LEGAL NEGOTIATIONS
FALL 2015

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Optional Reading List


Robert M. Bramson, Phd., Coping with Difficult People, Doubleday, 1981

Roger Fisher and David Shapiro, Beyond Reason, Penguin Books, 2005
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

- 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 pairing/groups assigned; identify observation pairs/groups

- 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% 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 and analysis 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, you should prepare 2 journal entries:

- pre-negotiation preparation NO MORE THAN ONE PAGE
- post-negotiation analysis NO MORE THAN ONE PAGE

You will also prepare:

A written memorandum of any agreement or ending bargaining position of the parties for those simulations during class on September 28, October 5, and October 12. These agreements should be handed in at the end of the class period and should contain the exam number of both participants. These will be graded on completeness and clarity.

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

The negotiation exercises are real time and in class.

BECAUSE EMERGENCIES ARE TO BE EXPECTED, WE HAVE ALTERED OUR POLICY AND WILL PROVIDE FOR MAKE-UPS FOR MISSED NEGOTIATIONS. YOU CAN MAKE UP A POST-NEGOTIATION JOURNAL ENTRY BY WRITING A 2 PAGE PAPER ON ONE OF THE FOLLOWING TOPICS:

1) THE FUNCTION OF RECIPROCITY
2) BIAS IN VALUE ANALYSIS
3) THE USE AND ABUSE OF POWER IN NEGOTIATIONS
4) THE FUNCTION OF SOCIAL NORMS IN NEGOTIATION

YOU PAPERS MUST BE SUBMITTED AT THE BEGINNING OF THE NEXT CLASS. THERE IS NO MAKE-UP FOR PREPARATION JOURNAL ENTRIES.

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.

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.

50% 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 in accordance with the dates in the class schedule below.
A paper outline and proposed bibliography are due in accordance with the class schedule below.

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 December 10, 2015, 4 pm 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.

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. You must attend at least 10 of the 13 scheduled classes to receive credit for the class.

ADDITIONAL EXERCISES AND OBLIGATIONS

In addition to the graded tasks that are listed above, professors will strive to 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.

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 24 – November 23, 2015

August 24, 2015 – there is no preparatory assignment for the first class

**ORIENTATION**
Discuss syllabus and grading
Discuss Elements of Negotiation
Take the negotiation style inventory:
Discuss negotiation styles
Simulation – *Restaurant Rancor*
Read Korobkin Chapters 1, 7A and 8A and 13 for next meeting

August 31, 2015

**CO-OPERATION - TRUST AND REPUTATION**
Turn in debrief for *Restaurant Rancor*
Simulation - *Oil Pricing*
Debrief - Trust and Reputation
Lecture - Distributive negotiations:
   BATNAs, Reservation points, ZOPAs, Aspirations
Pass out *Hong Kong* and *Bullard Houses*
Read Korobkin Chapters 2 and 8B for next meeting

September 7, 2015 – **LAbOR DAy!!!!!!!**

September 14, 2015

**DISTRIBUTIVE NEGOTIATION - BATNA**
**BARGAINING ZONE - SETTING A RESERVATION PRICE**
Turn in debrief for *Oil Pricing; Prep for Hong Kong, Bullard House*
Simulation - *Hong Kong*
Debrief - BATNAs
Simulation - *Bullard House*
Debrief - Lecture – The Principal / Agent Relationship
Pass out *Clarke v. Ins*
Read Korobkin Chapters 3, 7 and 10 for next meeting

September 21, 2015

**THE PRINCIPAL / AGENT RELATIONSHIP**
Turn in debrief for *Hong Kong* and *Bullard House; prep for Clarke*
Simulation - *Clarke v. Ins.*
Debrief - Determining the bargaining zone
Lecture – Integrative Bargaining
Pass out *Sally Soprano*
Read Korobkin Chapter 4 and begin Getting to Yes.
September 28, 2015
  INTEGRATIVE BARGAINING I
  Turn in debrief for Clarke v. Ins. and prep for Sally Soprano
  Simulation - Sally Soprano,
  *prepare written agreement as part of negotiation to turn in at end of class*
  Debrief - Integrative Bargaining
  Lecture – Deal Design
  Pass out PowerScreen
  Continue reading “Getting to Yes” for next meeting

October 5, 2015
  INTEGRATIVE BARGAINING II
  Turn in debrief/agreement for Sally Soprano and prep for PowerScreen
  Simulation – PowerScreen,
  *prepare written agreement as part of negotiation to turn in at end of class*
  Debrief - Addressing disparate interests
  Lecture - Culture and Gender
  Pass out MedLee
  Read remainder of “Getting to Yes”
  Read Korobkin Chapter 9 for next meeting

October 12, 2015
  CULTURE
  Turn in debrief/agreement for PowerScreen and prep for MedLee
  Simulation – MedLee,
  *prepare written agreement as part of negotiation to turn in at end of class*
  Debrief
  Lecture – Power and Fairness
  Pass out Parking Garage and Hospital Committee
  Read Korobkin Chapters 5, and 6

October 19, 2015
  FAIRNESS AND RELATED SOCIAL NORMS
  Turn in debrief for MedLee and prep for Parking Garage and Hospital Committee
  Simulation – Parking
  Simulation – Hospital Committee
  Lecture on Coalitions and Multi-Party Negotiations
  Pass out Marsh County
  Read Korobkin Chapter 11 for next meeting

HAND IN PROPOSED PAPER TOPICS
October 26, 2015

MULTILATERAL NEGOTIATIONS
Turn in prep for Marsh and debrief for Parking Facility, Hospital Committee,
Discussion of Multilateral Negotiations
Simulation – Marsh County Case
Debrief simulation
Lecture - Mediation
Pass out Springfield Outfest
Individual conferences (on request) re: Paper Topics
Read Korobkin Chapter 12 for next meeting

November 2, 2015

MEDIATION AND VALUES BASED NEGOTIATIONS
Turn in debrief for Marsh and prep for Outfest
Simulation – Springfield Outfest
Debrief simulation
Pass out Collective Bargaining at Central

November 9, 2015

INTERNAL AND EXTERNAL NEGOTIATIONS
Turn in debrief of Springfield and prep Collective Bargaining
Simulation – internal meeting
Simulation – external meeting
Debrief
Pass out DEC vs. Riverside and HarborCo

HAND IN OUTLINE OF PAPER AND PROPOSED BIBLIOGRAPHY

November 16, 2015

DEC VS. RIVERSIDE
Turn in debrief for Collective Bargaining and prep for DEC and Harborco
Simulation Harborco
Simulation – DEC vs Riverside
Turn in results of DEC vs Riverside at end of class

November 23, 2015

Lecture on the Basis of Joint Gains (Pareto Efficiency)
Turn in debrief for DEC and HarborCo
Debrief HarborCo
Discussion of DEC vs. Riverside
Closure
Individual conferences (on request) re: Paper

PAPER DUE DECEMBER 10, 2015 by 4:00 P.M.