

LEGAL NEGOTIATIONS FALL 2017 – HARVEY REVISIONS PLEASE CONFERENCE WITH US ABOUT ANYTHING YOU NEED

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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 (newer edition not required)

Optional Reading List

Deepak Malhotra and Max Bazerman, Negotiation Genius, Bantam Books, 2008.

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

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

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

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

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

Robert H. Mnookin, Scott R Peppet, and Andrew S. Tulumello, Beyond Winning, Harvard University Press, 2000

S. I Hayakawa, Language in Thought and Action, Fifth Edition, Hartcourt Brace Jovanovich, 1990

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

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

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

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus.

http://www.uh.edu/caps/outreach/lets_talk.html

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
- 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 Students create a series of journal entries reflecting preparation, participation and analysis of negotiation exercises. The purpose of the journal is for the student to demonstrate, and professors to assess skill development.

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

For each negotiation, you will prepare 2 journal entries:

- pre-negotiation preparation NO MORE THAN ONE PAGE
- post-negotiation analysis NO MORE THAN ONE PAGE
- journal entries can be typed, double spaced, or legible hand-writing.

You will also prepare a written memorandum of any agreement or ending bargaining position of the parties for simulations during class on October 9, 16, 23. **Agreements are turned in at the end of the class period** and should contain the exam number of both participants, and graded on completeness and clarity. If you miss a negotiation which requires submission of a written agreement, you may make up your grade for the agreement by submitting a proposed agreement for the exercise **at the beginning of the next class.**

The negotiation exercises are real time and in class.

Because emergencies occur, you can make-up a post-negotiation journal entry by submitting a 2-page paper on one of the following topics **at the beginning of the next class:**

- 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

If you know you are going to miss a class, ask a classmate to pick up the material and let the professors know so they can account for role assignments.

If you miss a class and don't get preparatory material from a classmate, ask for the materials at the next class you attend and submit a pre-negotiation journal entry at the beginning of the following class.

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.

PRE-NEGOTIATION JOURNAL ENTRIES:

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

Reflect on any class discussion or questions raised by your reading.

Describe planning and preparation for the 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?

POST-NEGOTIATION JOURNAL ENTRIES:

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 raised by your reading.

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.

Journals are evaluated on:

- demonstration of skill development, including class preparation
- development of a negotiation strategy
- analysis of negotiation outcomes, and
- integration of concepts taken from lectures, reading assignments and class discussion.

Grading is to some degree, subjective, **ALTHOUGH NOT ARBITRARY**. Scrutiny and expectations will increase as the semester progresses. Professors look for increasing acuity at negotiation technique, comprehension and analysis.

50% Paper

On a topic of interest to you
**FOCUSING ON OR RELATING TO NEGOTIATION
AND ANALYZING NEGOTIATION**

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.**

A topic description, paper outline and proposed bibliography are due in accordance with the class schedule below.

The paper is due on or before December 7, 4:00 p.m. turned in to the instructors' mail boxes at the Blakely Advocacy Institute in the Law Center, Room 101 BLB.

Grading is to some degree, subjective, ALTHOUGH NOT ARBITRARY.

The paper will be evaluated on:

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

ASSIGNMENT SUBMISSIONS

Professors prefer journals and papers be submitted in hard copy form. Students who are unable to submit hard copies, may submit assignments via email to Nicole Dellario, Program Manager, University of Houston Law Center, Blakely Advocacy Institute, 713-743-2065, nhdellar@Central.UH.EDU. Emailed assignments must include class and professor name, exam number/last 4 digits SSN, name of assignment and submitted so staff can print and place in professor's mail box by the due date and time. **PLEASE DO NOT submit written assignments via our personal emails.**

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 and turn in assignments timely. **LET US KNOW ANYTHING YOU NEED TO DEAL WITH HARVEY AFTERMATH.**

OBSERVATIONS AND INDIVIDUAL FEEDBACK

Professors will observe negotiation simulation exercises for each student and provide individualized feedback 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 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 21, 2017 – November 20, 2017

August 21, 2017 – 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 28, 2017 – CANCELLED DUE TO HARVEY

September 11, 2017

CO-OPERATION - TRUST AND REPUTATION

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 (through page 38) and 8B for next meeting

September 18, 2017

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 – Emotions in Negotiations

Pass out *67 Fishpond* read Korobkin Chapters 3 and 7B for next meeting

September 25, 2017

THE ROLE OF EMOTIONS IN NEGOTIATION

Turn in debrief for *Hong Kong* and *Bullard House*; prep for *67 Fishpond*

Simulation – *67 Fishpond Lane*

Debrief - Determining the bargaining zone

Lecture – Calculating and Manipulating Value

Pass out *Clarke*

Read Korobkin Chapters 2 (page 39 to end) and 5

October 2, 2017

CALCULATING AND MANIPULATING VALUE

Turn in prep for *Clarke v. Ins.* and debrief for *67 Fishpond*

Simulation - *Clarke*

Debrief

Lecture – Integrative Bargaining

Pass out *Sally Soprano*

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

October 9, 2017

INTEGRATIVE BARGAINING I

Turn in debrief for *Clarke* and prep for *Sally Soprano*

Simulation – *Sally Soprano*

Prepare written agreement as part of negotiation to turn in at end of class

Debrief

Lecture – The Principal / Agent Relationship

Pass out PowerScreen

Read remainder of “Getting to Yes” and Korobkin Chapter 10 for next meeting

October 16, 2017

INTEGRATIVE BARGAINING II

Turn in debrief for *Sally* and prep for *PowerScreen*

Simulation – *PowerScreen*

Prepare written agreement as part of negotiation to turn in at end of class

Debrief

Lecture – Culture and Gender

Pass out *MedLee*

Read Korobkin Chapter 9

October 23, 2017

CULTURE

Turn in debrief for *PowerScreen* and prep for *MedLee*

Simulation – *MedLee*

Prepare written agreement as part of negotiation to turn in at end of class

Debrief

Lecture – Fairness

Hand out material for *Parking Garage* and *Hospital Committee*

Read Korobkin Chapter 6 for next class

Discuss preference of candies

HAND IN PROPOSED PAPER TOPICS

October 30, 2017

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 Mediation

Pass out *Springfield Outfest*

Read Korobkin Chapter 12 for next meeting

November 6, 2017

MEDIATION AND VALUES BASED NEGOTIATIONS

Turn in debrief for Hospital Committee and Parking Garage
and prep for *Springfield Outfest*

Simulation – *Springfield Outfest*

Lecture on Coalitions and Multi-Party Negotiations

Read Korobkin Chapter 11 for next meeting

HAND IN OUTLINE OF PAPER AND PROPOSED BIBLIOGRAPHY

November 13, 2017

MULTILATERAL NEGOTIATIONS

Turn in prep for *Collective Bargaining* and debriefs for *Springfield Outfest*

Simulation – *Collective Bargaining* – internal meeting

Simulation – *Collective Bargaining* – external meeting

Debrief simulation

Lecture – Managed Chaos

Pass out *Menhune Bay*

Individual conferences (on request) re: Paper Topics

November 20, 2017

INTERNAL AND EXTERNAL NEGOTIATIONS

Turn in debrief of *Collective Bargaining*

Simulation – *Menhune Bay*

Debrief

NO DEBRIEF IS DUE FOR MENEHUNE BAY

Individual conferences (on request) re: Paper

PAPER DUE DECEMBER 7, 2017 by 4:00 PM