



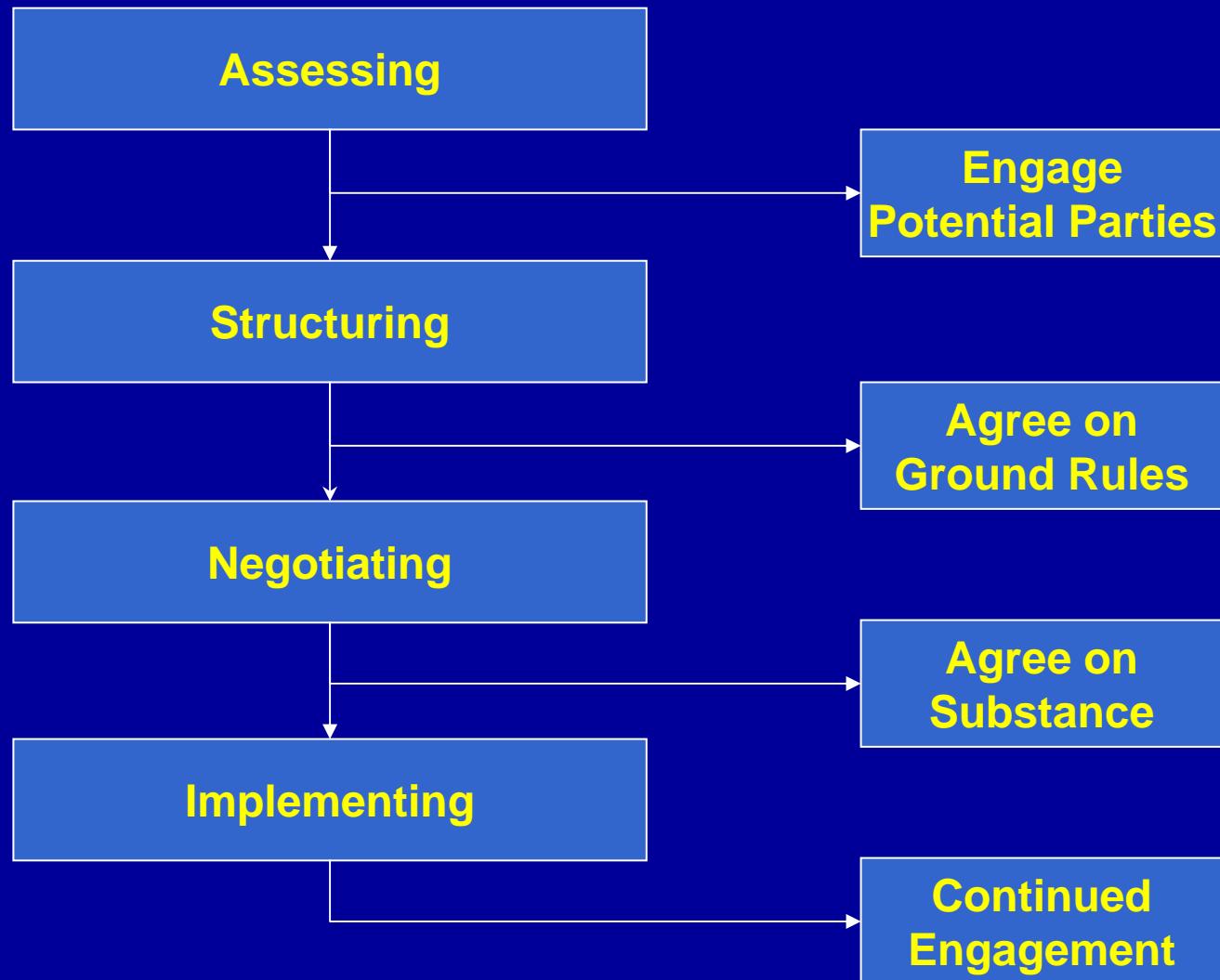
Resolving Conflict In Licensing Development

Northwest Hydroelectric Association
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The Four Stages of Negotiations



Stage 1: Assessing

- **Best Alternative To a Negotiated Agreement**
- **Time**
- **Cost**
- **Ability To Engage Parties**
- **Internal Support**

A Choice: Timing

Sooner

- Likely to engage technical people
- Focus on developing information
- May be hard to get attention of “players”
- Maximum flexibility
- Little incentive for closure

Later

- More likely to engage decision makers
- Positions may be entrenched
- Tight deadlines
- Work with available information
- Focus on closure

Stage 2: Structuring

WHAT: Scope of issues, nature of agreement

WHO: The parties and their representation

WHEN: Realistic timelines

**HOW: The decision process
Third party?**

A Choice: “Facilitator” or “Mediator”

Consultation

Negotiation

Facilitator

Mediator

- **Goals:**
 - Full participation
 - Orderly process
 - Better information for decision making
- Arrange meetings
- Manage meetings
- Ensure participation
- Technical focus
- Implicit negotiations

- **Goals:**
 - Agreement
 - Support of agreement
 - Implement agreement
- Convene the process
- Conduct joint and separate meetings
- Decision focus
- Explicit negotiations

A Choice: Representation

Consultations

Negotiations

Technical Experts

Lawyers

Decision Makers

Focus: Good Science

Role:

Provide information and advice

- on science
- on technical matters

Advocate

- Good science
- More science
- Choices

Focus: Legally Defensible

Role: Advisor

- Advise on law
- Advise on process strategy
- Advise on language and provisions in agreements

Focus: Policy Decisions

Based on best:

- science
- legal advice
- financial advice
- strategic advice

Role:

- Balance advice
- Balance tradeoffs
- Make decisions

Stage 3: Agreeing

- **Focus on goals and concerns, not predetermined solutions**
- **Joint information**
- **Create packages**
- **Work from a single text**
- **Points of tentative agreement**
- **Sequential ratification**

Stage 4: Implementing the Agreement

- **The test drive**
- **Written commitments**
- **Public commitments**
- **Dispute resolution process**
- **Cooperative implementation**