

## Tuesday, October 20 9:00 am–10:30 am

# **1105 Psychology of Negotiation**

Mark K. Stephens Executive Vice President CAN Insurance

**Gerald Strachan** *Managing Attorney* AIU Holdings

**Ettie Ward** *Professor of Law* St. John's University School of Law

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## **Faculty Biographies**

#### Mark K. Stephens

Mark K. Stephens is vice president, legal services group for CNA Insurance where he is responsible for the general oversight, direction and strategy for staff and panel counsel representing CNA insureds in commercial, risk management, and specialty lines business units. Mr. Stephens provides strategic litigation management direction for staff and panel attorneys nationwide. His group is also responsible for the E-Invoicing system and centralized bill review of all outside legal fees for property and casualty.

Prior to joining CNA, he was deputy general counsel with the United States Small Business Administration in Washington, DC. He had direct oversight of Small Business Investment Company (SBIC) litigation and liquidation as well as home office and legal field operations. Prior to joining SBA, he was in private practice in Washington, DC and Washington, Pennsylvania.

Mr. Stephens was deputy editor-in-chief of the Ohio Northern Law Review. He is a past chair of ACC's Staff Counsel Committee. Mr. Stephens is a member of the Defense Research Institute and a member of the DRI Insurance Roundtable Steering Committee. He is also a member of the DC Bar and ABA.

He received his BA, cum laude, from Indiana University of Pennsylvania and his JD from Ohio Northern University.

#### **Gerald Strachan**

Gerald Strachan is a managing attorney for AIU Holdings in Philadelphia.

He is a member ACC and ACC's Insurance Staff Counsel Committee, serves on the board of directors of the New Jersey Defense Association, is vice chair of the ABA TIPS, ADR committee and is an editor of the Comprehensive Guide to the CGL policy. He is also a nationally recognized speaker on insurance defense litigation topics.

Mr. Strachan is a graduate of Rutgers School of Law, Camden.

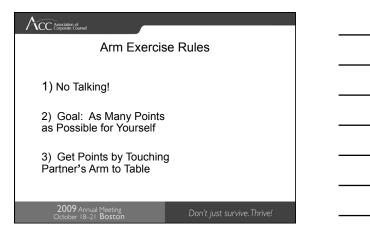
#### **Ettie Ward**

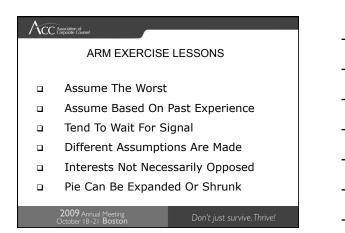
Ettie Ward is a professor at St. John's University School of Law in New York. She teaches and writes primarily in the areas of federal civil procedure and court process. Professor Ward also teaches international dispute resolution. She is the editor and contributing author of a book on legal issues involving the New York Yankees.

Before joining the law faculty at St. John's, Professor Ward was a litigator in a major New York law firm. While in private practice, she litigated complex securities, labor, fraud, contract, and other commercial cases in state and federal courts.

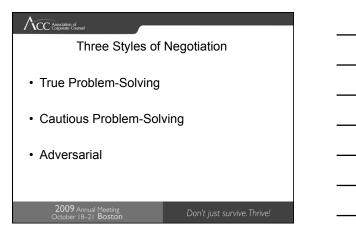
Professor Ward has been active in the Federal Bar Council, the ABA, the City Bar of New York, and the New York State Bar Association. She is a currently a member of the program committee of the Federal Bar Council and a director of the Federal Bar Foundation. She is currently a member of the executive board of the AALS Dispute Resolution Section. In addition to her bar and professional association activities, Professor Ward is a practicing mediator who currently serves as a pro bono mediator in federal district court.

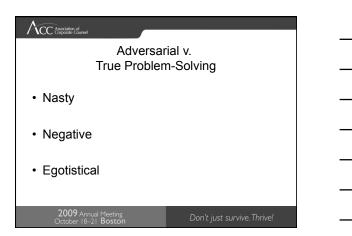
Professor Ward received her JD from Columbia University School of Law, where she was a Harlan Fiske Stone Scholar each year and a member of the Columbia Law Review. She received her BA, cum laude, from Barnard College.

