

TRENDS IN LEGAL EDUCATION



Article

DOI: 10.17803/2713-0533.2024.1.27.159-177

Significant Aspects of Teaching Legal Negotiations to Law Students in Russia

Nadezhda A. Kalmazova,¹ Elena G. Vyushkina²

¹ *Peoples' Friendship University of Russia named after Patrice Lumumba,
Moscow, Russian Federation*

² *Saratov State Law Academy, Saratov, Russian Federation*

© N.A. Kalmazova, E.G. Vyushkina, 2024

Abstract: The paper deals with the overview, prioritization and analysis of the elements that are inalienable in legal negotiations and teaching modules of the course on negotiations. An experienced legal negotiating coach keeps in mind a number of vital elements of the course, such as personal characteristics of learners, stylistic patterns and cultural features. The data collected in the research supports the fact that cultural shifts reflected in the statements of negotiators have a direct impact on the negotiation result and often lead to misunderstandings and inability to reach an agreement. For instance, Russian businessmen often unconsciously apply inflexible aggressive integrated strategy of negotiations. Thus, the negotiation course module devoted to cultural awareness and appropriate negotiating strategies development should contain, *inter alia*, information connected with authentic reactions of negotiators belonging to a particular ethnic group, and this information should be scrutinized and deeply considered. Consequently, it will be useful to apply the priming teaching technique through the comparison and analysis of students' responsive statements with native speakers' responsive statements in one and the same simulation which will

facilitate mastering successful negotiation skills leading to a package deal beneficial for all parties.

Keywords: negotiation; strategy; culture; package deal; cross-cultural awareness

Cite as: Kalmazova, N.A. and Vyushkina, E.G., (2024). Significant Aspects of Teaching Legal Negotiations to Law Students in Russia. *Kutafin Law Review*, 11(1), pp. 159–177, doi: 10.17803/2713-0533.2024.1.27. 159-177

Contents

I. Introduction and Research Methodology	160
II. Inalienable Elements of Negotiations	161
II.1. Personal Characteristics of Negotiators	161
II.2. Cultural Aspects of Negotiators	163
II.3. National Characteristics of Russian Negotiators	167
II.4. Law Student Negotiation Experience	169
III. Conclusion	174
References	175

I. Introduction and Research Methodology

Legal education all over the world is the continuing process of acquiring and maintaining theoretical information and practical skills to provide quality client services. As a rule, a compulsory module of law school curricula in European, Eastern and American countries is connected with legal negotiations. In Russia, the aspect of mastering soft skills of legal negotiations is not included in the majority of law schools' curricula. Russian law students have an opportunity to acquire these skills doing extra-curricular classes of optional programs or participating in negotiation student clubs. In the clubs, the students gain personal negotiating experience through acquisition of theoretical knowledge on negotiation strategies and styles and mastering skills in face-to-face simulations. The students learn to analyze the appropriate strategies and styles, mostly concentrating on a successful win-win strategy. However, understanding the basics of the win-win strategy

does not always result in successful negotiations because of Russian unique cultural identity, which is reflected in the language. Thus, the research goal of the paper is to determine the aspects to be taught in the module of legal negotiations and allowing preparing successful professional negotiators.

The research is based on communicative text-based approach to studying linguistic patterns. The survey data received through application of qualitative and quantitative methods supports the issue of the leading cultural variable in the process of teaching legal negotiations. In addition, the authors have used the descriptive method and contextual analysis techniques.

II. Inalienable Elements of Negotiations

Nowadays negotiating skills of lawyers are inalienable, being manifestation of both deep analytical skills and highly effective advocacy presupposing professional liaison with clients and opponents. Different law school negotiation courses focus on experiential-learning approach with face-to-face training aiming at 1) gaining one's own experience, 2) reflecting on the material under study through self-observation and self-reflection, 3) learning theoretical generalization, and 4) verifying newly acquired information and issues through practice (Voskobitova, 2021; Iolkina, 2021; Kuznetsova, 2023; Novikov, 2022; Ignatkina, 2023; Meshkova, Stepanova and Sheremetieva, 2019). From the educational perspective negotiating is a didactic activity from which every participant is able to achieve professional mastery of legal language. It is one component of becoming a successful negotiator. Another important component relates to personal qualities of students, namely, convincing public speaking and rapid reactions to respond immediately, which is typical to an extravert psych type. One more aspect of teaching negotiations worth mentioning is cultural awareness.

