

LEGAL NEGOTIATIONS

Fall 2012

Professors: Tracy Leissner, J. D. and Robert Hughes, J.D.
Email – hughesleissner@aol.com
Phone – (713) 641-9222

Required Text: Roger Fisher and William Ury, Getting to Yes Negotiating Agreement without Giving In, Penguin Books 3rd edition 2011

Korobkin, R., Negotiation Theory & Strategy, Second Edition, Aspen Law and Business, 2009

Optional Reading List

G. Richard Shell, Bargaining for Advantage, Penguin Books, 2006.

Robert Axelrod, The Evolution of Cooperation, Basic Books, 2006.

Robert B. Cialdini, Influence, the Psychology of Persuasion, Collins Business Essentials, 2007.

David Lax and James Sebenius, 3-D Negotiation, Harvard Business School Press, 2006.

Howard Raiffa, The Art and Science of Negotiation, Harvard University Press, 1982.

R. L. Wing, Art of Strategy, Broadway Books , New York, 1988.

Ian Taylor and Matthew Hilger, The Poker Mindset: Essential Attitudes for Poker Success, Dimat Enterprises, 2007.

Course objectives:

1. To increase awareness of -
 - a. The pervasiveness of negotiation
 - b. The importance of process—how we negotiate
 - c. Your negotiating behavior and the assumptions that underlie it.
2. To provide concepts and tools for thinking about negotiation
3. To enhance skills by -
 - a. Developing practical ways to apply useful concepts to daily negotiations
 - b. Recognizing effective negotiation techniques others use
 - c. Bridging the gap between theory and practice
 - d. Practicing negotiation in a safe environment

Grading: Grades are based on the following components:

50% Journal Entries You will receive a folder in which you will keep a journal reflecting your preparation, participation and analysis of your negotiation exercises. At the end of the semester, you should have entries for each negotiation scenario.

PLEASE NOTE YOUR EXAM NUMBER & THE LAST 4 DIGITS OF YOUR SOCIAL SECURITY NUMBER ON THE FRONT OUTSIDE COVER OF YOUR FOLDER

PLEASE NOTE YOUR FOLDER COLOR, EXAM NUMBER & LAST 4 DIGITS OF YOUR SOCIAL SECURITY NUMBER ON EACH PAGE OF EACH JOURNAL ENTRY

JOURNAL ENTRY GUIDANCE:

Each Journal entry will contain two parts:

- 1) pre-negotiation planning, and
- 2) post-negotiation analysis.

Each part should be NO MORE than 1 page typed, double spaced, and if hand-written, in a legible hand.

The journals are a vehicle for you to plan, reflect and synthesize on an ongoing and **cumulative** basis, the lessons you learn from the class, readings and experience of participating in the simulations. Do **not** summarize the readings or provide a “blow-by-blow” account of the negotiations. Rather you should:

1. Describe your planning and preparation for each simulation. Identify your goals and the possible goals of the other player. What information is important to learn from the other player? What information do you have that may be important to them? What strategy will you use to obtain your objectives?
2. Analyze the relationship between your preparations and the particular strategy(ies) you utilized in the negotiation. Was it successful? If not, why not?
3. Describe barriers you experienced in trying to reach an agreement and how you might overcome those barriers and put them to your advantage.
4. Describe any unexpected approaches or actions by others and how you might better anticipate and deal with such behaviors in the future.
5. Reflect on any class discussion or questions posed as homework.

6. Journal entries will be evaluated on the effort they reflect in class preparation, development of a negotiation strategy, analysis of negotiation outcomes, and integration of concepts taken from the reading assignments into your class work.
7. **ABSENCES** If you miss a class, it is your responsibility to coordinate with a member of your group to obtain the following week's material. Your journal entry should contain the preparation for the simulation you missed. Rather than attempt to analyze a negotiation you missed, your journal should discuss the salient issues the exercise was designed to emphasize.
8. Journals are due during September 17, October 15, and November 12, class meetings. Journals are due for a final grade on December 3, 2012, by 4 pm turned in to either of our mail boxes at the Blakely Advocacy Institute at the Law Center, Room 101 BLB, located on the first floor of the enclosed corridor between BLB and TUII.
9. When you turn in your journals:

PLEASE DO NOT INCLUDE THE INSTRUCTIONS FOR NEGOTIATIONS. PLEASE ONLY INCLUDE YOUR JOURNAL ENTRIES; NEW entries in the left pocket; all previous entries in the right pocket.

50% Research Paper On a topic that interests you and relating to psychology, ethics, culture, strategy, and/or analysis in negotiation.

A topic description and paper outline should be prepared and submitted to the instructors for approval on or before October 15. A paper outline and proposed bibliography are due on or before November 12.

