

# Developing “Second Generation” Global Negotiation Education Rome, Italy (May 27-30, 2008)

Hamline University School of Law  
*in cooperation with*  
**NEGOTIATION JOURNAL**  
**The JAMS Foundation**  
**ADR Center, Italy**

## I. Summary

A key question for the future of our field is how best to deliver high quality, effective dispute resolution training in the global environment. The contemporary pedagogy of negotiation is predominantly an American export product. Moreover, it is, for all intents and purposes, a “first generation” product, in need of review and overhaul.<sup>1</sup> The conflict resolution field needs to examine critically both what is taught in negotiation and how we teach it, with special emphasis on how best to “translate” teaching methodology to succeed with diverse, global audiences.

To meet this need, Hamline University School of Law, in cooperation with the NEGOTIATION JOURNAL, the JAMS Foundation, and ADR Center Italy, is beginning an ambitious three-year initiative. The first phase will be a four-day conference, to take place in Rome, Italy May 27-30, 2008. The conference will offer a unique opportunity for international conflict resolution scholars and teacher/trainers to critique contemporary negotiation pedagogy and contribute to development of “second generation” negotiation training design. The particular focus will be on the short “executive” courses which have now proliferated around the world. The “benchmark” such course to be taught as the first two days of the conference will also provide members of the international business, legal, and higher education communities with state-of-the-art training in the theory and practice of cross cultural/transnational negotiation.

## II. Conference Design

The conference will be divided into two distinct components, each designed for a specific purpose and audience:

*Days One and Two:* we will offer a spectacular-quality but otherwise quite “traditional” 12-hour executive negotiation course, which will carry a substantial registration fee for practitioners who sign up as students. This helps to fund the rest of the effort, including travel and participation subsidies for scholars from the Middle East, Africa, and Asia. Recognizing that the leading scholarship and research in dispute resolution theory and practice comes from a wide variety of academic and practice disciplines, we are inviting all scholars who will participate in the later stage of the conference to come early enough to sit in on the May 27-28 course being used as “benchmark,” though course they are not required to do so. We have recruited a number of prominent teachers to serve as instructors for May 27-28. Confirmed as of this writing are:

Chris Guthrie, Professor of Law and Associate Dean, Vanderbilt University Law School; co-author, *Dispute Resolution and Lawyers* (West Publishing, Third Edition 2005) and of *The Psychology of Judging* (forthcoming, Harvard University Press)

Michelle LeBaron, Professor of Law and Director, Program on Dispute Resolution, the University of British Columbia, Canada; co-author, *Conflict across Cultures* (Intercultural Press, 2006)

Giuseppe De Palo, International Professor of ADR Law and Practice, Hamline University Law School; President, ADR Center (Rome); co-editor, *Arbitration and Mediation in the Southern Mediterranean Countries* (Kluwer, 2007)

Andrea Schneider, Professor of Law, Marquette University Law School; co-editor, *The Negotiator's Fieldbook* (ABA 2006)

John H. Wade, Professor of Law and Director, Dispute Resolution Centre, Bond University, Queensland, Australia; author of over 100 books and articles

Michael Wheeler, Professor of Management Practice, Harvard Business School; founding faculty member, Program on Negotiation at Harvard Law School; author of nine books; editor, *Negotiation Journal*.

*Day Three:* The negotiation teaching modules on days one and two will serve as an educational “lab” to be observed by conflict resolution scholars and teacher/trainers from around the world. We are inviting about 100 scholars worldwide to take part in this overall three-year effort (but see below; for the initial conference, we are seeking participation by approximately 40.) On day three of the conference, the observers will convene, along with the course faculty and a few representative students, to critique the training. What works? What needs to be adapted to be relevant for global audiences? What recent discoveries should now be incorporated in these “executive” courses?

*Day Four:* The scholars and trainers will focus on systematic creation of “second generation” negotiation training design. After an initial program plenary, participants will break into small working groups to examine, among other things, how the collective wisdom making up the contemporary multi-disciplinary science of consensual dispute resolution can best be integrated into new negotiation training models. Special emphasis will be placed on the special challenges posed by delivering “standardized” training in different cultural and linguistic environments. **Please note:** *Scholars who agree to participate are committing to write immediately thereafter a contribution to the project's published output, in the form of either a chapter for the project's pre-planned book, or an article for the already-committed special issue of NEGOTIATION JOURNAL. Rough drafts will be due 60 days after the conference ends.*

### III. Post-Conference Publications

The second phase of the initiative includes two forms of post-conference publications. One set of scholarly papers will be published in a special issue of NEGOTIATION JOURNAL. In addition, thanks to a generous grant from the JAMS Foundation, a different set of writings will be published in book form, widely disseminated worldwide, and translated into several languages.