II.1. Personal Characteristics of Negotiators

The coach should make a decision on the approach to teaching negotiation. As Alimova and Golovina state, "...one could take the

approach of intensive and persistent training of students to improve weaknesses. On the other hand, drawing on natural strengths and the fact that competition matters seem to be more reasonable should be taken into consideration. There is another side to the problem. People feel somewhat insecure with themselves in an environment they are not comfortable with, or doing things that are unfamiliar to them. This insecurity coupled with the natural astonishment of the competition itself might lower speaker's self-esteem and result in the speaker's evaluations being lower than initially expected" (Alimova and Golovina, 2019, p. 258).

However, personal characteristics of negotiators are reflected in personal styles of negotiating. Moslehpour indicates that there have been described four styles of negotiating: FA (Factual Style) is typical to people who are cool, collected, patient, down-to-earth, present-oriented, precise, realistic, able to document their statement, sticking to the facts that speak for themselves. IN (Intuitive Style) which is characterized by a charismatic tone, a holistic approach, a strong imagination, a tendency to jump from one subject to another, a lot of ups and downs, a fast pace, a deductive way to approach problems as well as a future orientation. NR (Normative Style) is manifest in those who judge, assess, and evaluate the facts according to a set of personal values, appeal to feelings, offer bargains, propose rewards and incentives. AN (Analytical Style) is based on logic that leads to the right conclusions, analysis of pros and cons and linear reasoning without emotions (Tu et al., 2021, p. 4).

Contemplating on the above-mentioned personal characteristics of negotiators the question arises if it is necessary to consider them in the teaching process. Negotiating is mutual process of official legal or commercial interaction devoid of personal interests of a neutral negotiator who is supposed to implement the most successful strategy under the given circumstances. Thus, adjustment to the chosen strategy which is one of the strategies earlier mastered during the training period can be considered as an intuitive practical act of a student.

II.2. Cultural Aspects of Negotiators

Difficulties in negotiations can arise from shifts in cultural patterns. According to G-C. Constantinescu, each negotiator “will use a foreign language as a translation of his/her own message, but the adapting manner of their argumentation style building can generate differences of expression, respectively understanding perception of the message, that can ineffectively interfere the communication” (Constantinescu, 2015, p. 2). The Romanian researcher M.D. Grosseck describes the success in negotiating in a foreign language as a complex of influence factors. It is not sufficient only to know the language, but also one should be aware of significant cultural aspects: tolerance, open-mindedness, cultural relativism (which avoids the perception of other cultures through the prism of their own culture superior positioning) (Grosseck, 2012, p. 5075). Arguably, national cultural components shape cultural identity and influence the negotiators’ behavior through language while formulating and speaking out the messages. It is obvious that statements of native speakers, their understanding of the situation and reception of information from the interlocutors is more direct to compare with non-native speakers. Differences in national backgrounds influence the stages of negotiation process, its smoothness, speed, and implementation of agreements. Generally speaking, personal behavioral features are interconnected with cross-cultural and language skills.

A lot of research has been conducted to contrast the English language of international business used by negotiators being either native or non-native speakers. Scholars specify the features typical to the culture of the non-native speaker that influence the negotiating process and are relevant to the results. According to J.L. Graham and N.M. Lam there is incompatibility between American and Chinese approaches. Americans often describe Chinese representatives as inefficient, indirect, and dishonest. Chinese partners see Americans as aggressive, impersonal, and excitable. The main reason of disbalance lies in the fact, that Americans strongly value individualism and assertiveness stating and believing in the decision as they see it, while Chinese look for a compromise and will haggle on and on meaning that it is possible to find the way to settle (Graham and Lam, 2003).

Speaking about Japanese relevant features in negotiation it is necessary to mention their strict following etiquette and dignity, often bordering with xenophobic tendency. They value real active listening of the interlocutor and expect reciprocity (Graham and Andrews, 1987, p. 72). When Brazilians are trying to arrive at a settlement with Germans, they should control their emotions. Being empathic active listeners, they react to conflicts very personally, feeling and expressing anger, while Germans look at the conflict as a game and stay neutral (Mendes de Oliveira, 2018).

