
In Practice

The Walk in the Woods: A Step-by-Step Method for Facilitating Interest-Based Negotiation and Conflict Resolution

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In this article, we describe a method we have used successfully in both academic and professional settings to rapidly introduce novice negotiators to the principles and practice of interest-based negotiation: "the walk in the woods." The walk incorporates much of the principles of interest-based negotiation: fostering self-awareness, cultivating curiosity, and understanding the importance of world view. The walk's effectiveness is illustrated in this article using the case of the merger of two large, complex health-care organizations.

Key words: negotiation, problem solving, mediation, health care, practice method.

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Guiding Novices through Interest-Based Negotiation

Negotiation professionals often lead groups whose members are unschooled in negotiation techniques through a conflict resolution or problem-solving exercise. In such situations, the focus is the dispute itself, and these professionals have neither the time nor the resources to conduct extensive training in the methods of constructive negotiation.

In this article, we introduce a structured analytic process that we call the “walk in the woods.” This model is based on concepts articulated by Roger Fisher and William Ury (1981) for the practice of what they called “principled negotiation,” but which is now more commonly referred to as interest-based negotiation. While not designed to replace formal negotiation training, our process has proven particularly useful for quickly helping novice stakeholders develop some basic tools for multidimensional problem solving and interest-based negotiation. It is intentionally simple but firmly rooted in both classic and contemporary negotiation scholarship.

The “walk in the woods” refers to the classic 1982 meeting of two Cold War nuclear arms reduction negotiators: Paul Nitze, leading the U.S. delegation, and Yuli Kvitsinsky, who led the delegation from the Soviet Union. Their interactions were dramatized by playwright Lee Blessing in his play *A Walk in the Woods* (1988). Facing a desperate impasse in their talks, the two men together left the retreat center outside Geneva, Switzerland, where they were meeting to, literally, take a walk in the woods.

On their scenic stroll, Nitze and Kvitsinsky discussed shared and divergent concerns, interests, and objectives. Each achieved a genuine understanding of what the other’s country faced in the escalating arms race, of what they might accomplish if they were to reframe their positions, and of how they might realize significant mutual force reduction, eventually reaching a compromise that could have involved significant arms reductions for both countries. (This was a particularly noteworthy objective given Nitze’s reputation as a hard-liner on relations with the Soviets.) Although their agreement was subsequently rejected by both Moscow and Washington, their meeting has come to be seen as an important example of the advantages of informal interpersonal bargaining and interest-based negotiation (Kremenjuk 2002).

By telling the story of the walk at the beginning of a problem-solving exercise, the facilitator or instructor can accomplish two objectives: establishing the legitimacy of the process and putting the issues on the table into a larger perspective. After all, if Nitze and Kvitsinsky’s walk could break an impasse over nuclear weapons, couldn’t it also help resolve a labor dispute, merger challenge, or other more mundane matter?

The walk in the woods, as described here, is a structured negotiation and conflict resolution method that focuses attention on the interests, motives, and objectives of participating stakeholders (Watkins 2002). Its

purpose is to guide mediators, instructors, and negotiators in order to improve their effectiveness and efficiency by expanding the range of interests and objectives that can be incorporated into the negotiation process (Ury, Brett, and Goldberg 1988). When adversarial interactions find parties in conflict, this structured, four-part design for renegotiating working relationships can, we believe, help negotiators incorporate the interests, goals, and concerns of the many parties who have a stake in both the negotiation process and its outcome. The model and its premises can be used to facilitate complex multiparty negotiation, to mediate conflict, or to guide an individual through the steps and premises of interest-based negotiation.

