

University of Houston Law Center

Fall 2026

Legal Negotiations

Room 220

Section # 10677

Course # 5381

Legal Negotiations

Tuesday 6:00 pm to 9:00 pm

Professors:

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Required Text: Getting to Yes by Roger Fisher and William Ury

Suggested Text: Never Split the Difference by Chris Voss

Office Hours: On request. Additionally, weekly Zoom hours will vary based on Adjunct Professor availability.

Phone:

Brandon Schrecengost (281) 414-8311

Email: Everyone should have access to Canvas as well as email and an email account. Email is the best way to contact Professor Schrecengost is via email at the following:

bschrecengost81@gmail.com

Course Description:

This course will focus on preparation, analysis, planning, and practice of preferred systems and techniques for legal 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 48 students.

Summary of Course Objectives:

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

SPECIAL NOTE:

AI Generated Text

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and specific implementations that are well known in the general public as ChatGPT or the like. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output – the AI Generated Text – appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written work product a student might generate themselves. AI Generated Text can include computer code

or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course except as expressly allowed by the professors. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text unless expressly authorized by the professors. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/other in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructors or presented in a class session, regardless of whether it is graded content or not. Nor may AI Generated Text be used in the development or drafting of any assessments created by you in a non-proctored environment, such as “take-home” assignments, without prior express permission from the professors.

Instances when you are allowed or not allowed to incorporate AI Generated Text in your assignment(s) will be expressly stated by your professors. If listed in the syllabus, these designations are listed as “AI use NOT ALLOWED” or as “AI use ALLOWED, but you must indicate on the submitted assignment if you used AI and also turn in your prompts.” For any assignment in which you use AI Generated Text, you must turn in the prompts you used to generate the material, in addition to turning in the final product. Note that for any assignment where AI use is allowed, you are not required to use AI if you choose not to.

Electronic caselaw research aids, such as Westlaw or LexisNexis, and online or hardcopy form books, such as those promulgated by O’Connor’s, are not considered large language models (LLMs) or AI Generated Text. You may use these types of aids freely throughout the semester. If you are unsure whether a research aid, website, or other resource falls under the “AI Generated Text” restriction, please ask.

Prohibition. Subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Text—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.

Exceptions

The following AI-Generated Text uses are exceptions to the preceding prohibition. The exceptions' intent is to allow the generation and use of AI-Generated Text for specific, narrowly defined activities related to this course.

- You may generate and use AI-Generated Text for class preparation, although you must disclose the full extent of that use if your professor asks. You may generate and use AI-Generated Text for study supplements to aid with general understanding of course content. This could take different forms that include creating examples or explanations of a concept, generation of diagrams and flow charts, “gamification” of course content, flash cards for study, or sample questions and answers.
- You may generate and use AI-Generated Text for an outline that summarizes the course
- You may use AI-Generated Text to check your originally drafted text for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like
- You may use AI-Generated Text for the purpose of language translation

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.

Learning Objectives/Goals/Outcomes:

This is an **introductory course** designed for students who are new to legal negotiation. Unlike advanced courses that explore complex negotiation strategies and deep

analytical frameworks, this course will focus on foundational principles, essential techniques, and practical skills needed to navigate legal negotiations effectively.

This course begins with the premise that negotiation is a fundamental skill for lawyers, business professionals, and public officials. The legal landscape is filled with situations that require cooperation, persuasion, and conflict resolution. Whether working with clients, opposing counsel, or third parties, lawyers must be able to engage in negotiation to reach favorable agreements, avoid unnecessary litigation, and resolve disputes efficiently.

To help students build a strong foundation in legal negotiation, we will explore three key insights:

1. **Negotiation is an interactive process** – Even in simple legal matters, multiple outcomes are possible, and the dynamics between parties shape the final agreement.
2. **Negotiation is not purely adversarial** – While disputes may involve competing interests, negotiation is often about creating value, not just distributing it.
3. **Negotiation is guided by strategy, ethics, and communication** – Success depends not only on legal knowledge but also on preparation, persuasive communication, and an understanding of ethical considerations.