German businessmen use polite expressions, stick to formal phrases, avoid jokes. “[T]hey want establishing written rules defining precisely the scope and the prerogatives of each one of the parties involved in the dispute. They negotiate hard in order to find the best solution, they divide the responsibilities and spheres of action and after that they respect with great care what there was convened. In their case it is hard, and it takes (a lot of) time to find these points, but after that, they learn exactly what they must do, and respect it with the greatest precision” (Beniamin and Adina, 2013).

The main principle of French negotiators is the mixture of rationalism and nationalism supposing that first one should find a philosophical framework to establish a vision of things; second, enter into practical matters. “When a French position, *ergo logical*, is refused or countered the French are taken aback by what they consider to be bad faith or stupidity. When ‘one is right’ one does not compromise” (Cogan, 2004, p. 12).

Middle East negotiations differ from Western ones in their philosophy clearly embodied in the following metaphors. “English... ‘opening bid’... reflects a tendency to think of negotiation as a sporting contest governed by set rules. After a hard fight and fair game there is a result, and the teams go home... In the Middle East... games are for children, not sober political leaders, and commercial bargaining is not for the market. The prevailing metaphors of negotiation in Arabic are taken from the Koran where ‘steep mountain road’ recalls delicate negotiations on a mountain path between Mohammed and emissaries from Medina at a critical point in the Prophet’s career” (Cohen, 2001,

p. 16). Hasty decisions look suspicious for the Eastern representatives. Arabs expect exchange of concessions.

According to P. Xiao et al., Russian businessmen tend to stick to tradition and lack flexibility. They like to follow the plan, and their bargaining power is very strong. “Although the Russian businessmen were at a disadvantage in the negotiations, they always found ways to make the other side give ground and thus gain profits. Russian businessmen pay special attention to the technical content and demand specific clauses in the negotiated projects. Working with Russian businessmen requires a strong sense of risk” (Xiao et al., 2020).

Consequently, it seems to be hardly feasible for the existing variety of culture-specific features of negotiations of different nations to invent a coaching model preserving the mentioned above cultural features. On the other hand, higher educational establishments deal with a great number of representatives from different cultures. Thus, representatives of any culture can be members of legal negotiation team of the university. The module of teaching negotiation skills should be based on a universal principle, not on special multiple cultural features or personal characteristics. It is reasonable to apply the theory of linguistic adaptation according to which effective language use adapts to context and communicative intention. Communicative context factors impact on the language patterns chosen by language users through appropriate linguistic means (Xiao et al., 2020). Initial linguistic means in teaching the language of negotiations are discourse cliches introducing different stages, steps, and reactions during official discussions: welcoming, making introductions, making small talk, setting an agenda, stating interests, making proposals, accepting proposals, asking for options, giving opinions, responding to opinions, prioritizing, offering counter-proposals, bargaining, persuading, checking correctness of verifying counterparts’ statements, clarifying, taking turns, making decisions, keeping people informed, summarizing, confirming agreement, responding, outlining future action, thanking, saying goodbye. They manifest the first step or coming to the next phase of negotiations, and they give a signal to implementing the next communicative intention to be understood by the partner. However, the context and the choice

of communicative intention depend on the negotiation strategy and on the understanding of the position of the counterpart.

The most widespread theory underlying the negotiation strategies is connected with the behavioral theory of negotiations (Walton and McKersie, 1965). It is based on the initial intention of the sides to negotiations to follow one of two strategies which are distributive (positional) and integrative (principled, interest-based). The first strategy leads to win-lose (zero-sum or fixed-pie) negotiating configuration. The second one supposes reaching success through win-win or cooperative configuration. Traditionally negotiation was viewed as distributive (positional) activity. It was connected with stating and defending one's own interests of the deal. By going beyond positions, it is possible to identify interests that are mutually beneficial to all the sides. The question of what strategy to choose arises and can be answered through deep initial analysis of the situation at stake. In case there are not any underlying principles, the side might refer to positional negotiations. If there are stated or may appear any additional beneficial interests, the side should resort to integrative strategy.

