LEGAL NEGOTIATIONS
FALL 2016

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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
- 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
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 3, 10 and 17.
Agreements are turned in at the end of the class period and should contain the exam number of both participants, and are 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 an additional paper as described below.

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 8, 2016, 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.

**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. **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, by request basis.
CLASS SCHEDULE  
August 22, 2016 – November 21, 2016

August 22, 2016 – 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 29, 2016
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 (through page 38) and 8B for next meeting

LABOR DAY HOLIDAY

September 12, 2016
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 19, 2016
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
September 26, 2016

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 3, 2016

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 10, 2016

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 17, 2016

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

HAND IN PROPOSED PAPER TOPICS
October 24, 2016

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 Collective Bargaining
Read Korobkin Chapter 11 for next meeting
Discuss preference of candies

October 31, 2016

MULTILATERAL NEGOTIATIONS
Turn in prep for Collective Bargaining and debriefs for Parking Facility, Hospital Committee,
Simulation – Collective Bargaining – internal meeting
Simulation – Collective Bargaining – external meeting
Debrief simulation
Lecture – Managed Chaos
Pass out Marsh County
Individual conferences (on request) re: Paper Topics
HAPPY HALLOWEEN

November 7, 2016

INTERNAL AND EXTERNAL NEGOTIATIONS
Turn in debrief of Collective Bargaining and prep for Marsh County
Simulation – Marsh County
Debrief
Lecture – Mediation
Pass out Springfield Outfest
Read Korobkin Chapter 12 for next meeting

HAND IN OUTLINE OF PAPER AND PROPOSED BIBLIOGRAPHY

November 14, 2016

MEDIATION AND VALUES BASED NEGOTIATIONS
Turn in debrief for Marsh and prep for Springfield Outfest
Simulation – Springfield Outfest

November 21, 2016

Last Class – turn in debrief for Springfield
Discussion of Springfield and Mediation
Individual conferences (on request) re: Paper

PAPER DUE DECEMBER 8, 2016 by 4:00 PM