The Conceptual Origins of the Walk in the Woods

The literature on interest-based negotiation has long lauded the advantages of stakeholder interaction and of bargaining that is based on mutual interests and overlapping objectives (e.g., Fisher and Ury 1981; Fisher, Ury, and Patton 1991; Fonstad, McKersie, and Eaton 2004). Research in the fields of game theory and decision analysis has supported the premise that each individual player achieves more and with greater security if parties with mutual interests aspire to the common good and with that, invest less on costly and distracting competitive behavior (Raiffa 1982). We believe systematically guiding novice negotiators and mediators through such steps in the negotiation process as revealing interests, reframing assumptions, encouraging creative problem solving, and then engaging in the complex give-and-take of reaching agreement would help them better achieve mutually beneficial outcomes and overcome obstacles along the way (Folberg and Taylor 1990; Marcus et al. 1995; Wheeler 2006).

We have used the walk for fifteen years as the core of a semester-long, graduate-level academic program, as well as in our work as consultants in the field in complex, multidimensional, multiparty disputes, primarily in health care. In order to help novices expand their options beyond positional bargaining, facilitators need to employ a strategy for constructing a clear, balanced, and transparent process: what it is, how it works, and what it can achieve. By clearly delineating steps that build upon what motivates or could motivate the parties, professionals can build novices' confidence in the method of negotiation and in the benefits and fairness of the potential outcome (Gray 1989).

The Dimensions of Negotiation

A central challenge for the negotiator or conflict resolver, whether a neophyte or experienced practitioner, is to identify and track the many personal, substantive, and distributive factors that must be accounted for on the road to reaching agreement. A central principle for assembling the key information is multidimensional problem solving (Smith 2005). Multidimensional problem solving refers to the breadth of issues relevant to both the

negotiation process and outcome, and the fact that they will be perceived differently by the stakeholders depending on their own perspectives, interests, and objectives in the negotiation (Landau, Landau, and Landau 2001).

The “dimensions” of the negotiation could include the tangible and intangible gains that each party hopes to achieve, the relative power and influence of each of the stakeholders, the experiences that each party brings to the table, and the history of the parties’ relationship to each other (Bazerman 1998). Negotiation is in part a discovery process, and each negotiation carries its own unique set of dimensions. The walk-in-the-woods method is designed to help parties identify the relevant dimensions of their particular negotiation and then determine how to achieve them through the negotiation process. Failing to uncover these critical dimensions would be tantamount to negotiating blind (LeBaron 2002).

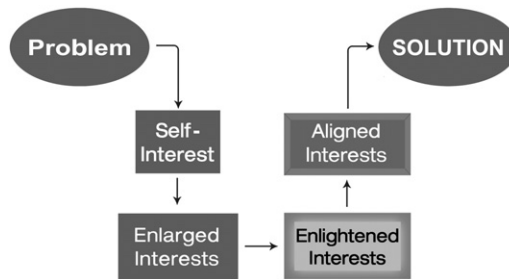
Problem solving may be unidimensional, two-dimensional, or multidimensional. Unidimensional, “me-for-me,” and two-dimensional, “me-against you,” negotiators engage in classic adversarial conflict. They uncover information on other parties for the purpose of triumphing over them: learn their vulnerabilities, develop a strategy to exploit them, and then work toward victory (Cloke and Goldsmith 2001).

The walk-in-the-woods process encourages participants to take a multidimensional approach, to acknowledge a broader array of factors. It is structured to encourage rapid understanding of a problem and smooth progression through the necessary steps for solving it. Because the accomplishment of a mutually beneficial solution often requires discovery of new ideas, dimensions, and motivations, the walk provides opportunities to engage in creative, innovative, and no-commitment brainstorming. By the time they arrive at the final step of the walk, the negotiators should be seeking solutions that address their combined interests. In the process of creating a shared solution, they accumulate the good will and “buy-in” necessary to successfully implement the deal they have reached (Ury 1991). The walk-in-the-woods process is, thus, exceptionally well suited for resolving disputes in which the parties must maintain an ongoing relationship.

Case Study: A Surgical Merger

In the following sections of this article, we describe each of the steps of the walk in the context of a case study of an actual negotiation in which it was employed. The case involves the merger of two large, established academic medical centers. Each had a different religious affiliation, and each was a major player in the regional health-care marketplace. The two institutions were located within a few blocks of each other. Here, they are called “Alpha General Hospital” and “Omega Medical Center.” We were engaged to facilitate the negotiation of postmerger integration at the institutional level as

Figure One
The Walk-in-the-Woods Process



well as within multiple departments and practice areas involving hundreds of clinicians and managers. Here, we discuss how we used the walk-in-the-woods framework with the two hospital surgical departments.