The research conducted by S. Benetti et al. has revealed that despite widely spread knowledge of theoretical negotiating models "...numerous studies confirm that there are some substantial differences among cultural groups. Culture profoundly affects how people think, communicate, and behave, including the type of agreements they make and the ways they reach them. For example, individualistic cultures may be expected to be more self-centered and focused on personal gains, whereas negotiators from a collective culture concentrate more on forming a relationship and discriminate between in-group and out-group partners, feeling strongly linked to the former and promoting their collective interests and goals during the negotiation process, an approach that can lead to higher joint profits" (Benetti et al., 2021, p. 788). In their research, the scholars have conducted contrastive analysis of North American and Italian negotiating strategies. North American negotiators followed integrative strategy basing their argumentation on objectivity, avoiding haggling, despite the fact that they are impersonal and less concerned with the interests of another side. The scholars called the North Americans' negotiating style "impersonal integrative." Italian

negotiators fairly equally followed both distributive and integrative strategies. The distributive type was presented in its classical zero-sum game including the bargaining process. The integrative strategy "...shows some of the typical traits of integrative negotiation prototype, being oriented to explore interests and to create mutual value within colleagueship process but is also expressing and dealing with emotions during the negotiation, a controversial subject of research and practice. This original 'emotional integrative' prototype of negotiators that we find for Italy represents one of the most interesting contribution of implementing LCA in this context" (Benetti et al., 2021, p. 787).

Another vital principle observed by S. Benetti et al., namely, achieving success in integrative negotiations is targeting to package negotiations rather than achieving a goal issue by issue. Looking at the deal as a package agreement allows negotiators to arrive at the highest possible mutually beneficial settlement.

In fact, important aspects that should be preserved in coaching modules of a negotiation course are connected with the theory of adaptation, the background of distributive and integrative strategies and analysis of package deals. Another essential factor to be preserved in the course is a cultural variable. It is the most controversial as it is not easy to analyze, evaluate and reveal theoretical principles of cultural negotiating factors like "impersonal integrative" North American prototypes, or "emotional integrative" Italian prototype.

II.3. National Characteristics of Russian Negotiators

Speaking about the mentioned earlier international view on the Russian negotiators' characteristics such as tradition and inflexibility once can see them reflected in the style of negotiations that can be assumably called "inflexible integrative." Having been an empire for a long period of time, "...Russians perceive negotiation as a 'power game', as a 'сила' (force). They will typically present a very tough position at the beginning of a negotiation, and they will offer tough responses to their counterparts even at the final stages of negotiations. Although negotiation theorists speak about the overall opportunity and finding 'win-win' outcomes that can benefit both sides, Russians find it difficult

to adapt to this negotiation approach. Indeed, the word ‘victory’ itself in the Russian language means that the other side loses or leaves the game. The Russian negotiation mentality is a very strong approach, and a rather inflexible one, which to some extent ignores emotional and psychological considerations often discussed in negotiation theory” (Culture and Negotiations: the Russian Style).

According to the data given in the survey of G. Balykina on the basis of interviews conducted with 800 Russian negotiators from different districts of the country, “Russians are usually very well prepared for the negotiation, have a plan and specific strategy (78 %). Russians are often recognized to have an aggressive negotiating communicative style. At the stage of discussing terms, price, and bargaining, Russians can show their negative emotions and irritation (46 %). They can be intolerant if their opponents have different points of view, 6 % can even demonstrate their aggressiveness and attack not terms and offers but personal characteristics of negotiators of the other party. Russians are not very much caring about the partner’s outcomes; they are mainly concentrated on their profits than counterpart’s welfare; 20 % consider achieving their goals as the highest priority with negotiations.

Thus, communicative practices of win-lose approach are quite common, they reveal shortage of compromise thinking, and only 20 % consider searching for compromise of great importance. Masculinity orientation is apparent from communicative strategies that result in wish to force the other party to capitulate to their point of view; 92 % find important communicative skills that facilitate persuading, and even imposing their points of views” (Balykina, 2015).