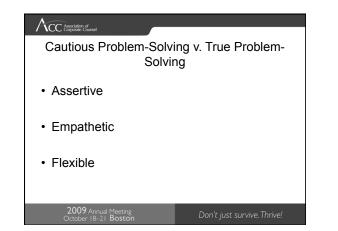




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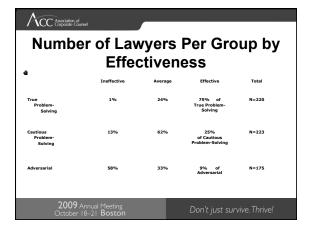






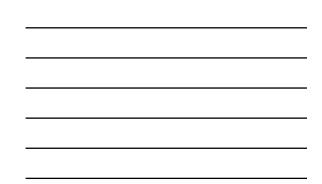
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| True<br>Problem-solving | Cautious<br>Problem-solving | Adversarial   |
|-------------------------|-----------------------------|---------------|
| Ethical                 | Ethical                     | Irritating    |
| Personable              | Experienced                 | Headstrong    |
| Experienced             | Confident                   | Stubborn      |
| Trustworthy             | Personable                  | Arrogant      |
| Rational                | Self-controlled             | Egotistical   |
| AGREEABLE               | Rational                    | Argumentative |
| FAIR-MINDED             | Sociable                    | Assertive     |
| COMMUNICATIVE           | Dignified                   | Demanding     |
| REALISTIC               | Trustworthy                 | Quarrelsome   |
| ACCOMMODATING           |                             | Confident     |
| PERCEPTIVE              |                             | Ambitious     |
| Sociable                |                             | Manipulative  |
| ADAPTABLE               |                             | Experienced   |
| Confident               |                             | Hostile       |
| Dignified               |                             | Forceful      |
| Self-controlled         |                             | Tough         |
| HELPFUL                 |                             | Suspicious    |
| ASTUTE ABOUT THE LAW    |                             | Firm          |
| POISED                  |                             | Complaining   |
| FLEXIBLE                |                             | Rude          |
|                         |                             |               |







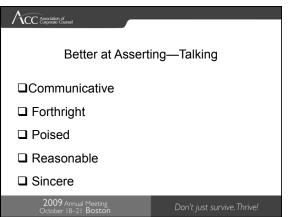


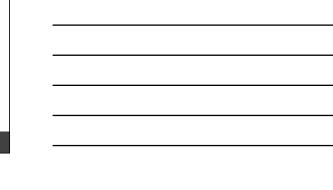


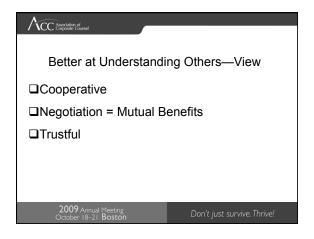
| Pleasant Personality                        |                            |
|---------------------------------------------|----------------------------|
|                                             | Dignified                  |
|                                             | Personable                 |
|                                             | Self-Controlled            |
|                                             | Sociable                   |
|                                             | Agreeable                  |
|                                             | Friendly                   |
|                                             | Poised                     |
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| ACC Association of<br>Corporate Counsel |                            |
|-----------------------------------------|----------------------------|
| Better at Asserting—Case                |                            |
| □ Astute                                |                            |
| Prepared                                |                            |
| No Unwarranted Claims                   |                            |
| □ Realistic                             |                            |
| Accurate Representation                 |                            |
|                                         |                            |
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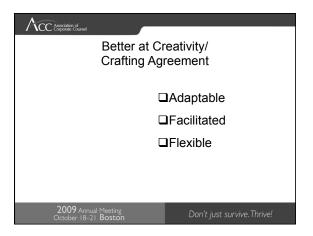
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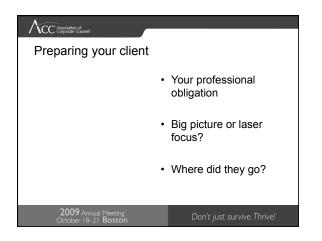


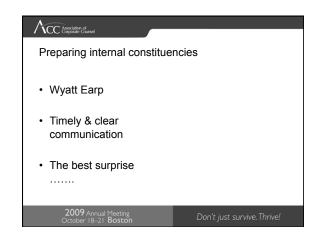


| ACCC Association of<br>Corporate Coursed                  |                             |
|-----------------------------------------------------------|-----------------------------|
| Better at Understanding Others—Listening                  |                             |
|                                                           |                             |
| Accommodating                                             |                             |
| □Agreeable                                                |                             |
| □Helpful                                                  |                             |
| □Perceptive                                               |                             |
| □Tactful                                                  |                             |
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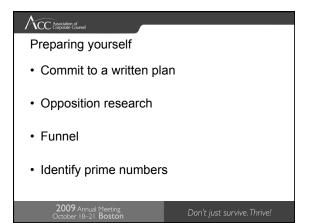


