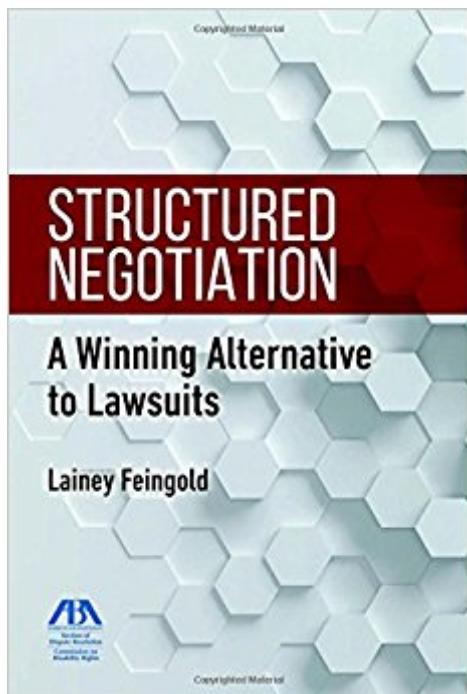


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# Structured Negotiation: A Winning Alternative To Lawsuits



## **Synopsis**

Without lawsuits, Structured Negotiation has led to settlement agreements with Bank of America, Walmart, CVS, Major League Baseball, Anthem, Weight Watchers, and a host of other organizations. Settlements with the City and County of San Francisco, Houston's Metropolitan Transit Authority, and Massachusetts General Hospital demonstrate the process is also a viable litigation alternative for disputes in the non-profit and public sector. Lawsuits play an important role in moving society forward. But the legal profession • and the public it serves • deserve less costly, less stressful, and more cooperative alternatives. Clients need a forum where stories matter and they can feel heard. Would-be defendants need a process that allows them to do the right thing without having to first prove there is no problem to begin with. Readers will learn: How to write an opening letter that invites participation; How to establish ground rules; How to hold collaborative meetings and bring in experts without discovery battles; How to give clients a meaningful role that respects their expertise and builds relationships.

## **Book Information**

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## **Customer Reviews**

Structured Negotiation has a reach far beyond the legal world. Imagine if routine business and design challenges were solved with a process that assumed the win-win outcomes described in this book. Lainey's focus on cooperation, collaboration, and problem-solving points the way to a world designed for everyone. • Whitney Quesenberry • Director, Center for Civic Design; co-Author, *A Web for Everyone | Designing Accessible User Experiences* (Whitney Quesenberry) As one of America's leading civil rights lawyers, Lainey Feingold uses Structured Negotiation to obtain

far-reaching settlements without litigation. Now she shares her secrets. This book should be required reading for lawyers and law students alike. • • Samuel R. Bagenstos, Frank G. Millard Professor of Law, University of Michigan Law School; Former Principal Deputy Assistant Attorney General for Civil Rights (Samuel R. Bagenstos) œLainey Feingold's thoughtful and experienced-based distillation of her new approach to resolving disputes through Structured Negotiation has the potential to make a major impact on how we resolve disputes. Bearing strong similarities to Collaborative Law, and integrating well with mediation, the Structured Negotiation model provides a detailed roadmap for principled peacemaking in complex cases. • • David Hoffman, Esq., Founder, Boston Law Collaborative, LLC; John H. Watson, Jr. Lecturer on Law, Harvard Law School (David Hoffman) œI've participated in a Structured Negotiation with Lainey Feingold and have seen first-hand how it achieves real benefits that are broader, less costly, and arrive much faster than through traditional litigation. This book proves that zealous advocacy and civility can coexist in the practice of law. It should be required reading for all lawyers. • • Denise Norgle, Division General Counsel, TransUnion LLC (Denise Norgle) œThis book offers an easy-to-read roadmap for a creative new approach to resolving legal disputes that will benefit all clients, from the most powerful corporation to the most disempowered individual. It should be mandatory reading for law students and every practicing litigation lawyer. • • David Lepofsky, visiting professor, Osgoode Hall Law School, Toronto Canada (David Lepofsky)

Lainey Feingold is an internationally recognized disability civil rights lawyer who has practiced Structured Negotiation for more than 20 years. Without filing any lawsuits, Lainey and her clients and co-counsel have used Structured Negotiation to negotiate comprehensive settlement agreements with Walmart, Major League Baseball, Bank of America, the City and County of San Francisco, and dozens of other organizations in the private and public sector. These agreements protect and expand the rights of blind people to access digital content, print information, and other technology. In 2017 Lainey was the individual recipient of the John W. Cooley Lawyer as Problem Solver Award, given annually to one individual and one organization by the Dispute Resolution Section of the American Bar Association. She also received a California Lawyer Attorney of the Year (CLAY) award in both 2014 and 2000. In addition to handling cases, Lainey Feingold mentors lawyers in the practice of Structured Negotiation and speaks, writes, and teaches about digital accessibility, disability rights, and Structured Negotiation. Follow Lainey on Twitter at @LFLegal or visit her website at [www.lflegal.com](http://www.lflegal.com) for more information.