Taking into account the quantitative data it is possible to correct the earlier formulated style of Russian negotiations into “inflexible aggressive integrative,” keeping in mind that, unfortunately, the level of integration is rather low. It is the issue that should be considered in the course of legal negotiations in Russia to discuss the ways of improving the process of interaction while making the deal. Interaction should be more flexible and friendly to achieve best results. Concentration on mutual success makes it possible to arrive at a package deal, which has been proved to be the most effective concept of business negotiations. The core of the package deal is argumentation but not numbers and

figures. Credible principles and convincing the other side should be used in a manner that will persuade another side. This helps to share preference information and search for differences as well as count benefits and costs for each variable. In addition, it makes it possible to work out a successful combination of issues at stake and find a multi-issue combination compromise being the expected result of a professional package deal.

II.4. Law Student Negotiation Experience

To analyze Russian law students' drawbacks in reaching a package deal within the study of the cultural relevance of the behavioral theory of negotiations connected with integrative strategy we have conducted the research. To compare Russian "inflexible aggressive integrative style" and American "traditional integrative style" we have analyzed a series of ABA competition negotiations published on *ABA Law Student Division YouTube Channel*¹ and selected a situation in which sides negotiate a settlement between a potential tenant (Mr. Hassan) and a *Tenant Service*.²

A google form was created to collect students' responses. The form contained the description of the situation: you represent *Tenant Service* sued for infringement of private person's right. The person (Mr. Hassan) was refused for tenancy of the apartment he liked on the basis of a *Tenant Service* site report that contained information on the previous tenant history and reported a number of convictions of that person with a similar spelling of the name.

The students were asked to give responsive statements to client's lawyers' initial assertions that were given in their authentic form (scripts from the video). The instructions and explanations before each responsive statement were given in accordance with integrative strategy in compliance with the style used in authentic statements. Also, the

¹ ABA Law Student Division. Available at: <https://www.youtube.com/@ABALawStudentDivisionPage> [Accessed 18.02.2024].

² 2022 ABA Negotiation Competition. Available at: <https://www.youtube.com/watch?v=7TFKycCBpsQ> [Accessed 18.02.2024].

students were asked to respond as spontaneously as possible and at the same time give as detailed replies as possible.

The first initial assertion. *Our client has indicated to us that the policy of the Tenant Service on eviction and criminal records is very important to him. And we would love to start there if that is something that you would be open to doing.*

The instructions and explanations on the first responsive statement. In the responsive statement pass on to the issue if the information about the client was stated correctly in the report on evictions and convictions.

The second initial assertion. *His report details two evictions and four criminal arrests. None of those pertain to our actual client. He is a respectable man with no prior criminal history, no credit issues and a steady job and he was still not allowed to rent in a house. So, he is embarrassed, he is hurt. And that's why we are here today. He just feels disrespected.*

The instructions and explanations on the second responsive statement. In the responsive statement pass on to the issue concerning the fact that the Tenant Service gave information on the site which is in bold capital letters: **TENANT HISTORY MAY BE NOT 100 % ACCURATE.**

The third initial assertion. *Just to address those concerns. I'll let you know what our client told us. First, your report does say NOT APPROVED in big bold capital letters. Those are the only big bold capital letters on the entire report so it does seem in a way that the decision was made for a landlord because if you were a landlord with no legal background and you got a report back that said NOT APPROVED in big bold letters you probably would throw the application out.*

Second, for the note in the service site about the fact that tenant history may may be not accurate. But it was not just the tenant history that was inaccurate, it was his criminal history. So it never mentions that the criminal history may be inaccurate.

The instructions and explanations on the third responsive statement. In the responsive statement pass on to the issue that the Tenant Service is ready to improve their reporting system.

The respondents were students of Peoples' Friendship University of Russia named after Patrice Lumumba and Saratov State Law Academy who either participated in the International Negotiation Competition (national or international rounds) being university team members or had a learning practical experience of negotiations.

The results show that in the first and in the second responses the students vigorously defend (60 %) or sharply attack (30 %) or accuse (10 %) the other side although practically in all the cases the respondents start with an appropriate to the stage of negotiations and to the situation phrase.

