

LEGAL NEGOTIATIONS Fall 2013

Professors: Tracy Leissner, J. D. and Robert Hughes, J.D.
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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. 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 & 50% Research Paper

50% Journal

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 preparation, analysis and agreements for each negotiation scenario.

NOTE YOUR EXAM NUMBER AND THE LAST 4 DIGITS OF YOUR SOCIAL SECURITY NUMBER ON THE FRONT INSIDE COVER OF YOUR FOLDER

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

NOTE THE FOLDER COLOR AND NUMBER OF ALL OTHER PARTICIPANTS IN EACH NEGOTIATION ON YOUR JOURNAL ENTRIES FOR EACH NEGOTIATION

JOURNAL GUIDANCE:

For each negotiation, your journal should include the following:

- 1) pre-negotiation planning - NO MORE THAN ONE PAGE,
- 2) post-negotiation analysis - NO MORE THAN ONE PAGE;
- 3) a written memorandum of any agreement or ending bargaining position of the parties.

BREVITY IS ENCOURAGED.

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

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 just** 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 preparation 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. Utilize the entire time allocated for the negotiation. Prepare a brief written agreement for each negotiation. If you do not reach an agreement, note the elements of agreement and the last positions when time ran out. One agreement will be selected as an additional journal grade.
7. Journals 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.
8. **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.
9. Journals are due during September 23, October 14 and November 4 class meetings. Journals are due for a final grade on December 2, by 4 pm turned in 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.
10. When you turn in your journals: **DO NOT INCLUDE INSTRUCTIONS FOR NEGOTIATIONS. INCLUDE ONLY 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 14. A paper outline and proposed bibliography are due on or before November 4.

The paper should include ENDNOTES NOT FOOTNOTES and a bibliography. The paper should 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 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 AUGUST 26, 2013 THROUGH NOVEMBER 25, 2013

- 1 **ORIENTATION August 26**
Read Korobkin Chapter 1
- 2 **NEGOTIATOR STYLE September 9**
Read Korobkin Chapter 7 and 8; Take the negotiation style inventory:
ww3.janus.com/advisor/tools-for-success/negotiations-assessment-tool
- 3 **CO-OPERATION - TRUST AND REPUTATION September 16**
Read Korobkin Chapter 13
- 4 **BARGAINING ZONE September 23**
HAND IN JOURNALS
Read Korobkin – Chapter 2
- 5 **INTEGRATIVE BARGAINING September 30**
Read Korobkin Chapter 4; Begin reading “Getting to Yes”
- 6 **CULTURE October 7**
Read Korobkin Chapter 9
- 7 **FORMALIZING THE RESULTS OF NEGOTIATIONS October 14**
HAND IN JOURNALS, DRAFTING ASSIGNMENT, PROPOSED PAPER TOPICS

**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 October 21**
Read Korobkin Chapters 5 and 6
- 9 **AGENCY October 28**
Read Korobkin Chapter 10
- 10 **THE IMPORTANCE OF CLEAR INSTRUCTIONS November 4**
- 11 **MULTILATERAL NEGOTIATIONS November 11**
Read Korobkin Chapter 11; Individual conferences re: Paper Topics
HAND IN JOURNAL AND PAPER OUTLINE/BIBLIOGRAPHY
- 12 **FACILITATED NEGOTIATIONS November 18**
- 13 **MEDIATION November 25**
Read Korobkin Chapter 12

JOURNAL DUE - December 2; PAPER DUE - December 13