Through this course, we aim to accomplish two primary goals:

1. **Develop students' core negotiation skills** – This includes effective preparation, active listening, managing emotions, crafting offers and counteroffers, and reaching agreements that serve clients' best interests.
2. **Introduce students to negotiation theory and practice in a legal context** – Students will learn key frameworks such as interest-based negotiation, distributive vs. integrative bargaining, and the role of power and leverage in legal negotiations.

By the end of the course, students will be able to:

- Identify different types of legal negotiations and their key challenges.
- Develop a systematic approach to negotiation preparation, including goal-setting and understanding counterparties' interests.
- Apply negotiation tactics and strategies to real-world legal scenarios.
- Analyze ethical and professional considerations in legal negotiations.
- Evaluate negotiation outcomes and reflect on ways to improve future negotiations.

This course provides a structured introduction to negotiation within the legal profession, equipping students with practical tools and knowledge to navigate legal negotiations with confidence and competence.

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 and/or record and upload your negotiation for your faculty to observe and provide feedback.

Grading:

Your grading will be based on the following components:

- Preparation, Professionalism, Class Performance (25% of final grade)
- Scored Negotiation #1 (20% of final grade)
- Scored Negotiation #2 (25% of final grade)
- Final Exam (30% of final grade)

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:

Beyond Reason by Roger Fisher and Daniel Shapiro

Never Split the Difference by Chris Voss

Instructional Mode (IM):

This course is designated as a face-to-face course, which means classes are in person by default, but designated classes may occasionally be held as remote classes via Zoom to accommodate other scheduling needs or other unforeseen circumstances. Students will be notified in advance of any classes that will be held remotely and a

Zoom link will be posted on Blackboard at the start of the semester that is the Zoom link that will be used for any such classes.

Required information from UH administration:

- Remote presence: The UHLC administration has notified faculty that because of supply chain issues and ongoing construction at the new building, the availability of “remote presence” (i.e., starting a Zoom meeting from the podium computer to enable student remote access during in-person class on an occasional basis) for the semester is not known; therefore, students should not rely on an expectation that remote presence will be available. (As noted below, per the UH recording policy, all classes will be recorded and recordings posted to the class Blackboard page where they will remain up for the entire semester, so if a student is absent and unable to attend an occasional class in person, they may review the recording afterwards).
- Syllabus Changes: Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Modifications to the course syllabus may also be needed due to other unforeseen circumstances (such as a global pandemic, or weather-related emergency, or instructor illness). Such modifications may include changes to the mode of instruction or assigned material for the course. Notice of such changes will be announced as quickly as possible through the course website and/or email.

Law Center Attendance Policy: As noted in the student handbook, [link](#) (page 5), and required by ABA standards, the Law Center has a minimum 80% attendance policy for students. Therefore, 3 missed class sessions constitute nonadherence to this policy. Please communicate with your Professors in the event you have any issues complying with the UHLC Attendance Policy regarding this course. A student’s nonadherence with the attendance policy may result in notification with the Office of Student Affairs.

Counseling and Psychological Services (CAPS)

[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 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.

The Texas Lawyers’ Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP’s website

includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>

[Links to an external site.](#)

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Other Support Services: Law school can be a challenging experience, and on top of that, we are emerging from a global health crisis. In addition to the resources above, there are other resources on campus to help. If you find yourself food insecure, housing insecure, or in need of mental health or other services, the University has other free resources for students available here: <https://www.uh.edu/dsaes/coogscare/>. The Cougar Cupboard provides free groceries for all students, with no requirements. More information is available on their website: <https://uh.edu/dsa/cougarcupboard/>.

Anti-Discrimination and Sexual Misconduct Policies

UHLC and the University of Houston are 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, a confidential reporting process is available to you. For more information, please refer to the University System's [Anti-Discrimination Policy SAM 01.D.07](#)

[Links to an external site.](#)

and [Sexual Misconduct Policy SAM 01.D.08](#)

[Links to an external site.](#)

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Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by university employees and students.

