
- Getting off to a good start – setting an agenda for joint problem solving
- Breaking through positions and stalemates
- What to do if things get heated
- The hardest task of all: negotiating with your own client

About your legal expert trainer:

Shawn Whelan, B.Juris/LLB, Acc.M.LEADR
Senior Consultant, **CMA**

As senior consultant at CMA, Shawn has designed and led over 200 highly interactive workshops for legal, corporate and government sectors in negotiation, mediation, conflict management and management skills since 2001. He regularly leads undergraduate and postgraduate courses at Monash Law School, including the Advanced Negotiation and Mediation unit. Shawn's excellent instructional design and facilitation skills have assisted his participants and students to actively learn from each other, from course materials and from his own extensive knowledge of this field.

Shawn draws on this background as a lawyer specialising in native title claims, corporate governance planning and commercial negotiations, as well as his postgraduate studies at the Harvard Program on Negotiation and subsequent work at the Quinipiac Centre on Dispute Resolution. He has also advised legal and organisational clients on their negotiation and conflict resolution strategies, giving a strong "real world" context to his teaching of soundly researched principles. In addition to his work with CMA, Shawn has an independent consulting practice focusing on mediation, consensus building, and private coaching on communication, conflict management and related skills.

CMA

CMA is recognised by lawyers as Australia's leading provider of customised in-house courses and public workshops in negotiation and influential communication skills. Drawing on three decades of research at the Harvard Negotiation Project, CMA provides customised in-house workshops and a range of public workshops, and also presents undergraduate and postgraduate subjects at Monash Law.



Day Two: Wednesday, 1 April 2009 – The Legal Negotiator: Practical Real World Legal Scenarios

Featuring case studies, simulations and mock negotiations, the second day will explore negotiation in context of legal practice: Covering two streams, a commercial negotiation stream and a dispute resolution stream, delegates can tailor the agenda according to their area of practice.

Chairperson: *Derek Minus, President, Chartered Institute of Arbitrators*

STREAM A: COMMERCIAL NEGOTIATIONS

Tailored for lawyers practicing in the area of, but not limited to, property law, commercial & retail leasing, construction & building, contracts and corporate & commercial.

8:30 Stream A registration

9:00 Complex contract negotiation: Achieving the best outcomes and commercial resolution in the shifting environment of lease negotiations



- Negotiating agreements for lease and leases
- Managing impacts on landlord-tenant relationships
- Negotiation tactics – cooperation or antagonism, which best serves your client's interests
- Beyond legal terms of contract – emphasising commercial resolutions

Vanessa Flax, Senior Associate, Blake Dawson

9:45 Negotiating critical terms of a commercial contract



- Negotiating terms from a customer and supplier perspective
- Creating an enforceable contract: Exclusion clauses and limitations of liability, indemnities, termination rights and general obligations
- Case study: examples of negotiations

Josh Marchant, Partner, Maddocks

10:30 Morning tea

11:00 SIMULATION: Mock commercial negotiation

Prepare to put your skills into practice! In this dynamic and interactive session, a mock scenario will be given to participants to deliberate on in groups. Questions will be put forward to the audience and panel and the best negotiated outcomes of an agreement will be assessed.

**Facilitated by: Michael Redfern, Consultant, Russell Kennedy
Dr Clyde Croft SC, Victorian Bar**

**Panellists: Josh Marchant, Partner, Maddocks
Vanessa Flax, Senior Associate, Blake Dawson**

12:30 Networking lunch for speakers and full day delegates

Sir Laurence Street has played a leading role in introducing and practising commercial mediation/conciliation in Australia and neighbouring countries in the region. He has conducted well over 2,000 successful mediations/conciliations in commercial disputes in Australia and overseas. Sir Laurence has been able to draw on his long period of senior judicial office, his boardroom experience and his extensive practice as a disputes consultant in handling a wide variety of commercial disputes and sensitive issues.

STREAM B: DISPUTE RESOLUTION

Tailored for lawyers, mediators, barristers and practitioners specialising in, but not limited to, practice in commercial litigation and dispute resolution.

