

# Family Law Education Reform Project

## William Mitchell Dispute Negotiation Evaluation

### OVERVIEW

This document is an evaluation for a dispute negotiation exercise.

### EXPLANATION AND COMMENTS

This evaluation may be used to assess students' performances in a dispute negotiation exercise. It may be distributed to students in the form of feedback, used to grade each student's performance, or both.

### ABOUT THE AUTHOR

*Contributed by the Faculty of:*  
**William Mitchell College of Law**  
St. Paul, Minnesota

The academic program at the William Mitchell College of Law is founded on legal theory and practical learning, professors who are both scholars and legal practitioners, and a student body that includes career professionals and recent college graduates.

The College of Law places an emphasis on practical lawyering skills by fusing together the curriculum and philosophy of teaching. From writing and trial advocacy program to their clinic program, the curriculum combines skills training with a focus on ethics and legal theory, preparing each student to be a powerful advocate and counselor to their clients.

<b>Dispute Negotiation Evaluation Sheet</b>	<b>WRAP</b> Spring 2008
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**William Mitchell College of Law (Writing & Representation: Advice and Persuasion)**

Professor: \_\_\_\_\_ Student \_\_\_\_\_

**Score**  
(up to 14 points): \_\_\_\_\_

**Getting Started:**

- Establishing rapport and constructive atmosphere (both lawyers)
- Persuasive preliminary statements (both)
- Sensible proposed agenda (inside counsel)

unsatisfactory	satisfactory			excellent

**Exchanging Information:**

- Obtaining information (primarily outside)
- Disclosing information (primarily inside)
- Maintaining accountability (either)
- Assessing interests (primarily inside)
- Refining issues (both)

unsatisfactory	satisfactory			excellent

**Exchanging Worth:** (primarily outside)

- Persuasive statement of offers and demands
- Effective response to offers and demands
- Focusing on parties' interests (inside too)
- Relying on objective criteria
- Effective exchanging of concessions
- Considering alternatives and developing creative solutions (inside too)

unsatisfactory	satisfactory			excellent

**Intra-team Caucus:** (primarily inside)

- Reviewing status of negotiation on various topics
- Reviewing areas of disagreement
- Discussing client's interests
- Considering other party's concerns
- Exploring next steps

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unsatisfactory      satisfactory      excellent

**Reaching Agreement:** (if reached) (primarily inside)

- Conformity with authority
- Better than client's BATNA
- Clear and fair

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unsatisfactory      satisfactory      excellent

**Professionalism:** (both)

- Confident
- Respectful
- Articulate
- Well prepared
- Organized
- Ethical
- Proper attire
- Proper attendance

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unsatisfactory      satisfactory      excellent