

University of Houston Law
Center Spring 2020
Advanced Legal Negotiations

Room TBD
Section # 18465
Course # 5271
Advanced Negotiations

Wednesday 5:30 pm to 7:30 pm

Professors: Kevin Hedges
Megan Daic

Required Text: Negotiation Genius by Deepak Malhotra and Max Bazerman

Recommended Text: Getting to Yes by Roger Fisher and William Ury
Beyond Reason by Roger Fisher and Daniel Shapiro

Office Hours: By appointment

Phone: Kevin Hedges (713) 524-5556
Megan Daic (713) 808-5246

Email: Everyone should have access to email and an email account.
Email is the best way to contact Professor Hedges and Professor
Daic. You can reach them at:

khedges@uh.edu
megan@daiclaw.com

Course Description:

Pre-requisites: Legal Negotiation, participating in the ADR Team, participation in the ABA Negotiation Competition, or participating in the ICC International Commercial Mediation Competition.

This course will focus on in-depth analysis, planning, and practice of preferred systems and techniques for complex negotiation involving both hard and soft interests. The analytical skills to be emphasized are: 1) Identification of interests; 2) Analysis and improvement of each party's BATNA; 3) Development of options; and 4) Assurance of transparency, implementation and enforcement. Class size is limited to 12 students in order to assure the faculty/student ratio necessary for in-depth analysis and training.

Course Goals:

This is an advanced course offered to students who have been exposed to basic concepts of negotiation theory and practice. The following description of course goals for legal negotiation is accurate for this class as well, but we will be exploring the issues relating to preparation and opportunities for mutual gain in more depth than in introductory classes.

This course starts from the observation that the world of managers, lawyers, public officials, analysts, and other professionals is marked by interdependencies, fragmented sources of power, and an uncertain future. In this unruly world, the sources for understanding and stability are often provisional and the ability to learn and to manage change is at a premium. The diversity of our society and work force contributes to conflicts over goals, interests, and frames of reference. These characteristics create an ongoing need for the ability to craft stable agreements that advance interests, build trust, and construct understanding in complex and unstable environments. They create a need for alternative dispute resolution.

To help you develop the understanding and skills necessary to respond to this challenge, we will explore three insights that currently shape negotiation research, theory, and practice. The insights each describe negotiations as an interactive process. The first insight is that even simple interdependencies create a dynamic environment in which multiple outcomes are possible. The bare fact that a bargain requires the consent of both parties is sufficient to open a complex space for interaction between negotiators. The second insight is that negotiation is rarely a zero-sum process. Negotiators affect not only how value is distributed, but also how much value there is to distribute. The third insight is that negotiation is a social process. Through their interactions, negotiators shape the terms in which they understand problems, their sense of what kind of behavior is fair, appropriate, and desirable, and their ability to trust.

We hope to accomplish two goals. First, we hope that you will develop skills that will make you a better negotiator. Second, we hope to help you connect your developing understanding of negotiation in terms connected to adjacent questions about learning, rationality, ethics, organizational behavior, and other fields. In more substantive terms, this course should help you to diagnose conflict, prepare to negotiate, negotiate purposefully and thoughtfully, and critically evaluate outcomes and experiences.

We will explore a systematic approach to negotiation that we think constitutes good advice about what to do when your interests or beliefs are in tension with others' and you cannot act unilaterally.

Negotiation Exercises:

You will take part in several negotiation exercises. For each case, you will be assigned a particular role, given background information, instructions, and confidential information to aid in your preparation. You will be asked to prepare in writing for these exercises, and you may be asked to present in class in front of the other students.

Cases and Readings:

Required Text: Negotiation Genius by Deepak Malhotra and Max Bazerman

Grading:

Your grading will be based on the following components:

10% Class Participation. This component is based on (1) showing up and (2) participating in class discussions in a productive and involved way.

10% Skill Evaluation

10% Negotiation Preparation Memo for First Exercise

Preparation Sheets require the following information: 1) Your interests; 2) the other party's interests; 3) options for creating mutual gain; and 4) strategies for meeting your interests.

25% Negotiation Preparation Memo for Second Exercise

40% Negotiation Preparation Memo for Third Exercise

PLEASE NOTE, THE GRADING FOR THE NEGOTIATION PREPARATION SHEETS IS DONE ANONYMOUSLY. IF YOUR NAME APPEARS ON ANY ASSIGNMENT THAT YOU TURN IN, YOU WILL AUTOMATICALLY BE GIVEN THE LOWEST GRADE APPLICABLE FOR THAT ASSIGNMENT.

Confidential Instructions:

You will receive confidential instructions in each of the exercises. You may choose to reveal or discuss some or all of the contents of your confidential information with your opposing party. Indeed, to be successful, this kind of communication is often indispensable. However, you must not physically show your confidential information sheets to the other side. This rule is intended to mirror reality – in most real-life situations, you cannot simply show the full set of your underlying values and information to your opposing party.

Optional Reading List:

Getting to Yes by Roger Fisher and William Ury
Beyond Reason by Roger Fisher and Daniel Shapiro

Counseling and Psychological Services

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](tel: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

Tentative Schedule:

Class 1 (January 15)	Course Introduction
Class 2 (January 22)	<u>Required Reading: Chapters 1 & 2</u> Hand Out Exercise 1
Class 3 (January 29)	<u>Reading: Chapter 3</u> Breakout Sessions in preparation for Exercise 1
Class 4 (February 5)	Meet with partner in preparation for Fishbowl 1
Class 5 (February 12)	<u>Reading: Chapters 4 & 5</u>
Class 6 (February 19)	<u>Turn in Preparation Memo for Exercise 1</u> (15% of grade) Fishbowl of Exercise 1
Class 7 (February 26)	<u>Reading: Chapter 6</u> Hand Out Exercise 2
Class 8 (March 4)	<u>Reading: Chapter 7</u> Breakout Sessions in Preparation for Exercise 2
	SPRING BREAK
Class 9 (March 18)	Turn in Preparation Memo for Exercise 2 (25% of grade) Fishbowl of Exercise 2
Class 10 (March 25)	<u>Reading: Chapter 8</u> Hand Out Exercise 3

Class 11 (April 1)	<u>Reading: Chapter 9 & 10</u> Breakout Sessions in preparation for Exercise 3
Class 12 (April 8)	<u>Reading: Chapter 11 & 12</u>
Class 13 (April 15)	<u>Reading: Chapter 13 & 14</u>
Class 14 (April 22)	Turn in Preparation Memo for Exercise 3 (40% of grade) Fishbowl of Exercise 3