The walk was employed to provide a large and diverse set of constituencies a common vocabulary and process, an accessible conceptual framework, and a practical tool set for conflict resolution and negotiation. Few of the individuals involved had been previously exposed to interest-based negotiation, and the time in which to resolve issues was limited. We were recruited by the leadership of the merged entity to train hospital staff in interest-based negotiation as well as to facilitate specific disputes that threatened to impede progress integrating the two institutions (Figure One).

In this case, each institution wished to continue to accommodate its established customer base: Alpha General Hospital served a primarily local population while Omega Medical Center served primarily as a regional referral center for complex, specialty surgery. Both surgical departments identified a range of goals, including the desire to maintain high patient satisfaction and outstanding levels of patient care and patient safety, and also to retain premerger patient volume and revenues. Each department also wanted the primary surgical suites to be located near the emergency room (even though Omega Medical did not have an emergency room at the time).

Both surgical departments wanted their own current chief of surgery to head the merged entity, and each wanted the primary surgical facility to be at its location. Each wanted to retain its original governance model: Alpha General's department was run by a single chief of surgery while Omega Medical's was run by a council of subspecialty section chiefs of which the chief of surgery was chair. The surgeons at Alpha were adamant that each surgeon should continue to cover his or her own calls, while at Omega, residents routinely covered calls, greatly relieving the demands and

stress on the attending surgeons. For surgeons, these sorts of practice and style differences reflected a huge gulf between the groups.

In this case, the two institutions, overall, had been long-standing rivals in the marketplace. This competitive sense was even more pronounced for the surgical departments, which had distinguished themselves by what each considered a superior practice model—and by temperament, selection, and natural inclination, surgeons in general are among the most adversarial of physicians.

Step One: Revealing Interests

Parties in conflict are not naturally inclined toward the sort of discussion that will ultimately generate an interest-based outcome — they often initiate the walk in the woods in a positional frame of mind with a reservoir of suspicion and mistrust. One purpose of the process is to help parties begin to build or restore confidence and ultimately trust in one another. During the first step of the walk, each party states his, her, or their interests: what he, she, or they hope or need to gain or achieve in the negotiation. All parties are instructed to actively listen to and converse with one another in a nonadversarial manner. The conversation helps parties uncover their underlying interests (Fisher, Ury, and Patton 1991). The hoped-for result is that parties will gain both self-understanding and awareness, as well as appreciation for the other party's interests.

For a walk-in-the-woods facilitator, the most important tools for guiding participants are the questions: a series of inquiries that seek to elicit the interests, expectations, and goals of those around the table. As the parties speak, they are encouraged to answer in a straightforward, nonadversarial manner. Furthermore, others are encouraged to carefully listen for and attend to what is being expressed (Rogers and Farson 1987). We ask each party if they feel that they have put all relevant items on the table and if they feel that the other party has acknowledged them. If so, it is time to move on.

With the surgical departments, the first step of the walk concluded when we assessed that the parties had developed appreciation for their legitimate differences and when those differences were no longer a source of automatic hostility. Indeed, this step revealed that there was much about which the groups from Alpha General and Omega Medical agreed.

Once the parties genuinely engaged one another — in part because they recognized that the decision on whether to merge the hospitals was a foregone conclusion, and they were, for all practical purposes, “stuck” with one another — they discovered multiple opportunities to reframe their differences and create a set of options that they had not before considered or discovered. For example, they recognized that the liability of their differences could be seen as an asset: a larger pool of patients, greater diversity of services, and a broader base for research. Metaphorically, they laid their arms to rest and were ready to take the next step on the walk.