The paper should be no more than 10, no less than 8 pages typed double spaced, 12 point font, including notes. The paper should include footnotes (not endnotes) and a bibliography.

The paper is due on or before 4 pm Friday, December 14, turned in to our mail boxes at the Blakely Advocacy Institute in the Law Center, Room 101 BLB.

The paper will be evaluated on:

- 1) the relevance of the topic to negotiation and to the subjects, material and simulations and discussions in class, as well as the assigned reading;
- 2) the quality of your research; and
- 3) the depth and quality of your analysis.

CLASS SCHEDULE 08 / 27 / 12 THROUGH 12 / 03 / 12

- 1 **ORIENTATION 08 / 27**
Syllabus, grading, groups
Elements of Negotiation
Simulation - *The Student Paper*
Debrief
Discussion (what are your ethics)
Pass out *Weathers and Evans*
Leaves Before the Fall

Take the negotiation style inventory WW3.JANUS.COM/ADVISOR/TOOLS-FOR-SUCCESS/NEGOTIATIONS-ASSESSMENT-TOOL

Read Korobkin Chapters 3, 8 and 13

- 2 **NEGOTIATOR STYLE 09 / 10**
Review and discuss assessment – discuss negotiation styles
Simulation – *Weathers and Evans*
Debrief
Simulation – *Leaves Before the Fall*
Debrief
Pass out *Oil Pricing*

Read Korobkin Chapter 7

- 3 **CO-OPERATION - TRUST AND REPUTATION 09 / 17**
Discussion of the reading
Simulation - *Oil Pricing*
Debrief
Discuss distributive negotiations
Pass out *Bullard House* and *Hong Kong*

HAND IN JOURNALS

Read Korobkin Chapters 1 and 2

- 4 **BARGAINING ZONE – 09 / 24**
Discussion of the reading
Simulation - *Bullard House*
Debrief
Simulation – *Hong Kong Property*
Debrief
Pass out *Powergraphics*

Read Korobkin – Chapter 4
Begin reading “Getting to Yes”

5 INTEGRATIVE BARGAINING AND PRINCIPLED NEGOTIATION – 10 / 01

Class discussion of Integrative Bargaining

Simulation - *Power Graphics*

Debrief

Pass out *MedLee*

Read remainder of “Getting to Yes”

Read Korobkin Chapter 9

6 CULTURE - 10 / 08

Class discussion of culture

Simulation – *MedLee*

Debrief

Class Discussion on Drafting

Pass out *Ellsworth v Ellsworth*

7 FORMALIZING THE RESULTS OF NEGOTIATIONS - 10 / 15

Simulation – *Ellsworth v Ellsworth*

Draft Agreement

Debrief

Discussion of “Fairness”

Pass out *Parking Facility* and *Hospital Committee*

**HAND IN JOURNALS, ELLSWORTH AGREEMENT
AND PROPOSED PAPER TOPICS**

Read Korobkin Chapter 6

**PLEASE TRY NOT TO MISS THIS CLASS –
THERE WILL BE AN IN-CLASS ASSIGNMENT THAT COUNTS
AS AN ADDITIONAL JOURNAL GRADE**

8 FAIRNESS AND RELATED SOCIAL NORMS – 10 / 22

Group discussion on how we define what is “fair”

Simulation – *Parking Facility*

Debrief

Simulation – *Hospital Committee*

Debrief

Discussion of Values based negotiations

Pass out *Springfield Outfest*

Read Korobkin Chapter 12 A and B

- 9 **MEDIATION - 10 / 29**
Discussion of Mediation
Group selection of Participants in simulation
Demonstration of Simulation - *Springfield Outfest*
Debrief and discussion
Pass out Simulation *Menehune*

Read Korobkin Chapter 11

- 10 **MULTILATERAL NEGOTIATIONS 11 / 05**
Discussion of Multilateral Negotiations
Group discussion
Group preparation
Simulation – *Menehune*
Debrief simulation
Pass out *Ship Bump Incident*
Individual conferences re: Paper Topics

HAND IN JOURNALS

Read Korobkin Chapter 10

- 11 **THE IMPORTANCE OF CLEAR INSTRUCTIONS 11 / 12**
Discussion of drafting instructions
Group preparation for simulation
Simulation – *Ship Bump Incident*
Debrief
Pass out *Sue or Settle and TBA*

HAND IN JOURNAL AND PAPER OUTLINE/BIBLIOGRAPHY

- 12 **THE ART OF STRATEGY 11 / 19**
Group preparation for simulation
Simulation *Sue or Settle and TBA*
Debrief simulation
Pass out *Chestnut Village*

- 13 **RECAP OF SEMESTER 11 / 26**
Group preparation for simulation
Simulation – *Chestnut Village*
Debrief
Individual consultation

JOURNAL DUE 12/03

PAPER DUE 12/17