

LEGAL NEGOTIATIONS SPRING 2015

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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

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

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, 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 for those simulations during class on February 23, and March 2, 9 and 23. These agreements should be handed in at the end of the class period and should contain the exam number of both participants.

- 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.

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 May 8, 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.

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

January 26, 2015 – April 27, 2015

January 26, 2015

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

Simulation – *Restaurant Rancor*

Read Korobkin Chapters 1, 7A and 8A and 13 for next meeting

February 2, 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

February 9, 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, 7B and 10 for next meeting

February 16, 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.

February 23, 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

March 2, 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

March 9, 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 - Drafting

Pass out *Trask Divorce*

March 16, 2015 – **SPRING BREAK !!!!!**

March 23, 2015

FORMALIZING THE RESULTS OF NEGOTIATIONS

Turn in debrief/agreement for *MedLee* and prep for *Trask*

Simulation – *Trask*

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

Lecture on Fairness

Pass out *Parking Facility* and *Hospital Committee*

Read Korobkin Chapters 5 and 6 for next meeting

**HAND IN CLASS DRAFTING ASSIGNMENT
AND
PROPOSED PAPER TOPICS**

March 30, 2015

FAIRNESS AND RELATED SOCIAL NORMS

Hand in debrief of *Trask* and prep for *Parking Facility, Hospital Committee*

Simulation - *Parking Facility*

Debrief simulation

Simulation - *Hospital Committee*

Debrief simulation

Lecture - Multi-party Negotiations

Pass out BMP Policy Meeting

Read Korobkin Chapter 11 for next class

April 6, 2015

MULTILATERAL NEGOTIATIONS

Turn in prep for *BMP* and debrief for *Parking Facility, Hospital Committee*,

Discussion of Multilateral Negotiations

Simulation – BMP

Debrief simulation

Lecture - Mediation

Pass out Springfield

Individual conferences (on request) re: Paper Topics

Read Korobkin Chapter 12 for next meeting

HAND IN PAPER OUTLINE/BIBLIOGRAPHY

April 13, 2015

MEDIATION AND VALUES BASED NEGOTIATIONS

Turn in debrief for previous class negotiation and prep for Outfest

Simulation – Springfield Outfest

Debrief simulation

Pass out DEC vs. Riverside

April 20, 2015

DEC VS. RIVERSIDE

Turn in debrief for Springfield and prep for DEC

Simulation – DEC vs Riverside

Turn in results of simulation at end of class

April 27, 2015

Lecture on the Basis of Joint Gains

Turn in debrief for previous class

Discussion of DEC vs. Riverside

Closure

Individual conferences (on request) re: Paper

PAPER DUE May 8, 2015 by 4:00