

LEGAL NEGOTIATIONS SPRING 2018

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CLASSROOM: 111 TUII BREAKOUT ROOMS: 117/119 TUII

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, Third Edition, Aspen Law and Business, 2014)

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, Ph.D., 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

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, **page count does not include 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, by 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. **You must attend at least 10 of the 13 scheduled classes to receive credit for the class.**

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

January 22, 2018 – April 23, 2018

January 22, 2018 – 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, 7 and 13 for next meeting

January 29, 2018

CO-OPERATION - TRUST AND REPUTATION

Turn in debrief for *Restaurant Rancor* and prep for *Oil Pricing*
Simulation - *Oil Pricing*
Debrief - Trust and Reputation
Lecture - Distributive negotiations:
 BATNAs, Reservation points, ZOPAs, Aspirations
Pass out *Hong Kong* and *Bullard Houses*
Read Korobkin Chapter 2 for next meeting

February 5, 2018

DISTRIBUTIVE NEGOTIATION - BATNA

BARGAINING ZONE - SETTING A RESERVATION PRICE

Turn in debrief for *Oil Pricing*; Prep for *Hong Kong*, *Bullard Houses*
Simulation – *Bullard Houses*
Debrief – BATNA
Simulation – *Hong Kong*
Debrief - Lecture – Emotions in Negotiations
Pass out *67 Fishpond Lane*
Read Korobkin Chapters 3 and 8 for next meeting

February 12, 2018

PERSUASION AND EMOTION IN NEGOTIATION

Turn in debrief *Hong Kong* and *Bullard Houses*; prep for *67 Fishpond Lane*
Simulation – *67 Fishpond Lane*
Debrief - Determining the bargaining zone
Lecture – Calculating and Manipulating Value
Pass out *Clarke v. Ins.*
Read Korobkin Chapter 5 for next meeting

February 19, 2018

CALCULATING AND MANIPULATING VALUE

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

Simulation – *Clarke v. Ins.*

Debrief

Lecture – Integrative Bargaining

Pass out *Sally Soprano*

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

February 26, 2018

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

Lecture – The Principal / Agent Relationship

Pass out *Power Graphics*

Read remainder of “Getting to Yes” and Korobkin Chapters 9 and 11 for next meeting

March 5, 2018

INTEGRATIVE BARGAINING II

Turn in debrief for *Sally Soprano* and prep for *Power Graphics*

Simulation – *Power Graphics*

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 10

SPRING BREAK

March 19, 2018

CULTURE AND GENDER

Turn in debrief for *Power Graphics* 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

HAND IN PROPOSED PAPER TOPICS

March 26, 2018

FAIRNESS AND RELATED SOCIAL NORMS

Turn in debrief for *MedLee* and prep for *Parking Garage and Hospital Committee*

Simulation – *Parking Garage*

Simulation – *Hospital Committee*

Debrief simulation

Lecture – Mediation

Read Korobkin Chapter 13 for next meeting

Individual conferences (on request) re: Paper Topics

April 2, 2018

MEDIATION AND VALUES BASED NEGOTIATIONS

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

Simulation – *Springfield Outfest mediation*

Debrief

Lecture – multi party negotiation

Read Korobkin Chapter 12 for next meeting

HAND IN OUTLINE OF PAPER AND PROPOSED BIBLIOGRAPHY

April 9, 2018

NEIGHORHOOD DISPUTE NEGOTIATION

Turn in debrief for *Springfield Outfest* and prep for *Chestnut Village*

Simulation – *Chestnut Village*

Debrief

Lecture – strategy

Pass out *Collective Bargaining*

April 16, 2018

Turn in debrief for *Chestnut Village* and prep for *Collective Bargaining*

Simulation – Internal negotiation for *Collective Bargaining*

Simulation – external negotiation for *Collective Bargaining*

Debrief

Hand out *Menehune Bay*

Pizza Preferences

April 23, 2018

Turn in debrief for *Collective Bargaining* and prep for *Menehune Bay*

Simulation *Menehune Bay* – no written debrief is due

Debrief

Parting words

PAPER DUE MAY 10, 2018 by 4:00 PM