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Título: Beyond Winning. Negotiating To Create Value In Deals And Disputes

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Observing that today's tough, adversarial legal negotiations preempt mutually beneficial problem solving between parties, Mnookin (director of the Harvard Negotiation Research Project and a professor at Harvard Law School) and his coauthors urge lawyers to adopt a proactive, optimistic and realistic mindset to transform their practices. Though they are careful to acknowledge the difficulty of changing from the standard gladiatorial stance, Mnookin, Peppet and Tulumello present compelling examples of the advantages that such a change can bring in divorce cases, sales of existing companies, real estate deals and contract negotiations. Their comparison of litigation-gone-bad (e.g., the Buchwald v. Paramount Pictures lawsuit that benefited neither party) with more positive approaches (e.g., the problem-solving mode used in the once-nasty Digital Equipment Corp. patent infringement dispute with Intel) argues for serious consideration of their techniques. For those still resistant to giving up their Road Warrior ways, the authors provide tables of strategies with "Limiting Assumptions" contrasted with "More Helpful Assumptions" that dare even the most pigheaded to ignore common sense. Although Mnookin, Peppet and Tulumello have consciously aimed the book at attorneys who want to serve clients' broader needs better as well as to protect their interests, the authors' practical, straightforward and jargon-free style makes this a valuable resource for anybody who is about to hire an attorney, file a lawsuit or sign a contract.