Here are some examples of defensive statements (all students' responses are given in students' spelling and syntax):

Respondent 1. *We understand your client's worries, however we should have scrutinized the tenant service website before. There is the notice there featuring that tenant history may be 100 % accurate. It is impossible to miss it due to its big bold capital letters.*

Respondent 2. *It is a reasonable requirement, but your client tenancy background was thoroughly analyzed. If such a decision was made, there definitely were strict grounds for rejection. What information have you found and is it relevant?*

Respondent 3. *We understand your disappointment, however there may be some inaccuracies in the information provided. That is why we place corresponding warning in bold capital letters on our web site.*

Respondent 4. *We understand the frustration of your client. We also need to point out that the Tenant Service is not making decision for the landlord, but only provide information from the open sources which maybe not 100 % accurate which is stated in bold capital letters on our client's website. The responsibility of making the decision is still lays on the landlords.*

Respondent 5. *I see your point. However, there is a warning on our client's website that tenant history may not be completely accurate. Mistakes can happen and your client should be aware of it.*

Respondent 6. *We understand the frustration of your client. We also need to point out that the Tenant Service is not making decision for the landlord, but only provide information from the open sources*

which maybe not 100 % accurate which is stated in bold capital letters on our client's website. The responsibility of making the decision is still lays on the landlords.

Examples of attacking statements are the following:

Respondent 1. *Well, the Tenant Service makes the report based on the information provided by the clients. The Tenant Service Carefully monitors the tenant history of people. The reputation of the clients who will be provided with apartments is essential to the **Tenant Service**. So, can you say for sure that the information about your client specified in the report of eviction and criminal records as correct?*

Respondent 2. *I see. However, I cannot agree with you. The Tenant Service warns that the tenant history may not be 100 % accurate.*

Respondent 3. *We get your point of view. If there actually was an error in the report, the Tenant Service is sorry for this situation. However, the Tenant Service immediately warns that the site contains information in bold capital letters: tenant history may be not 100 % accurate. Therefore, we recommend rechecking all the data.*

Examples of accusing statements:

Respondent 1. *My client respects your willingness to start the negotiation of the policy. However, before we proceed to the point, my client would like to know the reason for refusal to rent an apartment. Are there any violations of the law recorded in the reports of eviction and criminal records?*

Respondent 2. *We are ready to discuss the policy and its faults. However, we would like to know, why didn't your client react instantaneously, but only in some period?*

The responsive statements to the first and second initial assertions taken from the video imply the idea of acceptance of the mistake and readiness to change the policy. *I'm just curious so I know you talk about the criminal and the eviction reports and looking at these... Are there certain ones that your client was misrepresented by that you know of? <...> Sure, we can understand how difficult that must be for your client and I do want to reiterate though we are simply a service to our clients. We did not make this decision for your client not to go into the home. We understand that this was our report that we ran. But if you look just beneath those negative information details... tenant history*

may not be 100 % accurate and we are certainly open. We are here today, and we would come to an agreement.

The third responsive statement of Russian respondents preserves the idea of solving the situation by the Tenant Service by themselves, without any mutual discussions of the ways, means and principles (total acceptance of responsibility):

Respondent 1. *We apologize for this mistake, and we want to fix the situation. The Tenant Service is ready to improve the quality of reporting system.*

Respondent 2. *Your position is quite feasible, and we accept it. Despite our reporting system existing advantages, it also has some serious disadvantages, we admit this fact and we are always ready to improve it. Unfortunately, some cones can be identified only after similar incidents. We appreciate your feedback and clear notices. They will be taken into account while updating our reporting system.*

Respondent 3. *Yes, you are right. As for the inaccuracy of the criminal history, we will double-check all the data and correct the errors. In this case, the decision will be reviewed and your client will be able to get an apartment. Moreover, we can assure you that our service is ready to improve the reporting system in order to prevent this from happening again. Despite this, we will do our best to improve our database.*

As for the responsive statement from the video, it clearly underlines the idea of cooperative decision of the situation: *We are here today that we can provide better reporting system. So, I think we are on the same page on what we want to solve. To that front maybe we can jump back to those policy changes that your client is hoping to see.*