It was a delight to work with Lainey, as Chair of the Publications Board of the American Bar Association, Section of Dispute Resolution, to help her shape her 20 years of work in distinguishing a brand new approach for resolving legal disputes, that she has appropriately named Structured Negotiation. Lainey's new approach lives in the formerly empty space between costly and risky litigation and mediation. Unfortunately, in far too many cases mediation is failing to fulfill the dreams of those of us who started that movement in the 80s. We envisioned creating a party-centered approach for resolving conflict. Instead mediation is become dominated by far too many retired judges, who continue in their role of judging, while misnaming what they do as mediation. Lainey's Structured Negotiation, instead, actually teaches the parties and their lawyers how to structure a process based on talking directly to each without the intervention of a 3rd party neutral. It is true party-empowerment. It is also an example of what our world desperately needs right now – a process for empowering individuals to have difficult conversations rather than fighting, literally or legally. If we are to save our planet for our children and grands (as we say in my home of South Carolina) we MUST learn to sit down and reason together, to collaborate in order to resolve our differences and together create a better world. I honor Lainey for her years of thoughtful development of this process and the hard work it takes to write such a terrific book. G.

Daniel Bowling, Esq. GD Bowling Mediation Sausalito, CA.

Having been involved with several structured negotiations that Lainey has conducted one way or another, I highly recommend the approach as well as the book. The non-adversarial method of working with companies have proven to be appropriate and educational for all parties involved. Unlike law suits where each party sits on the other side of the proverbial table, structured negotiations provide a collaborative environment that emphasizes listening and understanding before reaching a solution that all parties find workable. I cannot but highly recommend this book for anyone who is interested in a method of litigating that brings a little more sanity to our increasingly chaotic world.

An excellent book for anyone who wants to help companies make sustainable changes to improve the accessibility of products and services. A must read for those in companies who want to avoid lawsuits AND improve the experiences of customers who are older or who have disabilities. Moreover, the philosophy and processes can be used to change customer complaints to a company's competitive advantage. This book can help companies avoid expensive lawsuits and team with customers to not only comply with existing laws and regulations but do so in a way that is

a win-win for the company and its customers.

This book is for every lawyer (on both sides of the fence) willing to acknowledge that most of our procedural wrangles, discovery disputes and expert battles don't actually get us any closer to solving our clients' concerns. Structured Negotiation is particularly suitable for a disability-rights practice like mine, because it puts our clients front and center, encouraging solutions that we can validate as workable rather than solutions that may appear appropriate to people who don't personally experience the problem. Any lawyer and any client willing to focus on the fix rather than the fight can and should read this book. Ms. Feingold has done a service to the legal profession that will give us all better nights' sleep, fewer ulcers and longer and more rewarding careers.

This book is a must-read for anyone in the accessibility field. It's also a great read for anyone in the web design or development field, as it paints accessibility negotiations as something we can all do, together. Lainey Feingold's extensive experience and positive outlook really shine in this book, and I'm so happy she wrote it. I keep coming back to it again and again as a driver for progress in web accessibility and advancing civil rights.

Lainey has been walking the parallel walk to the growing ranks of lawyers who have shifted our practice to representing clients in non-adversarial approaches to resolving disputes like Collaborative Law, early mediation and settlement counsel. I have read her book, and it is a great teaching tool for this kind of dispute resolution with some practical "how to" sections and helpful anecdotes. Well worth adding to the library of any problem-solving, resolution-by-design lawyers.

Pathbreaking negotiation guide!!Lainey Feingold's thoughtful and experienced-based distillation of her new approach to resolving disputes through Structured Negotiation has the potential to make a major impact on how we resolve conflicts. Bearing strong similarities to Collaborative Law, and integrating well with mediation, the Structured Negotiation model provides a detailed road map for principled peacemaking in complex cases.

This fantastic guide to structured negotiations provides valuable insights for anyone interested in becoming a better advocate. Readers learn effective strategies through easy-to-follow explanations

with fascinating anecdotes from the author's work as a disability rights attorney. I really enjoyed reading this book and appreciate all the lessons within.

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