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Book Review - The Science of Settlement: Ideas for Negotiators

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PRACTICE & PROCEDURE

The Science of Settlement: Ideas for Negotiators.

Barry Goldman. 2008. ALI-ABA. Softcover. 208p.

ISBN: 978-0-8310-011-6. \$49 print, \$39 online.

Barry Goldman is an arbitrator and mediator in private practice in Detroit, and an adjunct professor at Wayne State University Law School. In writing this book, he draws on a career's worth of talent and experience to explain what works in negotiation and settlement, what doesn't work, and why. Perhaps more importantly, he helps readers understand the human psychological factors at work in the negotia-

*This book is easy and fun to read,
but not at all simplistic.*

tion and settlement processes, especially those he calls cognitive illusions and biases—the subliminal perspectives and beliefs that drive human bargaining behavior and that can undermine optimal outcomes. Once negotiators become aware of these psychological quirks, they can diffuse them in themselves, offset them in clients, and address them in an opponents in a way that lets everyone feel that they've gotten a good deal from the negotiation.

Goldman divides the book into six chapters that cover each stage of the mediation and arbitration process. Central to this process are subconscious beliefs and reactions, many of which developed in response to the ancient human fight for survival and may still be in operation today, even though they have become counterproductive. Goldman highlights the cognitive illusions and biases that come into play at each stage of a negotiation, and offers tips and insights into recognizing the processes and in side-stepping the negative effects. Some of these psychological factors need to be spotted and nullified in order to prevent clients from shooting themselves in the foot. Some can actually be cultivated to work for the common good in a settlement negotiation, and Goldman tells us how.

While the content is presented in the context of negotiation and settlement, it also addresses the psychological processes involved in any sort of decision-making. Examples of these phenomena in the preparation stage are the "Lake Wobegon Effect" (where subjects tend to overestimate their talents) and the "Endowment Effect" (where subjects tend to overvalue an object simply because it is theirs). In the bargaining phase, beware of the "Winner's Curse" (where subjects regret an easy win, even if it is what they were asking) and the "Confirmation Bias" (the tendency to give undue weight to new data that supports what we want to believe and to underweigh

data that does not). Even after an agreement is concluded, the parties may be plagued by counterfactuals—"what ifs"—things that did not happen but still influence the way the participants view what did happen.

Goldman includes numerous thought experiments that help readers relate to the content and identify their own illusions and biases. There are a startling number of strange little quirks of belief or perception that just about everyone has and of which most of us are unaware. This is one of the things that make this book so much fun: the seemingly endless little bursts of insight as readers realize that "it's not just me!" It also helps readers identify body-language cues that signal the operation of some of the cognitive processes.

This book is easy and fun to read, but not at all simplistic. Goldman writes in a down-to-earth, commonsense style that deftly blends the conversational with the profound. He uses everyday examples and analogies to explain a complex and evolving process, both in terms of human psychological responses and of the constantly developing settlement system. Value-added features include a glossary, an extensive bibliography, and a very good index.

Academic and law firm libraries would benefit from having this book in their collections, especially those with a practice or curriculum involving alternative dispute resolution. However, the book would be useful in any library—or for anyone seeking to become a better negotiator, a more productive team member, a more solid decision-maker, or a more useful participant in any collaborative or give-and-take venture. It is difficult to imagine a person with an open mind who wouldn't benefit from this book. It has maximum bang for the buck and is an entertaining read, as well.

—Rebekah Maxwell, Associate Director for
Library Operations, Coleman Karesh Law Library,
University of South Carolina School of Law, Columbia

REFERENCE

Consider the Source: A Critical Guide to 100

Prominent News and Information Sites on the Web.

James F. Broderick and Darren W. Miller. 2007.

Information Today, Inc. Softcover. 457p.

ISBN: 978-0-910965-77-4. \$24.95.

As a quick guide to news websites, *Consider the Source* is a good reference tool to have. The sources covered by the author range from CNN and *whitehouse.gov* to Rotten Tomatoes and the satirical website *whitehouse.org*. Each site is reviewed in the same fashion, with sections titled "Overview," "What You'll Find There," "Why You Should Visit," "Keep This in Mind," and "Off the Record." Most section