Therefore, Russian respondents, on the one hand, produce statements starting with professional cliché, appropriate to the context, introducing the integrative strategy. On the other hand, right after pronouncing the cliché, they stop cooperation, either through using negative tone or by formulating the phrase that means that they are taking all responsibility and speak about one-sided fixture of the situation without suggesting listening to the position of another side. This fact should be demonstrated to the students in the course of teaching legal negotiations to improve the experience and work out the development

of cooperative tactics within the “inflexible aggressive integrative strategy.” This can be achieved through application of the priming technique and the text-based approach to teaching. Understanding priming as the mechanism of implicit memory of an individual, which provides unconscious influence of a stimuli to processing the following stimuli, it is possible to use authentic initial statements of American — American negotiating, giving the assignment to Russian students to formulate responsive statements within the framework of integrative strategy and then contrast them with authentic American responsive statements and analyze the advantages disadvantages. The priming technique will help to acquire the skill of thinking in a cooperative way and stimulate production of flexible reactions aiming at a package deal.

III. Conclusion

The studies of legal negotiations have been ongoing for decades. Scholars and professors of different countries and cultures have conducted multiple research and surveys. There have been analyzed different aspects that can be either shallowly mentioned or deeply scrutinized in teaching the negotiation module.

The aspect connected with personal characteristics of negotiators can be shallowly mentioned due to the fact that there are no two identical individuals with the same number of reactions that can be calculated by the coach. Personal adjustment to the negotiation at stake and consequently personal negotiating style is the personal skill mastered implicitly during the training period.

Another aspect to be deeply scrutinized is connected with shifts in cultural patterns that are reflected both in the language and mentality of the negotiator. Even if the negotiators choose the most successful win-win strategy, in the course of negotiations they might unconsciously formulate the phrases that will resemble the ones used in win-lose strategy. The data of the research proves the fact that representatives of different cultures use national win-win patterns that are not universal and may lead to misunderstanding and lost expectations. The focus of the research is the win-win pattern of Russian negotiators that can be

specified as “inflexible aggressive integrative” because the level of real cooperation and integration is low.

The analysis conducted in the research by means of spontaneous reactions of the Russian law students to the initial statements taken from the authentic legal negotiations displays the tendency to use defensive, attacking and accusing statements, which can hardly lead to cooperation and success. This observation can be underlined and stressed by the coach in the course of training legal negotiations, being further discussed and analyzed in the reflection period. The combination of text-based approach and priming technique can be beneficial, since it will be possible not only to analyze personal reactions but also to listen to the reaction formulated by the representative of another culture. Such a cross-cultural variation can help to work out the negotiator’s mechanism of applying the most beneficial statement even if the statement is originally alien to participant’s culture. The collection of beneficial statements on all the issues of the concrete negotiation makes up the most successful package deal.

References

Alimova, Y.O. and Golovina, N.M., (2019). Moot Court Competitions and their Role in Practice Oriented Training of Law Students. *Kutafin University Law Review*, 6, pp. 237–271, doi: 10.17803/2313-5395.2019.2.12.237-271.

Balykina, G., (2015). Intercultural Aspect of Russian Business Negotiation Practices. *SSRN Electronic Journal*, January, pp. 1–8, doi: 10.2139/ssrn.2577188.

Benetti, S. et al., (2021). Distributive/Integrative Negotiation Strategies in Cross-Cultural Contexts: a Comparative Study of the USA and Italy. *Journal of Management and Organization*, 27, pp. 786–808, doi: 10.1017/jmo.2020.47.

Beniamin, B.C. and Adina, S., (2013). German Negotiating and Communication Styles, and their Cultural Bias. *Annals of Faculty of Economics*, 1, pp. 29–38.

Cogan, C., (2004). *French Negotiating Behavior: Dealing with LA Grande Nation*. USA: United States Institute of Peace Press.

Cohen, R., (2001). Language and Negotiation: A Middle East Lexicon. Available at: <https://www.bc.edu/content/dam/files/centers/boisi/pdf/fo9/Language-and-Negotiation.pdf> [Accessed 18.02.2024].

Constantinescu, G., (2015). Language Differences in the Negotiation. Applications for the Recruitment Negotiation on the Work Market. *Conference Paper* (November 2015). Available at: <https://www.researchgate.net/publication/303721358> [Accessed 18.02.2024].