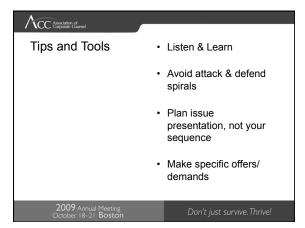


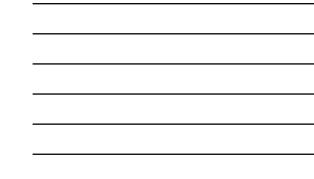


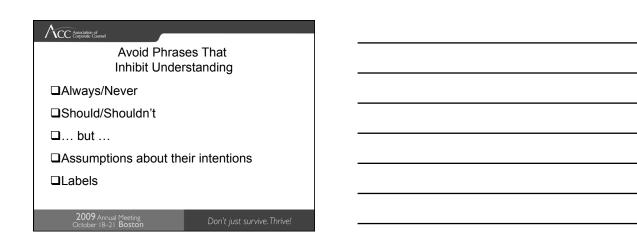
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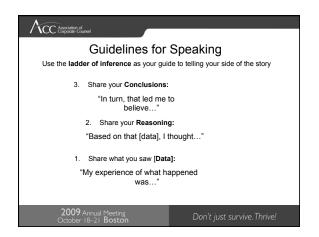


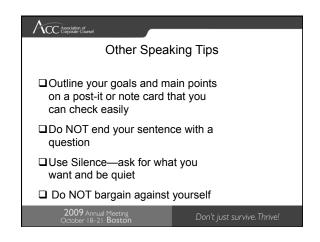


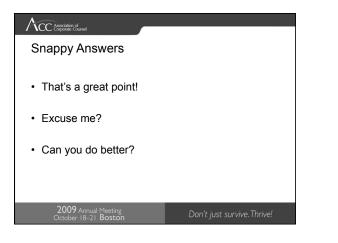


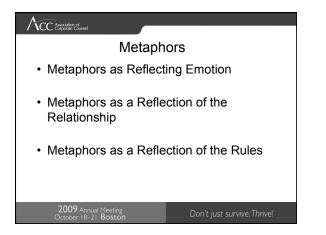


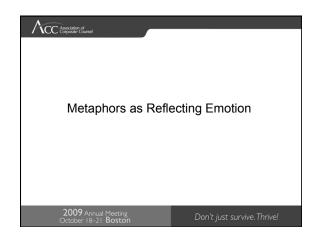


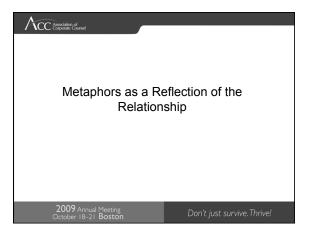




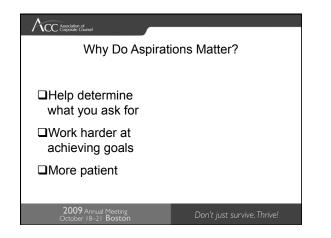






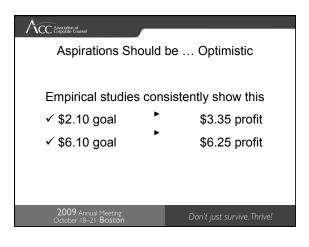






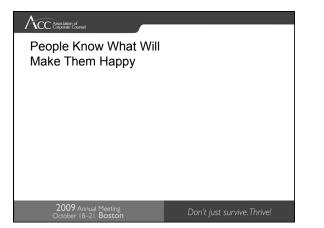


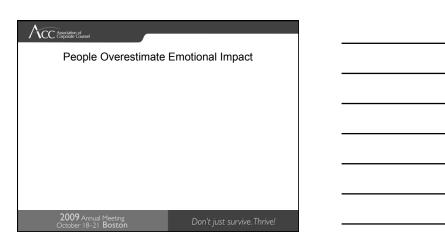






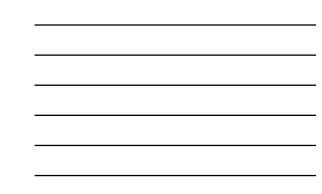






| CC Association of<br>Corporate Counsel      |                             |
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| Stress & Complexity of Negotiation          |                             |
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| ACC Association of<br>Corporate Coursed |                             |
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### ACC Extras

Supplemental resources available on www.acc.com

Negotiating Skills for Lawyers. Program Material. July 2008 http://www.acc.com/legalresources/resource.cfm?show=19811

Negotiating International Commercial Agreements. Program Material. March 2008 http://www.acc.com/legalresources/resource.cfm?show=19825

106 Building Better Negotiation Skills. Program Material. July 2006 http://www.acc.com/legalresources/resource.cfm?show=20194

Please note, these additional resources are provided by the Association of Corporate Counsel and not by the faculty of this session.