

THURSDAY  
**NOVEMBER 5**

## STUDENTS LEARN NEGOTIATION STYLE AND SKILLS AT SEVENTH ANNUAL NEGOTIATION MARATHON

November 5, 2015 — Twenty-five students from Penn State’s Dickinson Law and Penn State Law recently took part in a negotiation marathon that allowed them to test their negotiation skills with peers.



Organized by Dickinson Law Professor Nancy Welsh and Joe Barrett, Esq., ADR Coordinator for the U.S. District Court of the Middle District of PA, the seventh annual negotiation marathon prepared first-, second-, and third-year law students for negotiations in their future career.

“Lawyers spend a substantial amount of time negotiating with opposing counsel,

colleagues and even clients once they begin practicing,” said Professor Welsh. “During the negotiation marathon, students try their negotiation skills with their peers in structured negotiations and a mediation, and receive feedback and mentoring from lawyers and judges who are seasoned and respected legal negotiators. We also have some opportunity for group discussion of important aspects of legal negotiation and mediation.”

Prior to the day of the negotiation marathon, students reviewed general and confidential information with an evolving fact pattern. They chose to play the role of lawyers or clients being represented by lawyers in mediation.

“For students who will represent clients down the road, putting themselves in the shoes of a client can sensitize them to what will be important to their clients,” noted Professor Welsh.

Students participated in two one-on-one negotiation sessions and a final mediation session. After each negotiation session and the mediation session, students received feedback and mentoring from experienced, respected lawyers who were nominated by judges and other lawyers as among the most effective and trustworthy legal negotiators with whom they have worked. An experienced mediator participated in the final mediation session and provided additional feedback.

First-year Dickinson Law student Paul Jordonne participated in the negotiation marathon as attorney, co-counsel, and client.

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“The event showed me just how flexible one can be in negotiations, and potentially that it may not always be beneficial for negotiations to be handled by attorneys who have been given only limited authorization to make a deal on their clients’ behalf,” said Jordonne. “I would recommend this exercise to law students, practicing attorneys, and anyone who is simply interested in learning more about negotiations. This type of practice can have practical applications for many different types of scenarios.”

Francesca Kester, a second-year Dickinson Law student, participated in last year’s negotiation marathon as a client. This year, she served as a lawyer for two negotiations and a mediation.

“This was a great opportunity for me to develop and fine-tune my negotiation skills in an atmosphere where experienced attorneys and judges are readily available to provide feedback,” said Kester. “I recognized my personal negotiation style and received advice on how to adapt that style in a variety of settings.”

Students also had an opportunity to meet people who have gained tremendous respect from their peers, including Magistrate Judge for the Middle District of PA Karoline Mehalchick who was a guest speaker. A trained mediator, Magistrate Judge Mehalchick spoke about her experiences with facilitating settlement sessions and what makes for good negotiation by lawyers.

“It’s a wonderful networking opportunity,” noted Kester.

Christopher Harris, a first-year Dickinson Law student, saw the negotiation marathon as an opportunity to be introduced to the concept, which plays a prevalent role in the legal community.

“Even though I was only going in as a client, I was nervous and had no idea what to expect,” said Harris. “Sarah [Lisle], my lawyer, explained that mediators are different in their approach, and during our session, really hammered home what mediation looks like. I learned how a lawyer uses open-ended questions to elicit answers from the client, and how important the client-lawyer relationship really is. I walked away with a greater appreciation of alternative dispute resolution processes.”

All first-year Dickinson Law students are exposed to negotiation during the first semester of law school as part of Professor Camille Marion’s problem solving class. Students work with practicing lawyers and law school faculty to begin developing their client, interview, and counseling skills as early as the eighth day of law school.

Professor Welsh recently shared her thoughts on marathon negotiations as they relate to the state budget impasse as a featured guest on WITF’s Smart Talk. Listen to the program [here](#).

*Photo caption: front row (left to right): Natasha Gusti Wahyu, Darleen Langan, Anna Brady, Nicolette Chasse, Lu Peng; back row (left to right): Vegard Gjertsen, Christopher Harris, Paul Jordonne, Joy Lee, Francesca Kester, Rowan Moriarty, Drew McLaughlin*

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