Step Two: Enlarging Interests

In the second step of the walk, the parties are asked to identify and list their points of agreement and disagreement. Often, even in highly contentious conflicts, the parties discover that their points of agreement significantly outnumber their disagreements. They may share a common set of values. Both parties are likely to recognize the downsides of a continuing conflict and the possible advantages of resolving it. Surgeons, for example, can be expected to have many experiences, aspirations, and values in common.

Negotiation theorists often point to the importance of “frames” in negotiation. A frame is a cognitive construct (or perspective or story) that parties use to organize and evaluate information about the issues under consideration (Senge 1994). The data that parties use to assemble their frames are self-generated and can serve a combination of substantive and symbolic interests. Once parties have a deeper understanding of each other’s interests, the newly acquired information can reshape how they perceive the possibilities for resolving their conflict. By engaging in this process together, the parties are more likely to walk away from interests that are simply symbolic bargaining chips or attempts to penalize the other party. The focus is on interests of true value.

To create a new frame, it is useful to systematically assemble new information in a way that will allow for its constructive reinterpretation (Argyris and Schön 1996). How can this be accomplished?

When parties see the conflict through a competitive, “me-against-you” frame, they will typically focus on areas of disagreement. To break from that line of thinking, the enlarged interests phase of the walk places a new focus on the often-hidden points of agreement.

In the case of the merging surgical departments, parties reached agreement on what each considered the most important issues: patient satisfaction, standards for patient care, and patient safety. They both wanted the combined entity to be viewed as a leader in surgical practice and to have a respected reputation. They also agreed that revenue generated by the new merged department should match or exceed what the two separate departments had earned. The points about which the parties agreed were listed on an easel at the front of the meeting room for all to see.

On a second easel, the disagreements were listed. Disputes included who would take the chief of surgery position, how the department would be organized, where the facilities would be located, and how the on-call schedule would be handled.

A comparison of the two lists revealed that their areas of agreement were more numerous and of greater significance than their areas of disagreement. The two departments recognized that many of their interests and goals overlapped, which increased their confidence in their ability to develop a plan that could advance their shared objectives.

The enlarged interests exercise encourages each party to see the other side as a potential ally to be recruited rather than an enemy to be defeated. The objective is to reinvest their energies toward exploring shared solutions — to create value out of what had been conflict (Bordone and Moffitt 2006). It is a discovery process because, in most cases, the parties do not initially recognize the extent of their mutuality of concerns, obstacles, and objectives.

Through reframing, the parties can now see themselves as partners in an interdependent relationship whose successes and failures have the potential in many cases — certainly in the case of such entities as hospitals — to directly affect the fate of others in their surroundings (Marcus 2002).

Step Three: Enlightened Interests

Negotiation at its best is a process for finding and taking advantage of opportunities, a chance to explore fresh ideas. The most creative negotiators hunt for possible advantages and devise ways to realize them. In the third step of the walk, the parties use an exploratory and creative brainstorming process to develop new ideas that would have been likely unthinkable prior to these discussions. Parties would be unlikely to engage in creative and inspired brainstorming if they were still embroiled in highly polarized conflict. The discussion during step two helps break through their barriers and brings clarity. The core of step three is a method to encourage creative problem solving and to practice mini-deal making.

Representatives of the two surgical departments were instructed to brainstorm together (Fisher and Ury 1981), with the hope of generating as many creative ideas as possible. Commentary, editing, or disagreement was “off the table,” and a “no commitment zone” was established in which options could be identified without fear of obligation.

One of the first insights that the groups had was that they could systematically evaluate the solutions being proposed as a test of whether they met mutually agreed-upon priorities. For example, when deciding where to locate the emergency room, both groups agreed that patient care, safety, and satisfaction trumped convenience. Both teams’ new idea was that a new emergency facility be part of Omega Medical’s ongoing building expansion and that Alpha General’s emergency services be greatly curtailed. This plan further allowed the two groups to agree to reallocate residents in a way that would alleviate some of the differences over how to handle on-call assignments.

