



THE TWO TABLES

Mind the Gap in Negotiation: Deal-Making and Dispute Resolution

**SUBSIDIO VENIRE**
Fundacja Radców Prawnych**DATE: OCTOBER 1, 2026 · LOCATION: KRAJOWA IZBA RADCÓW PRAWNYCH - WARSZAWA**

Lawyers negotiate at two different tables. At the first, they structure transactions, allocate risk, and help clients reach agreements meant to last. At the second, they confront what happens when expectations diverge, contracts are contested, or litigation becomes real.

This one-day programme develops judgment at both tables — deal-making in the morning and legal settlement in the afternoon — and closes with a look at why negotiations stall even when the numbers say they should not.

PREREQUISITES

Practical negotiation experience is required. A theoretical foundation, gained through prior training, formal study, or extensive practice, is strongly recommended.

FORMAT AT A GLANCE

- One full day, four 90-minute modules, plus a 30-minute Q&A to close
- 15-minute break mid-morning and mid-afternoon; one hour for lunch
- Every morning module pairs its framework with a live exercise, demonstration, or fishbowl
- The afternoon pairs analytical tools with practical diagnosis of why apparently rational settlements do not happen

FACULTY

ON-SITE FACULTY · IN PERSON

Giuseppe De Palo

Negotiation Process Designer and Mediator · JAMS (New York). Giuseppe has spent decades designing and leading negotiation processes for governments, multinational organizations, public institutions, and business leaders — from complex commercial dealmaking to high-stakes dispute resolution — across Europe, the United States, Latin America, the Middle East, and beyond. He is confirmed as on-site faculty, leading the day in person in Warsaw, Poland.

FEATURED FACULTY · REMOTE

Jack Cambria

Former Commanding Officer, NYPD Hostage Negotiation Team, joining remotely. Jack draws on decades leading negotiations in life-threatening situations to share lessons on communication, emotional regulation, and decision-making under extreme pressure.

FEATURED FACULTY · REMOTE

Jeffrey M. Senger, Esq., FCI Arb

JAMS mediator and former U.S. Department of Justice ADR leader. Jeff has taught negotiation at Harvard, Columbia, Georgetown and the U.S. Department of Justice, combining academic insight with extensive real-world experience to explore negotiation strategy, decision-making under uncertainty, and effective problem-solving.

MORNING — DEAL-MAKING NEGOTIATION

Module 1 · A Working Map of Negotiation Theory

9:00 – 10:30 · 90 minutes

FOCUS:

Most lawyers never received a systematic survey of negotiation theory. Instead they inherited whatever model a firm, mentor, or client culture happened to hand them. This module lays the major frameworks side by side and is honest about where each performs and where it does not in legal practice. The deal-making versus dispute-resolution distinction runs through it as a practical lens, not a separate topic.

TOPICS:

- Positional bargaining
- Principled / interest-based negotiation
- Distributive vs. integrative approaches
- BATNA-driven strategy
- Tactical-empathy and communication-based models
- Legal rights vs. commercial interests vs. leverage
- Deal-making vs. dispute-resolution negotiation
- Strengths and blind spots of each model
- Where “best practice” underperforms in legal contexts
- Selecting and adapting a framework rather than applying one mechanically

APPLIED COMPONENT

Each model is paired with a short exercise or fishbowl, focused on the moments where legal protection, commercial value, client expectations, and relationships pull in different directions.

Module 2 · Negotiating Under Pressure

10:45 – 12:15 · 90 minutes

FOCUS:

Judgment tends to fail exactly when it is needed most. This module examines how time pressure, escalation, and incomplete information erode even experienced lawyers’ judgment, and how to stay deliberate without looking hesitant or unprepared.

TOPICS:

- How stress and time pressure affect judgment
- Urgency vs. manufactured urgency
- Recognizing pressure as a tactic
- Slowing a negotiation down without losing leverage
- Holding a deal-making frame when things turn adversarial
- Productive firmness vs. reactive escalation
- Managing the client’s pressure, not just the counterparty’s
- Noticing when instinct replaces analysis

APPLIED COMPONENT

A live exercise or fishbowl under simulated time pressure, debriefed not just on what participants decided but on the moment their judgment shifted.

AFTERNOON — LEGAL NEGOTIATION AND SETTLEMENT

Module 3 · Case Evaluation, Expanded with AI

1:15 – 2:45 · 90 minutes

FOCUS:

Sound settlement negotiation starts with disciplined case evaluation, but valuation is never purely mathematical. This module moves from the classical tools, to where they break down, to two distinct AI applications: as a valuation input, and as a tool for generating settlement structures a lawyer might not think of unprompted.

TOPICS:

- Expected-value and decision-tree analysis
- Probability assessment and litigation-risk evaluation
- Limits of numerical valuation
- Anchoring, loss aversion, optimism bias, sunk-cost effects, reactive devaluation
- Why lawyer and client evaluations diverge
- AI as a valuation input, and the risk of false precision
- AI as an option-generation tool for non-obvious settlement structures
- Testing AI-generated options against legal, commercial, and relational realities

APPLIED COMPONENT

A streamlined three-stage exercise: evaluate a case via expected-value/decision-tree analysis, reconsider it through cognitive bias and client dynamics, then run a brief AI-assisted pass to generate settlement structures beyond a straight monetary exchange.

Module 4 · Barriers to Negotiation: What Lies Beyond Them

3:00 – 4:30 · 90 minutes

FOCUS:

Settlements often stall for reasons that are not about the number at all: psychological, structural, relational, or organizational. This module helps participants diagnose the actual barrier before reaching for a new offer, and closes by naming a neutral third party as one possible structural response to specific barriers, not as a subject of its own.

TOPICS:

- Reactive devaluation
- Principal-agent misalignment
- Face-saving
- Attribution bias
- Entrenched positions
- Internal disagreement within a client or opposing team
- Information that cannot be credibly conveyed through direct bargaining
- Diagnosing the barrier before changing the offer
- Recognizing when direct negotiation may be making things worse

APPLIED COMPONENT

Participants diagnose a stalled negotiation and choose the right response: a different proposal, a different messenger, a sequencing change, more information, internal client work, a pause, or a neutral third party. This moves past the assumption that every impasse is solved by changing the number.

Q&A · 4:30 – 5:00 · 30 minutes

An open close to the day, held back until after all four modules so questions can draw on the full arc of deal-making, pressure, case evaluation, and barriers, rather than being scattered module by module. Practical questions tied to participants’ own live matters, where appropriate.

REGISTRATION & PRICING

Standard Tuition	US \$1,295
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Payment is made directly online to JAMS; participants receive an invoice from JAMS. Tuition covers JAMS’s faculty and course delivery only.

THE PRACTITIONER ADVANTAGE

Faculty bring more than negotiation theory. They work as neutrals and dispute-resolution practitioners, which means they routinely see what happens after a negotiation that looked successful fails to hold. That vantage point — watching agreements succeed or unravel from outside the room — shapes how this programme teaches lawyers to spot the blind spots inside their own.

Participation is intentionally limited
Advanced program · Immediate application



ADVANCING THE PRACTICE OF DISPUTE RESOLUTION WORLDWIDE

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