1:00 Stream B registration

1:30 Resolving disputes through ADR (Alternative Dispute Resolution) processes – negotiation and out-of-court mediation



- Selecting the right ADR process to resolve various disputes
- Achieving a negotiated settlement of the dispute
- Achieving the balance of power to influence optimal outcomes
- Special issues in mediation – avoiding traps and pitfalls
- Judicial mediation in Victoria – managing the judicial mediation process
- ADR processes adopted by the court: mediation, arbitration, pre-trial / case management conferences
- Arguments for and against judicial mediation

Tony Nolan SC, Victorian Bar

2:15 Courtroom negotiations: deliberating on negotiation scenarios pre and post litigation



- Negotiation prior to and after the commencement of litigation
- Negotiation applications in court
- Negotiation fraught in risk and bargaining in litigation – when the stakes are high
- Resolving / settling disputes – achieving fair and unbiased settlement
- Case study

Michael Pearce SC, Victorian Bar

3:00 Afternoon tea

3:30 SIMULATION: Mock mediation and negotiation

Analysing scenarios, participants will be divided into groups and apply negotiation in common models of mediation used in commercial practice and conflict scenarios. Led by a panel of experts to conduct the mediation whilst soliciting input from the audience, this dynamic and interactive session will cover:

- Negotiation in the context of mediation
- Preparing for mediation
- Developing effective commercial negotiation skills
- Drafting concise and enforceable settlement agreements

Facilitated by: Sir Laurence Street, Former Chief Justice of New South Wales

**Panellists: Michael Pearce SC, Victorian Bar
Albert Monichino, Barrister, Victorian Bar**

5:00 Close of conference

Priority registration form Commercial Negotiations Masterclass, Melbourne

**4 easy ways
to register**

Phone: 1800 772 772
Fax: (02) 9422 2338
Online: www.lexisnexis.com.au/pd
Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222,
Chatswood Delivery Centre, Chatswood NSW 2067

Please complete sections A, B, C, D, E

Conference code: **PD2009** ABN: 70 001 002 357

A Delegate 1 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Organisation: _____

Postal address: _____

Suburb Postcode State

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 3 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

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** to send conference confirmation

3rd Delegate FREE!

B Please tick as many practice areas you work in which apply:

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| | <input type="checkbox"/> Other: _____ |

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PROGRAM CHANGES

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CANCELLATION

Your registration will be confirmed in writing when full payment has been received. LexisNexis will refund your registration fee in full less a \$165.00 administration cost if a request to cancel the registration is received in writing up to but not including 1 month prior to the event. If written notification is received any time up to but not including 2 weeks prior to the event, you will receive a 50% refund of your registration fee and seminar documents. No cancellation requests will be accepted after this time. You may nominate a replacement; however, no refund will be issued.

C Event Pricing (please tick your selection)

Advance price* (register and pay before 30 January 2009)

<input type="checkbox"/> Two day conference	\$1850 + GST = \$2035
<input type="checkbox"/> One day conference + one Stream^	\$1350 + GST = \$1485
<input type="checkbox"/> One day conference only#	\$950 + GST = \$1045
<input type="checkbox"/> Streamed session only^	\$500 + GST = \$550

Early bird price* (register and pay after 30 January before 20 February 2009)

<input type="checkbox"/> Two day conference	\$1950 + GST = \$2145.00
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Standard price (register and pay after 20 February 2009)

<input type="checkbox"/> Two day conference	\$2050 + GST = \$2255.00
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* Early Bird, team discounts and any other discount cannot be taken concurrently

^Please choose your stream: Stream A Stream B

Please indicate which day: Day One Day Two

Supporting Association 10% discount off standard price:

LEADR ACICA IAMA CIARB

Membership #: _____

D CONFERENCE RESOURCES

I am unable to attend but would like to purchase a set of conference papers for Commercial Negotiations Masterclass \$360.00 + GST = \$396.00

E Payment details

Payment is due upon registration

Enclosed is my cheque for: \$ _____ made payable to LexisNexis

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