As they approached the topic of governance, both surgical groups also acknowledged that the new combined group would be much larger than either of the original units, and that the larger entity could, therefore, offer a set of services that previously had only been available through one or the other. They agreed that they should reorganize with that intention in mind.

As the groups brainstormed, they generated more than three dozen new ideas. The dialogue was fluid and animated. Mistrust faded as each group accepted that each held part of the solution, but neither of them alone had the “perfect” solution to any or all of the issues on the table. Only through their joint creativity could they create sustainable solutions.

After the brainstorming list was complete, every point was individually discussed and assigned a value of 1, 2, or 3 according to its level of agreement. If everyone agreed on a point, it received a “1.” Where there was clear disagreement, it was rated as a “3.” And where there was ambiguity about agreement or disagreement, the idea was assigned a “2.” (Similarly, the points could have been categorized according to other characteristics, such as feasibility, time-frame — what could be done in the next week, month, or year — or acceptability to represented constituencies, such as the board of directors, staff, or a labor union.)

After going through each point, the group engaged in one last review of the ideas that received a 2 (“maybes”), asking whether anything additional that they learned through the rating exercise was sufficient to nudge any point up into the 1 grouping (“deal makers”) or down to the 3 category (“deal breakers”). Here, they revisited two remaining points of contention: who would be chief of surgery and how surgeons would be paid. They all acknowledged that these would have to be resolved. They crafted possible solutions that reflected as much “give” as “get” — and that both Alpha General and Omega Medical perceived they could shape into a final agreement they could support. This set of ideas was carried into the next step of the walk where the substantive bargaining would take place.

In addition to providing substantive points for later negotiation, this sorting exercise serves as a “warm-up” for the bargaining to occur during the next step of the walk. If the enlightened interests generate forty new items, the negotiators will have forty opportunities to engage in mini-deal making. The low-stakes discussion about each item gives them a chance to get to know one another, experience how they differently perceive the issues and outcomes, and practice arriving at initial agreements — in this case, agreeing about what they did and did not agree on.

Step Four: Aligning Interests

The final step of the walk is the conclusive bargaining phase, when the parties finalize the arrangements of the deal they have been negotiating. The first three steps of the walk serve as prelude to the decisions that are reached during the aligning interests phase. As implied in its name, the purpose of this step is to guide the parties toward an outcome that integrates what they each hope to achieve.

To achieve alignment, priorities must be defined. Each party to the negotiation has his or her order and hierarchy of interests. During the bargaining phase of this concluding step, the participants articulate what

they “need,” “want,” and “would like” *to get*, and what they are “eager,” “willing,” and “unwilling” *to give* in order to make the deal. Lists differ as the discussion moves around the table. Often, a number of high-priority items at the top of each list drop into the secondary category as the parties weigh the relative value of each specific negotiating point in light of the overall objective of consummating the deal. The discussion during this step is designed to satisfy the optimum combination of both parties’ interests.

The two surgical groups in our case arrived at consensus on the disagreements that surfaced in the enlarging interests step of the walk by refining and embracing propositions developed in the enlightening interests step. The governance model on which they agreed hewed closely to the council-based management structure in place at Omega Medical. It was accepted because it better fits a much bigger group of surgeons offering a broader array of services, not because Omega Medical outmuscled Alpha General.

They decided that each surgical group would maintain its existing operating theaters in their facilities because the combined volume of patients required both locations to be operational. They agreed to advocate for the building of a new emergency facility at Omega — where none currently existed — and to curtail plans to expand the facility at Alpha General. Moving the emergency department was a possibility none of them would have imagined before the walk. Their rationale for each of these proposals built upon their shared values and patient focus, and both were ultimately adopted by the board of directors.

In what was another major achievement, they agreed that the chief of surgery at Alpha General would assume that role in the merged unit, and the chief of surgery at Omega Medical would become assistant chief. Alpha’s chief of surgery was significantly older than his counterpart at Omega, and it was agreed that Omega’s chief would assume the chief of surgery role when his counterpart retired. When this occurred, a search would be launched for a new assistant chief.