Culture and Negotiations: the Russian Style. Skolkovo. Moscow School of Management [Internet]. Available at: <https://embahs.skolkovo.ru/en/emba-hs/blog/culture-and-negotiations-the-russian-style/> [Accessed: 18.02.2024].

Graham, J.L. and Andrews, J.D., (1987). A Holistic Analysis of Japanese and American Business Negotiations. *Journal of Business Communication*, 24(4), pp. 63–77, doi: 10.1177/002194368702400405.

Graham, J.L. and Lam, N.M., (2003). The Chinese Negotiation. *Harvard Business Review*. Available at: <https://hbr.org/2003/10/the-chinese-negotiation> [Accessed 18.02.2024].

Grosseck, M.D., (2012). Foreign Language Skills a Must in Multinational Companies — An Intercultural Perspective. *Social and Behavioral Sciences*, 46, pp. 5074–5078, doi: 10.1016/j.sbspro.2012.06.388.

Ignatkina, A.L., (2023). Implementation of the Competence-Based Approach in Teaching English for Legal Purposes Applying the Case-Study Method. *PNRPU Linguistics and Pedagogy Bulletin*, 1, pp. 33–45, doi: 10.15593/2224-9389/2023.1.3. (In Russ.).

Igolkina, N., (2021). Learners Typology: Language Acquirers vs Language Learners. *Focus on Language Education and Research*, 2, pp. 23–28, doi: 10.35213/2686-7516-2021-2-2-23-28.

Kuznetsova, J.A., (2023). Potential of Authentic Videos for Developing of Critical Thinking of Law Students in English Classes. *Yaroslavl Pedagogical Bulletin*, 2, pp. 93–100, doi: 10.20323/1813-145X_2023_2_131_93. (In Russ.).

Mendes de Oliveira, M., (2018). Cultural Conceptualizations of Business Negotiations in the Expanding Circle. *World English*, November, pp. 1–13, doi: 10.1111/weng.12346.

Meshkova, I.N., Stepanova, V.V. and Sheremetieva, O.A., (2019). Cognitive and Communicative Aspects of Translation of French and

English Legal Texts. *Education. Science. Scientific Resources*, 1, pp. 223–225, doi: 10.24411/2073-3305-2019-10058.

Novikov, Ph.N., (2022). Constructed Languages as Semantic and Semiotic System. *RUDN Journal of Language Studies, Semiotics and Semantics*, 2, pp. 455–467, doi: 10.22363/2313-2299-2022-13-2-455-467.

Tu, Y.-T., Lin, C.-Y., Moslehpour, M. and Qiu, R., (2021). An Intercultural Comparison of Negotiation Styles between Taiwan and the United States. *Academy of Strategic Management Journal*, 20, pp. 1–19, doi: 10.6084/m9.figshare.15111840.

Voskobitova, M.R., (2021). Online Simulations for Teaching Professional Legal Skills. *Kutafin Law Review*, 8, pp. 519–545, doi: 10.17803/2313-5395.2021.4.18.519-545.

Walton, R.E. and McKersie, R.B., (1965). *A behavioral theory of labor negotiations*. Beverly Hills, CA: Sage Publications.

Xiao, P. et al., (2020). Language Skills in Business Negotiation from the Perspective of Adaptation. *International Journal of Multidisciplinary and Current Educational Research*, 2(4), pp. 181–187.

Information about the Authors

Nadezhda A. Kalmazova, Cand. Sci. (Philology), Associate Professor, Foreign Languages Department, Law Institute, Peoples' Friendship University of Russia named after Patrice Lumumba, Moscow, Russian Federation

kalmazovana@gmail.com

ORCID: 0000-0002-5406-0581

WoS Researcher ID: AAI-5400-2021

Elena G. Vyushkina, Cand. Sci. (Pedagogy), Associate Professor, Foreign Languages Department, Saratov State Law Academy, Saratov, Russian Federation

vyushkina@mail.ru

ORCID: 0000-0002-0004-1262

WoS Researcher ID: AAE-1389-2021

Scopus Author ID: 56022610900