

## LEGAL NEGOTIATIONS Fall 2013

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**Required Text:** Roger Fisher and William Ury, Getting to Yes Negotiating Agreement without Giving In, Penguin Books 3<sup>rd</sup> 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. Negotiating behavior and the underlying assumptions (mental models)
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



**JOURNAL GUIDANCE: BREVITY IS ENCOURAGED.**

Do not summarize the readings or provide a “blow-by-blow” account of the negotiations.

Describe planning and preparation for each simulation.  
Identify 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?

Analyze the relationship between preparation and the particular strategy(ies) utilized in the negotiation. Was it successful? If not, why not?

Describe barriers experienced in trying to reach an agreement and how to overcome those barriers and put them to advantage.

Describe any unexpected approaches or actions by others and how they might be anticipated and dealt with in the future.

Reflect on any class discussion or questions posed as homework.

Utilize the entire time allocated for the negotiation.

Prepare a brief written agreement for each negotiation. If an agreement is not reached, note the elements of agreement and the last positions when time ran out.

One agreement will be selected as an additional journal grade.

Journals are evaluated on the demonstration of skill development, including class preparation, development of a negotiation strategy, analysis of negotiation outcomes, and integration of concepts taken from the reading assignments.

Pre-Negotiation journal entries are collected AT THE BEGINNING OF EACH CLASS.

Post-Negotiation journal entries from the PREVIOUS CLASS SESSION, are collected AT THE BEGINNING OF THE IMMEDIATELY FOLLOWING CLASS.

The final post-negotiation journal entry from the simulation conducted during the final class meeting is due with the paper on December 13, 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.

**ABSENCES**

If a class is missed, it is the student’s responsibility to coordinate with a member of the class to obtain the following week’s material.

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

A topic description and paper outline should be prepared and submitted for approval on or before October 14.

A paper outline and proposed bibliography are due on or before November 4.

The paper will include ENDNOTES NOT FOOTNOTES AND A BIBLIOGRAPHY.

The paper will be no more than 10, no less than 8 pages typed double spaced, 12 point font, **not including endnotes and bibliography**.

The paper is due on or before 4 pm Friday, December 13, turned in to the instructors' 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, simulations and discussions in class, as well as the assigned reading;
- 2) the quality of research; and
- 3) the depth and quality of analysis.

### **ADDITIONAL EXERCISES AND OBLIGATIONS**

In addition to the graded tasks that are listed above, professors will schedule at least 2 and as many as 3 to 4 observations of a negotiation simulation exercise for each student and provide individualized feedback to the students who participate in the exercise immediately after the simulated negotiation.

The negotiation pairs/groups for observation will be identified on the day of the observation; that is, there will not be any advance notice of the observation.

There may be also opportunities for videotaping of exercises with individual, group or full class feedback, discussion and critique.

### **OFFICE HOURS AND APPOINTMENTS**

The professors have no office on campus and are on campus only during the class meetings each week. We will strive to be accessible to students via telephone and email contact. Feel free to call or email and talk to us after class. We will also schedule appointments on an individual, on request basis.

**Daily assignments and readings will follow.**