Security Escorts and Cougar Ride UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on

campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called “Cougar Ride” that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

1. **Other UH Resources:**

- [Diversity and Inclusion Statement](#)
- [Non-Discrimination Statement](#)
- [Center for Diversity and Inclusion](#)
- [Center for Students with DisABILITIES](#)
- [LGBTQ Resource Center](#)
- [Cougars in Recovery](#)
- [Counseling and Psychological Services](#) (see Section XIII)
- [Veterans Services](#)
- [Cougar Cupboard](#)
- [CoogsCare](#) (student assistance resources)
- [DACA: What You Need to Know](#)
- [Student Health Center](#)
- [Wellness](#)

Names and Pronouns

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, chosen names and preferred pronouns—including non-binary ones such as they|them|their—and honorifics, such as Rev., Mr. Ms. Mx. Dr., will 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.

My pronouns are _____. You may call me _____.

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to

contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

Accessibility and Accommodations

UHLC is committed to ensuring that all students enjoy equal access and full participation.

If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), please feel free to reach out to me so that we may discuss options. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is located in room 44A TU-II in the Office of Student Services suite, and she can be reached at sary@central.uh.edu or 713-743-7466. Requests for accommodation that involve graded assignments **must be directed to Ms. Ary** and should be made as soon as possible to allow adequate time to document and to process the request.

If you observe religious or cultural holidays that will coincide with synchronous class sessions or conferences, please let me know as soon as possible, so that we may make arrangements.

Honor Code

The [UHLC Honor Code](#) applies to all aspects of my class. *You are responsible for knowing all Honor Code provisions and for complying with the Honor Code.* Please ask me if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to my course. *It is an Honor Code violation to review the graded assignments distributed to, or written by, any of my students from prior years.*

Recording of Class (if applicable)

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor.

Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Tentative Schedule:

Class 1 (January 20) Required Reading: Chapter 1 of Getting to Yes

Topics: Introduction to the Course & Syllabus
Negotiation Process & Ethics
Discuss Grading and Rubrics
Assessments/Online TKI

Homework: Students will watch The Little Mermaid prior to Week 2.

Class 2 Required Reading: Chapter 2 of Getting to Yes

Topics: Setting the Scene (Openings) + Framing (i.e., "perspective")
Themes/Hooks

Exercise(s): Framing/perspective exercise

Each student will be assigned to one of the following:

- *Ariel*
- *Ursula*
- *The Prince*
- *The King*
- *Sebastian*

6 groups of ~ 8. Students will have 15 minutes to discuss their frame with their group. Then everyone will present.

Negotiation Scenario: Oil Pricing

Class 3 Required Reading: Chapter 3 of Getting to Yes

Topic: BATNA

Negotiation Scenario: Sally Soprano

Class 4 Required Reading: Chapter 4 of Getting to Yes

Sally Soprano Active Listening Demonstration

Breakdown of Sally Soprano

Topic: Active Listening/Information Gathering

Negotiation Scenario: Axis Affair

Class 5 Turn in REP Plan/Preparation Memo for SN1 (via Canvas)

Scored Negotiation #1 (20% of final grade)

Negotiation Scenario: TBD

Class 6 Required Reading: Chapter 5 of Getting to Yes

SN1 Opening Demonstration

Class Debrief on Scored Negotiation #1

Topic: Representation Plans

Negotiation Scenario: 67 Fishpond Lane

Class 7 Required Reading: Chapter 6 of Getting to Yes

Framing Demonstration

Topic: Interest Generation

Negotiation Scenario: Rory Falls

Class 8 Required Reading: Chapter 7 of Getting to Yes

Topic: Option Packages & Justifications

Negotiation Scenario: PI case – Newcombe Realty

Class 9 Turn in REP Plan/Preparation Plan for SN2 (via Canvas)

Scored Negotiation #2 (25% of final grade)

Negotiation Scenario: TBD

Class 10 Required Reading: Chapter 8 of Getting to Yes

Option Package Demonstration from SN 2

Topic: Negotiation Techniques/Terms

Exercise: Negotiation Terms Jeopardy

Negotiation Scenario: Leaves Before The Fall

Class 11 Required Reading: Chapter 9 of Getting to Yes

Topic: Multi-Party Negotiations

Negotiation Scenario: Harborco

Class 12 Required Reading: Chapter 10 of Getting to Yes

Final Negotiation Planning Sessions

Class 13 Turn in REP Plan/Preparation Plan for SN3 (via Canvas)

Scored Negotiation #3 (30% of final grade)

Negotiation Scenario: TBD