

University of Houston Law Center  
Spring 2024  
Advanced Legal Negotiations

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Room 260  
**Section # 13151**  
**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  
Difficult Conversations by Douglas Stone, Bruce Patton, Sheila  
Heen, et al.

**Recommended Text:** Getting to Yes by Roger Fisher and William Ury  
Beyond Reason by Roger Fisher and Daniel Shapiro  
Never Split the Difference by Chris Voss

**Office Hours:** By appointment

**Phone:** Kevin Hedges (713) 494.8905  
Megan Daic (281) 701-6334

**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](mailto:khedges@uh.edu)  
[megan@daiclaws.com](mailto:megan@daiclaws.com)

**Course Description:**

Pre-requisites: Legal Negotiations, 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.

## **Learning Objectives/Goals/Outcomes:**

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
- Difficult Conversations by Douglas Stone, Bruce Patton, Sheila Heen, et al.

## **Grading:**

Your grading will be based on the following components:

15% 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 & Negotiation (50/50)

**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  
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.
- Covid-19 information for face-to-face courses:
  - FACE COVERING POLICY: To reduce the spread of COVID-19, the University strongly encourages everyone (faculty & students, vaccinated or not) to wear face coverings indoors on campus including classrooms.
  - VACCINATIONS: Data shows that vaccination remains the best intervention for reliable protection against COVID-19. You can familiarize yourself with pertinent vaccine information here. The University strongly encourages all students, faculty and staff to be vaccinated.
  - PRESENCE IN CLASS: Your presence in any face-to-face class means that you:

- Are NOT exhibiting any symptoms that make you think that you may have COVID-19
  - Have NOT tested positive or been diagnosed for COVID-19
  - Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19
  - If you are experiencing any COVID-19 symptoms, please see Student Protocols for what to do. If you have potentially been exposed to COVID-19, go here: Potential Exposure to Coronavirus.
- ADDITIONAL COVID-19 INFORMATION: The University’s COVID-19 website has important information about on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

### **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>.

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

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.

#### **A. 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 \_\_\_\_\_.

## **Diversity, Inclusion, and Wellness**

This is an inclusive learning space.

At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713-743-2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes "[building] on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at [UHLCD&I@uh.edu](mailto:UHLCD&I@uh.edu).

Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

## **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](mailto: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 17)      Required Reading: Chapters 1 & 2 of Negotiation Genius  
Course Introduction  
Overview of various negotiation terms  
Discuss Effective Openings
- Class 2 (January 24)      Reading: Chapter 3 of Negotiation Genius  
Framing Development & Scenarios  
Demonstration – Associate/Able Law Firm  
*Hand Out Exercise 1 (Vaccination Loss)*
- Class 3 (January 31)      Reading: Chapter 4 & 5 of Negotiation Genius  
Interest Generation Exercise (Split into 2 groups)
- Class 4 (February 7)      Reading: Chapter 6 & 7 of Negotiation Genius  
Breakout Sessions in preparation for Exercise 1  
Practice Openings & Discuss Interests
- Class 5 (February 14)      Turn in Preparation Memo for Exercise 1  
(15% of grade)  
**Fishbowl of Exercise 1**
- Class 6 (February 21)      Reading: Chapter 8 - 10 of Negotiation Genius  
Handout reading  
BATNA  
*Guest Lecture*
- Class 7 (February 28)      Reading: Chapter 11 - 14 of Negotiation Genius  
*Hand Out Exercise 2*  
Multi-Party Negotiations
- Class 8 (March 6)      Reading: Chapter 1 & 2 of Difficult Conversations  
Breakout Sessions in Preparation for Exercise 2  
Work on Openings/Intros
- SPRING BREAK**
- Class 9 (March 20)      Reading: Chapter 3 - 5 of Difficult Conversations  
Gender Bias in Negotiations
- Class 10 (March 27)      Turn in Preparation Memo for Exercise 2  
(25% of grade)  
**Fishbowl of Exercise 2**

- Class 11 (April 3)                    Reading: Chapter 6 & 7 of Difficult Conversations  
*Hand Out Exercise 3*  
Logrolling & Justifications
- Class 12 (April 10)                    Reading: Chapter 8 - 10 of Difficult Conversations  
Breakout Sessions in preparation for Exercise 3  
Framing & Persuasion
- Class 13 (April 17)                    Reading: Chapter 11 & 12 of Difficult Conversations  
*Guest Lecture: Lindsay Contreras*
- Class 14 (April 24)                    Turn in Preparation Memo for Exercise 3  
(40% of grade)  
**Final Negotiation (to be scheduled per pairing)**