To address the compensation issue, the two groups developed a hybrid model that preserved some of what each group liked about its existing model while also adapting to one another. They had established enough goodwill and confidence in one another to be willing to try something innovative that would have a positive impact on both overall revenue and their individual incomes.

Ultimately, such negotiations result in a deal because each party has achieved enough recognizable gain: they each “get” something. What they each get certainly does not need to be identical, and it does not need to be of equal monetary value; it is gauged by the relative value it has for each stakeholder.

Negotiation outcomes have both present and future value: the current dollars on the table as well as the value of future opportunities arising from

agreement. Parties may gain from the exchange of knowledge, synergy of ideas, and boosted morale that arise from developing a satisfying partnership. By attributing clear value to these dimensions of the deal — some of which are intangible, and therefore defy concrete measurement — negotiators discover new options for value creation through their generative and interest-based approach to crafting an agreement.

The arrangement must meet several tests if it is to endure. It must be acceptable to each of the constituents and make conspicuously clear what each stakeholder has to gain from it, and it must acknowledge what each stakeholder has put on the table. As each side evaluates the deal, it must meet — in its balance — the test of fairness (Bazerman and Neal 1995) in order to meet the test of time.

The process is codified in a form appropriate to the nature of the negotiation: a memorandum of understanding, a contract, or other written agreement that is precise in its language and depiction of the process and outcome, and acceptable both to those who participated as well as those who did not but who will ultimately judge what occurred. Reaching agreement is not to be taken lightly. It is hard work, requiring a wealth of patience, perspective, and flexibility. What was achieved is significant not only for what it clarifies about the past, but more importantly for what it opens for the future.

The Logic of the Walk

The walk takes negotiators and often their mediators or facilitators through a step-by-step method to create multidimensional solutions to the problems they face. The walk is distinctive in that it is straightforward enough for the untrained negotiator to grasp — and explain to others who may have an interest in the negotiation but who were not directly involved — but it is built on both negotiation scholarship and our years of practical experience as negotiation facilitators.

In practice, the walk serves as a detour from the normal course of discussion. Why a “detour?” Often, parties involved in problem solving advance too quickly to a debate about solutions, arguing the relative merits of one over the other, often before they have reached consensus on the definition of the problem, how it might be perceived or experienced differently by different constituencies, and how it might affect these stakeholders.

The walk circumvents this entanglement by providing a systematic process to build solutions as a joint enterprise (Susskind and Cruikshank 1987). The four steps of the walk in the woods each entail a specific negotiation activity. That activity generates an explicit outcome that prepares negotiators for what is required in the next step. The steps are designed and ordered to allow participants to explore and exchange what motivates each of them through the process. By revealing those motives

and working to transform them, parties are more likely together to develop solutions based on their combined interests. The walk explicates the link between process and outcome: achieving an optimum negotiated outcome requires optimizing the process through which that outcome is reached.

By design, the walk in the woods intends to address the problem of collecting, exchanging, and analyzing data critical to negotiation decision making. Although not a perfect or fail-safe process, the walk explicitly encourages stakeholders to place information on the table, to pay attention to what others have added, and then to use this fuller picture to drive the direction of the negotiation. It is an organizing method for the task facing the negotiators (Deutsch and Coleman 2000). Through the process, interests, options, and consequences are made explicit. By deepening the understanding of the multiple dimensions of the problem, issues, or conflict that brought them to the table, the walk helps participants distinguish what is important from what is not and what is more important from what is less important.

The walk in the woods is as much a personal discipline used to informally guide discussion with others as it is a structured method to facilitate complex professional problem solving (Kurtzberg and Medvec 1999). For negotiation educators and facilitators, it can be used as a guiding framework for interest-based negotiation. In the course of their walk, participants are introduced to key concepts of interest-based negotiation and given the opportunity to apply them immediately through a framework that on the one hand is easy to grasp and on the other encourages the pursuit of a deeper understanding of the negotiation issues. The walk demonstrates that a formally structured negotiation process can be firmly rooted in negotiation scholarship and can also be profoundly practical.

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