

Bias Beware: Start Strong, Stay Ethical and Negotiate Successfully



MONDAY, NOVEMBER 9, 2026

Approved for 4.5 CLE credits (3.5 Law and Legal Procedure + 1.0 Ethics).
\$159 - Standard
\$139 - New Members*

Washington State Bar Association
1325 Fourth Ave., Suite 600 | Seattle, WA 98101

WEBCAST
ONLY

DESCRIPTION

This session brings together perspectives on preparing both lawyers and clients to enter negotiations with clarity and confidence. It also dives into the ethical dimensions of negotiation, highlighting practical considerations that guide responsible practice. Finally, participants will explore how decision biases impact the litigation process and practical tips to address these common challenges.

FACULTY

Steve Festor - Emerald City Mediation, LLC, Seattle
Jeanette Nyden - Sound Partnership Strategies, Inc., Seattle
Rick Gautschi - Gautschi Mediation Services, LLC, Seattle
Pete Nye - Gautschi Mediation Services, LLC, Seattle

SCHEDULE

12:10 p.m. > Webcast Log-In Opens

12:25 p.m. > Welcome and Introductions

- Jennifer Holderman - Washington State Bar Association, Seattle

12:30 p.m. > Decision Biases: Impact on the Litigation Process

120 minutes, 2.0 credits L&LP

This seminar examines decision biases commonly experienced by attorneys and their clients. When making strategic judgments, attorneys rely heavily on intuition and anecdotal evidence to the exclusion of more systematic decision modeling techniques. The approach invites costly biases. These decisions biases are unconscious errors that most often occur when a decision maker avoids systematically evaluating the complexities of a decision, but rather relies on mental shortcuts (simplifying heuristics) that require less cognitive effort. Examples would include relying heavily on intuition or anecdotal evidence, overweighting recent experience or vivid evidence, and allowing emotions rather than analysis to drive decisions. These biases can impede the settlement process and lead to suboptimal outcomes.

- Rick Gautschi - Gautschi Mediation Services, LLC, Seattle
- Pete Nye - Gautschi Mediation Services, LLC, Seattle

1:30 p.m. > BREAK

1:35 p.m. > Decision Biases: Impacts on the Litigation Process (cont.)

2:35 p.m. > Before the Table: Preparing Yourself and Your Client to Negotiate

75 minutes, 1.25 credits L&LP

Most negotiation training focuses on tactics at the table — this session goes further upstream. It examines how lawyers can prepare for a negotiation by (1) building a rigorous, evolving risk assessment before mediation, (2) planning their negotiation strategy, and (3) preparing clients to recognize their own psychological blind spots, manage expectations, and stay grounded under pressure.

- Steve Festor - Emerald City Mediation, LLC, Seattle

3:50 p.m. > BREAK

4:00 p.m. > Negotiation Ethics

75 minutes, 1.25 credits L&LP

This CLE will present an overview of two Washington Rules of Professional Conduct (RPC) that lead to a misunderstanding of a lawyer’s duty to make truthful statements in negotiations. The apparent conflict between RPC 4.1 and RPC 1.3 contribute to lawyers making potentially fraudulent misrepresentations during negotiations. The two duties discussed are:

1. A lawyer’s ethical duty to be truthful (RPC 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS),
 2. The ethical duty to advocate for her client (RPC 1.3 DILIGENCE).
- Jeanette Nyden - Sound Partnership Strategies, Inc., Seattle

5:15 p.m. > Adjourn • Complete Online Evaluations

REGISTRATION

To register online, please go to the [registration page](#). Click to add to cart and complete your purchase. You may pay by credit card, or via ACH. Alternatively, you may print and mail an invoice seven business days prior to the program along with your check payable to WSBA. Credit card payments by mail or fax are no longer accepted. Note, our service provider will charge you a separate, non-refundable transaction fee of 2.5% on all bank card transactions.

Effective Oct. 1, 2025, applicable sales tax will be applied to all live seminar registrations (in-person or virtual). For more information, refer to changes to [Washington sales tax law](#).

If special accommodations are needed, please email cle@wsba.org or call toll-free at 1-800-945-9722.

☐ Please omit my name from the networking list made available to exhibitors and/or attendees.

PRICING INFORMATION

☐ **#27142 WEB, attend via webcast, 11/09/26**

- ☐ \$159 - Standard
- ☐ \$139 - New Members*

**Active members of the Washington State Bar Association will be considered New Members through the calendar end of the tenth year following admittance to practice in the state. The store will automatically discount registration, if applicable, during checkout.*

Seminar Registration Transfers, Refunds and Cancellations

In most circumstances, if you cannot attend the live event, we can transfer your registration to the on-demand product, once available (8-10 weeks from the program delivery date). Generally, for webcast/webinar registrations, tuition fees may be refunded, less \$25 for processing, for written cancellations postmarked, emailed, or faxed up to the start of the event. For in-person registrations, tuition fees may be refunded, less \$25 for processing, for written cancellations postmarked, emailed, or faxed by 5 p.m. up to three business days before the event. No refunds will be provided after the dates specified. You may also send a substitute in lieu of canceling. *When applicable, specific exceptions to these policies will be noted on individual event registration pages.* Please email cle@wsba.org with any requests or questions.

ONLINE > Go to www.wsbacle.org and enter **27142** in the search box. Payment by credit card.

PHONE > Call **800-945-9722** or **206-443-9722** with credit card and registration/order form in hand. Our service provider will charge you a separate, non-refundable transaction fee of 2.5% on all bank card transactions.