Christopher Honeyman, James Coben and Giuseppe De Palo will be guest editors for the NEGOTIATION JOURNAL special issue, as well as editors of the book. This dual role allows us to decide how best to configure both publications only after the contributors have outlined what they intend to write (e.g. we might put all the short pieces in the journal and the long ones in the book, or we might divide them thematically.)

### IV. Next Steps

In 2009 and 2010, we plan to field-test the resulting new model or models of an “executive course” at two other conferences, planned for Istanbul and Delhi respectively. The reasons are partly logistical and partly cultural. ADR Center (Rome), which is the largest ADR firm in continental Europe and where Giuseppe is President, has a major new project just beginning in Turkey. Meantime, Hamline Law School has been building a series of relationships with institutions in India over the last few years. We realized recently that because we now have strong ongoing partners in both countries, we can now handle the logistics of operating in both. The fact that the scope of the effort has grown in this way also means that we can include people in the later phases who would like to be part of this effort, but who are already scheduled for the May 27-30, 2008 period. For the same reason, we plan to include in the initiative as a whole a cross-cultural and very diverse group from around the world. But they will not all be at the same meeting, so that each meeting can be kept to a size that encourages real discussions.

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<sup>1</sup> The antecedents which have convinced us of this are many, but four in particular stand out:

a) For the past four years, five law schools and one graduate social science department have been working together on a project titled "Developing transnational curricula in negotiation, mediation, arbitration and dispute systems design." This project, jointly-funded by the US Government's Department of Education and its European Commission equivalent, has involved three US law schools that are perceived as leaders in dispute resolution (Hamline University Law School, Cardozo Law School, and Ohio State) and three European counterparts (the University of Rome "La Sapienza", the University of Deusto in Bilbao, Spain, and the Institut Catholique de Paris) in an effort to improve consistency and mutual understanding of how these subjects might be taught across Europe and the United States. Negotiation has been a particular focus. Giuseppe and Jim organized the European and US sides of this joint project respectively, and Chris has served as the project's evaluator.

b) Also since 2003, there has been a major effort under way to begin the process of forming a "canon" of negotiation. This effort has been led by Chris and Andrea Schneider, and its major output is an 80-contributing-author reference book, *The Negotiator's Fieldbook* (Schneider and Honeyman, ABA 2006). The book, among other things, argues the need for "advanced" courses in negotiation, of a highly interdisciplinary type and across many different types of schools. But a subsequent article by Chris ("A Sale of Land in Somerset County", *Negotiation Journal*, April 2007) has already reconsidered this premise, and concluded that many "simple" negotiations may require knowledge which even as recently as the publication date of the book had been considered only for an "advanced" level. (We will be glad to supply a PDF copy of this article on request if you don't have the Journal issue in question. Please write to Chris, at honeyman@convenor.com.)

c) Since 2005, ADR Center has been running a major EU-funded project across the entire Middle East, which seeks to create workable systems of commercial mediation and arbitration in 10 countries (details at [www.adrmeda.org](http://www.adrmeda.org)). Together with the new project in Turkey and some even more recent efforts in Nigeria and elsewhere, this experience has underlined the differences in perception of how negotiation works or ought to work across different cultures. But on an operational level, it has also had the effect of providing us with an unprecedented network of negotiation practitioners, scholars and users in a number of countries that have been underrepresented in our field, many of them at a senior level. (For example, see the list of speakers at the ADR MEDA project's largest conference, at [www.adrmeda.org/romeconference07](http://www.adrmeda.org/romeconference07)).

d) The long and distinguished series of articles on pedagogy published by *Negotiation Journal*, together with other initiatives of the Journal's parent, the Program on Negotiation at Harvard Law School (such as its 2005 conference in collaboration with ESSEC, specifically on negotiation teaching) have regularly questioned the direction and effectiveness of current teaching of negotiation, and offered fresh alternatives.

Crosscurrents of collaboration across all of these, as well as related efforts, have been too numerous to elaborate on here, but we will be glad to discuss them on request.