

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 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. 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

FORMAT OF EACH CLASS MEETING

- Sign-in, submit current week's pre-negotiation and past week's post-negotiation journal entries/agreements
- Brief interactive discussion about previous/current week's concepts and exercise
- Negotiation pairing/groups assigned; identify observation pairs/groups
- Students assigned to same roles meet with a professor for facilitated preparation [students will self-facilitate part of the preparation as the semester progresses and number of roles increase in negotiation simulations]
- Negotiation pairs/groups meet and conduct negotiation simulation
Professors observe negotiation pairs/groups, give individualized feedback
- Return to groups based upon role assignments and professors facilitate interactive debriefing discussion after negotiation simulation
- Full class debrief of negotiation outcomes, discussion, questions
- Lecture, interactive discussion about next week's activity
- Pick up materials for next week's exercise and graded journal entries

GRADING: 50% Journal & 50% Research Paper

50% Journal

The purpose of the journal is for the student to demonstrate and professors to assess skill development. Students create a series of journal entries reflecting preparation, participation and analysis of negotiation exercises. By the end of the semester, a preparation, analysis and agreement will be created for each negotiation scenario.

NOTE YOUR EXAM NUMBER AND LAST 4 DIGITS OF YOUR SOCIAL SECURITY NUMBER ON EACH PAGE OF EACH JOURNAL ENTRY.

For each negotiation, the journal should include the following:

- pre-negotiation preparation NO MORE THAN ONE PAGE
- post-negotiation analysis NO MORE THAN ONE PAGE
- a written memorandum of any agreement or ending bargaining position of the parties

Journal contents should be typed, double spaced, or legible hand-writing.

The negotiation exercises are real time and in class. Although emergencies and conflicts are to be expected, **THERE ARE NO OPPORTUNITIES FOR MAKE UPS.** In addition to assessing skill development, the journals are a vehicle for students to plan, reflect and synthesize, on an ongoing basis, the lessons learned from the class, readings and experience of participating in the simulations.

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.

CLASS SCHEDULE
August 26, 2013 - November 25, 2013

AUGUST 26, 2013

ORIENTATION

Discuss syllabus and grading

Discuss Elements of Negotiation

Take the negotiation style inventory:

ww3.janus.com/advisor/tools-for-success/negotiations-assessment-tool

Discuss negotiation styles

Read Korobkin Chapters 7A and 8A for next meeting

SEPTEMBER 9, 2013

CO-OPERATION - TRUST AND REPUTATION

Simulation - *Oil Pricing*

Debrief - Trust and Reputation

Lecture - Distributive negotiations

Pass out Bentley Convertible and The Blender

Read Korobkin Chapters 1 and 2A for next meeting

SEPTEMBER 16, 2013

DISTRIBUTIVE NEGOTIATION

Simulation - *The Blender*

Debrief - BATNAs

Simulation - *Bentley Convertible*

Debrief - Objective data or lack thereof

Lecture - Reservation Point and Aspiration Levels

Pass out *Bullard House*

Read Korobkin Chapters 2B and 8B for next meeting

SEPTEMBER 23, 2013

BARGAINING ZONE

Simulation - *Bullard House*

Debrief - Determining the bargaining zone

Lecture - Psychology of Negotiation

Pass out *Hong Kong*

Read Korobkin Chapter 3 and 7B for next meeting

SEPTEMBER 30, 2013

SETTING A RESERVATION PRICE

Simulation - *Hong Kong*

Debrief - Allocation of Surplus

Lecture - Integrative Bargaining

Pass out *Powergraphics*

Read Korobkin Chapter 4, begin reading "Getting to Yes" for next meeting

OCTOBER 7, 2013

INTEGRATIVE BARGAINING AND PRINCIPLED NEGOTIATION

Simulation - Powergraphics

Debrief - Addressing disparate interests

Lecture - Agency

Pass out *Sally Soprano*

Read remainder of "Getting to Yes"

Read Korobkin Chapter 10 for next meeting

OCTOBER 14, 2013

AGENCY

Class discussion of culture

Simulation - *Sally Soprano*

Debrief

Lecture - Culture

Pass out *MedLee*

Read Korobkin Chapter 9B

OCTOBER 21, 2013

CULTURE

Simulation - *MedLee*

Debrief simulation

Lecture - Drafting

Pass out *Ellsworth v Ellsworth*

OCTOBER 28, 2013

FORMALIZING THE RESULTS OF NEGOTIATIONS

Simulation - *Ellsworth v Ellsworth*

Draft Agreement

Lecture - Fairness

Pass out *Parking Facility* and *Hospital Committee*

Read Korobkin Chapter 6 for next meeting

HAND IN ELLSWORTH AGREEMENT AND PROPOSED PAPER TOPICS

**PLEASE TRY NOT TO MISS THIS CLASS; THE IN-CLASS
DRAFTING ASSIGNMENT WILL COUNT AS AN ADDITIONAL
JOURNAL GRADE; NO MAKE UPS**

NOVEMBER 4, 2013

FAIRNESS AND RELATED SOCIAL NORMS

Simulation - *Parking Facility*

Debrief simulation

Simulation - *Hospital Committee*

Debrief simulation

Lecture - Multi-party Negotiations

Pass out *Chestnut Village*

NOVEMBER 11, 2013

MULTILATERAL NEGOTIATIONS

Discussion of Multilateral Negotiations

Simulation - *Chestnut Village*

Debrief simulation

Pass out *Carson Extension*

Individual conferences re: Paper Topics

HAND IN PAPER OUTLINE/BIBLIOGRAPHY

NOVEMBER 18, 2013

VALUES BASED NEGOTIATIONS

Simulation - *Carson Extension*

Debrief simulation

Discussion of Values Based Negotiations

Discussion of Mediation

Pass out *Springfield Outfest*

Read Korobkin Chapter 12

NOVEMBER 25, 2013

MEDIATION

Group selection of Participants in simulation

Demonstration of Simulation - *Springfield Outfest*

Debrief and discussion

FINAL JOURNAL AND PAPER DUE DECEMBER 13