

## ETHICAL OBLIGATIONS DURING NEGOTIATIONS

Jamie Lavergne Bryan  
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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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