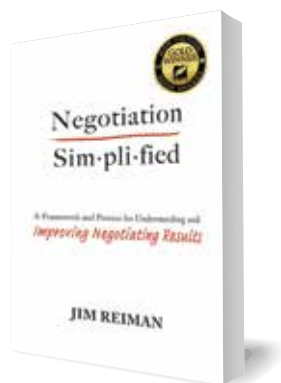


## IN\_PRINT

This month's books cover negotiation, language and tort law.



## Negotiation Simplified

Jim Reiman, Amplify Publishing, 2022, hb

Aha! Jim Reiman has written a guide to negotiating.

Reiman leads us through the process of preparing for negotiation. Defining and setting out wants, needs and goals.

Himself a lawyer, the writing fits negotiation in a legal sense but could also be applied to our clients' negotiations in a day to day sense. The influence of Fisher and Ury's *Getting to Yes* cannot be overlooked. Reiman is candid about this and gives a good overview of their tools, as well as building on them with concrete complex examples of how to break these down.

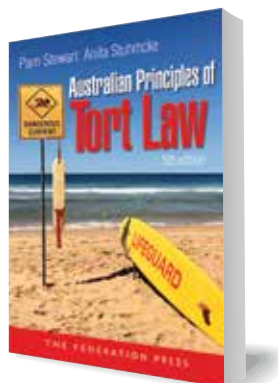
There are a number of other impressive negotiators and executives who give their own anecdotes, particularly when things go bad, and the lessons from these. My favourite anecdotes are: the importance of "saying I'm sorry" by the CEO of the insurer for the UK NHS Catherine Dixon and "hearing the unspoken" by former US ambassador to New Zealand David Huebner.

Each chapter contains key takeaways and Reiman comments on the anecdotes. A great one from Huebner is "good leaders do not dictate. They listen, build consensus . . . and then implement a plan".

I had the good fortune of having Jim Reiman as my tutor in the Oxford Program on Negotiation where we discussed in detail many of the issues raised in this book.

At A5 it's a good size too and could easily fit in an attaché case.

Tasman Ash Fleming, barrister and mediator



## Australian Principles of Tort Law

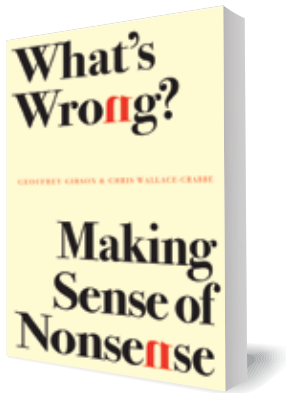
Pam Stewart and Anita Stuhmcke, (5th edn), 2022, The Federation Press, pb \$125

*Australian Principles of Tort Law* deals with the most commonly litigated torts in our legal system – intentional torts, negligence and nuisance are the primary topics. Negligence, remedies and civil liability legislation, in particular, are given an exhaustive and excellent treatment. Defamation, the economic torts, and malicious prosecution are outside the scope of this book.

Now in its fifth edition, the book has evidently been a labour of love for Stewart and Stuhmcke for almost two decades since its first edition in 2002. The period of time this book has been in production has allowed the authors to assemble useful passages of judgments to demonstrate principles that are addressed. It is a great book to have on the shelf for this reason. You will be able to find great dicta and other resources to make good the point that you need to address.

The way in which the authors have systematised their analysis is cogent and logical. Most enjoyable was the initial chapter introducing the law of torts, its policy objectives, its limitations and its future directions. It is here that the reader is able to leverage off Stewart and Stuhmcke's experiences in the academic teaching of the subject. The last chapter "The Vibe of the Law of Torts" is a bonus that contains some of the authors' favourite judicial passages concerning the law of torts. It a fantastic read.

Leigh Howard, Victorian Bar



## What's Wrong? Making sense of nonsense

Geoffrey Gibson; Chris Wallace-Crabbe, Hardie Grant, 2022, pb \$35

What was I thinking? Taking on a treatise on logic and language jointly authored by an esteemed poet and a storied lawyer, collectively with dozens of books between them. Two lovers of the language and brave defenders of its correct usage. That seemed brave. But some obeisance is due.

The writers break their task and the book in two: "How to Think" and "How to Write and Speak". It's an erudite and wide ranging excursus through meaning and the rendering of it, but free of footnotes, references, bibliography and index. It's not a legal text such as is usually reviewed in these pages; rather, it is a practical guide that will give pause to any lawyer with aspirations of lucidity. There is even a chapter on "Bullshit".

The target market is "anyone who wants to be able to think clearly and to speak and write well. It's not a book for dummies". Later there is reference to the professions, but with a weighting for lawyers. It is against that metric that it must be judged.

The authors begin with quotes from TS Eliot, George Orwell and EM Forster, all long dead. Elsewhere they summon up Plato, Aristotle, Sir Owen Dixon, Oliver Wendell Holmes Jr and John Stuart Mill, all even longer dead, and many others to make their case. There is even a long quotation from Copleston's 11 volume *History of Philosophy* from 1975. Get the drift?

So, words, words, words. We lawyers truck with them. We speak them, we declaim them, we write them, we interpret them and we charge by the kilo when we produce them. So, we should have a use for

a convocation on their optimal utterance. This book is that; it is advocacy about advocacy in all its forms. Given how seminal clarity and logic are in law, it's passing strange that they are not core subjects in a law degree. Perhaps this might change. Gibson, one of the authors, has elsewhere written about legal education and its lacuna.

After the opening 107 pages on truth (covering meaning, truth, falsity of fact, falsity of logic and "bullshit"), we are led to the nuts and bolts in part two on how to write. This inclines towards a manual but not entirely. Certainly the grounds are covered and heresies laid bare but this is not some accessible, how to manual. It relies extensively on ghosts of the past who will be unfamiliar to most readers. Yes, there is utility and, yes, they are right, but the lack of 2022 speak is telling and offputting. There is a wistful reverie for a better language.

There are pages of dead words to be avoided and some artful elucidation on evading the question.

Is this a useful guide to best practice in the use of language? Well, yes, and lawyers should take advantage, but it is not an easy read. You have to think. But there are not many books in the genre and we lawyers need help. It is a useful resource to have on the bookshelf and to dive into from time to time. But sadly there is no index and chapter headings are not helpful. ■

Anthony Burke, Burke & Associates Lawyers



## LAW BOOKS

### Australian Dispute Resolution



Rachael Field  
Member: \$132.30  
Non-member: \$147

Written for dispute resolution practitioners, litigators and researchers, this title provides an authoritative analysis of modern conflict management and dispute resolution in Australia.

[www.liv.asn.au/AustralianDisputeResolution](http://www.liv.asn.au/AustralianDisputeResolution)

### Dispute Resolution: A practitioner's guide to successful alternative dispute resolution



Michael Mills  
Member: \$182.70  
Non-member: \$203

This guide assists in choosing the optimal alternative to commercial litigation and achieving a successful outcome for all parties. It covers negotiation, mediation, arbitration and more.

[www.liv.asn.au/DisputeResolutionGuide](http://www.liv.asn.au/DisputeResolutionGuide)

### Mediation Skills and Techniques e3



Laurence Boulle and Nadja Alexander  
Member: \$115.20  
Non-member: \$128

This text delves into the practical operation of the mediation process, focusing on the skills and techniques used by mediators to assist parties in their decision-making.

[www.liv.asn.au/MediationSkills](http://www.liv.asn.au/MediationSkills)

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