

Legal Negotiations Fall 2021

Required Textbook: **Skills & Values: Legal Negotiating, Fourth Edition**

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****Important Notes:** *The negotiation problems presented in the text contain the confidential information for each party. Please **do not** read the confidential information for either side until you are given your party assignment for each exercise.*

Course Objectives and Learning Outcomes

At the end of this course, students will be able to:

- Explain the negotiation process;
- Define and determine your BATNA;
- Identify non-verbal negotiation communication;
- Identify negotiation styles;
- Develop effective negotiation strategy and approach;
- Engage in effective and successful negotiation outcomes.

Grading:

<i>Preparation, Professionalism, Class Performance</i>	<i>(20% of final grade)</i>
<i>Scored Negotiation #1</i>	<i>(20% of final grade)</i>
<i>Scored Negotiation #2</i>	<i>(30% of final grade)</i>
<i>Final Exam</i>	<i>(30% of final grade)</i>

Plagiarism

Plagiarism is an extremely serious offense that may result in disciplinary action. There are two major types of plagiarism:

1. Failure to cite the source of an idea; and
2. Failure to use quotation marks around a direct quote.

Use of an idea: If you use the idea (or an organization) of another author, you must attribute that idea to the other author. Merely paraphrasing the other author's words is not sufficient. You must also cite to the other source.

Use of the same words: If you use the idea and the words of another author, you must put quotation marks around those words and cite to the source. Both are required. If either the quotation marks or the citation is missing, you have plagiarized the other author's work.

Intent is not required for a writing to be plagiarized. Using the ideas or words of another student may also be plagiarism.

Regardless of what rules you may have followed on this subject before law school, or what practices you may observe elsewhere, this is the standard that you must adhere to in all of your Lawyering Skills classes, in all seminar papers, in all Moot Court briefs, and in all Law Review or Computer Journal papers. This definition may be supplemented for Lawyering Skills classes.

Counseling and Psychological Services (CAPS)

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

Sexual Misconduct Policy

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf> (antidiscrimination)

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the

sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Names and Pronouns

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) must be respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun, or if you have concerns about how I or your classmates address you.

First Day Class Assignment: read Chapters 12 and 20

Negotiation Psychology

Aug. 24 Introduction
 Chapter 12: Impact of Psychological Factors
 Chapter 21: Ethical Dilemmas

Exercises:
Conflict Style Assessments
Parker v. Davidson (book)
Mosseyback Lane (website)

Aug. 30 Chapter 3: Negotiation Process
 Chapter 11: Impact of Anchoring

Exercises:
Doe v Palsgraf (book)
White Album (website)

Sept. 7 Chapter 4: Negotiation Techniques
 Chapter 7: Influence of Negotiator Styles

Exercises:
SinglePart-LargeCorp (book)
Alpha-Beta Robotics (website)
Scored Negotiation #1 Problem is handed out

Negotiation Techniques & One-on-One Negotiation

Sept. 14 Chapter 5: Post-Negotiation Assessments

Exercises:

Super Stores and Retail Clerks Union (website)

Able v. Goodwin (website)

Sept. 21 Chapter 8: Impact of Process on Post-Negotiation Feelings
Chapter 14: Telephone and E-Mail Negotiations

Exercises:

The Blockbuster (website)

Jakova v. Social Security Administration (website)

Discussion of Inter-School Negotiation Practicum

Sept. 28 ***Scored Negotiation #1 (20% of final grade)***

Oct. 5 Chapter 9: Nonverbal Communications
Chapter 10: Dealing with Zero-Sum Exercises

Exercises:

Petersen v. Denver (book)

Bevans v Newcombe Realty (website)

Scored Negotiation #2 Problem is handed out

Oct. 12 Chapter 13: Impact of Gender on Negotiations

Exercises:

Leaves for the Fall (website)

TBA

Oct. 19 ***Scored Negotiation #2 (30% of final grade)***

Negotiation in a Broader Context

Oct. 26 Chapter 15: International Business Negotiations
Cross-Cultural Considerations

Exercises:

Chinese Joint Venture (book)

Open the Cask (website)

Nov. 2 Chapter 17: Multi-Party Negotiations

Exercises:
The Stadium (website)

Nov. 9 Final Exam Negotiation Planning Sessions

Nov. 16 ***Final Exam (30% of final grade)***

Nov. 23 Final Negotiation Debriefing