

NEGOTIATION WORKSHOP

Syllabus
Spring 2015

PROFESSOR

Professor Rishi Batra

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Office Hours: By appointment. Feel free to drop by my office if you have questions, as I am often there and available.

Office: 207

TEACHING FELLOW

Clinton Nicley

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Office Hours: Thursday 2-4 p.m.

Location: Board of Barristers office (down the hallway from Hunt Courtroom, last door on the right)

CLASS TIME

Mondays & Wednesdays: 2:30 p.m. – 3:45 p.m.

Classroom 250 (but in other rooms as necessary)

COURSE DESCRIPTION AND LEARNING OBJECTIVES

Negotiation is an integral part of daily life and a key skill in legal practice. This highly interactive course combines both theory and practice to help you develop a conceptual understanding of the negotiation process and to improve your effectiveness as a negotiator. You will learn techniques to prepare for, conduct, and analyze negotiations. Class discussions, simulated negotiations, assigned readings, written assignments, and videos will be used to increase your awareness of how you can improve as a negotiator, in both your legal career as well as in your personal life.

Specifically, our goals for the course are:

- a) To increase your awareness about negotiating and negotiating behavior, including the importance of the *process* of negotiation
- b) To enhance your understanding of negotiation theory, including basic organizing concepts that can be applied to many or all negotiations
- c) To enhance your skills in negotiating, including the practice of new skills and techniques
- d) To help you develop your own guidelines for negotiation practice
- e) To help you learn from your own experiences, so that you may continue to improve your practice in the future

COURSE MATERIALS

I. Texts: The main texts for this course are:

ROGER FISHER, WILLIAM URY & BRUCE PATTON, GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN (3rd ed., Penguin 2011) (GTY); AND

DOUGLAS STONE, BRUCE PATTON & SHEILA HEEN, DIFFICULT CONVERSATIONS: HOW TO DISCUSS WHAT MATTERS MOST (Penguin 2010) (DC).

Supplemental materials will be distributed in class, put on reserve in the law library, or made available electronically.

II. Simulations: During most classes, we will distribute negotiation simulation exercises that will be completed either during class or outside of class. Most of the simulations contain confidential instructions for each role. ***It is critical that you not share your confidential instructions with students playing other roles, or with students who are not enrolled in the course.*** The confidential instructions will usually be revealed after the exercise during class debriefing, but sharing the information before or during the simulation could compromise the negotiation exercise.

GENERAL INSTRUCTIONS FOR ALL SIMULATIONS

- (1) When you are asked to play a role, think about the best advice you would give to the person in that role, and then follow that advice. Do not think of it as “acting” in that role (i.e. “I am a CEO in this role, and CEOs are very demanding, so I should make unreasonable demands”). However, in order to maximize the benefit of the exercises, think about how real people would act in these situations, and consider the full context of your role in the exercises.
- (2) If you might not try a particular approach in the real world because you do not know how it might affect the negotiation yet you think it might work, by all means try it. The workshop is a place for experimentation.
- (3) The goal of each exercise is not proving that you can reach an agreement, but rather obtaining a good outcome. (For now, think about what a good outcome is.)
- (4) As for the facts of the case, you may not significantly alter the facts of the case. You may embellish on the given facts in order to more naturally communicate with the other side (“Yes, I have been working for the firm for a while”), but not change the dynamics of the negotiation (“It doesn’t say I *don’t* have an extra million dollars somewhere, so I guess I do.”)
- (5) Do not exchange confidential information.
- (6) Do not compare results with others before the review in class.

LAPTOP AND ELECTRONICS POLICY

Laptops, tablets, phones, and other electronic devices *may not be used* during class. Please silence all ringers before class starts.

ATTENDANCE AND PREPARATION POLICY

Class attendance and preparation are **mandatory**. Many classes involve simulations in which you will be paired to negotiate with another student or students. This means that if you are absent or unprepared, not only are you not able to participate that day, but you are also precluding your partner's and other group members' participation. If you do not expect to be able to attend class consistently and to be prepared, you should not take this course.

If you are unable to attend class on a given day, *please email me as soon as possible before class* to notify me of your absence and a reason that the absence may be excused (*e.g.*, illness or death of a close family member), if any. I may require additional written confirmation of the reason for the absence (*e.g.*, a doctor's note) if I believe such confirmation is necessary. All other absences will be considered unexcused absences. Failure to prepare for in-class negotiation exercises or to complete out-of-class simulations will also be considered unexcused absences. ***The course grade of a student with more than two unexcused absences will be lowered by one full grade.*** For example, a student who would otherwise have received an A in the course but who had missed three classes without excuse would receive a B in the course. ***Students with more than three unexcused absences will receive a WF (0.0) in the course.*** I will give you an email warning if my records show that you have two unexcused absences. All absences will require makeup work.

Section 51.911(b) of the Texas Education Code provides excused absences for religious holy days. If you intend to observe a religious holy day, please make that intention known in writing to me ***at least a week*** prior to the absence. A student who is absent from classes for the observation of a religious holy day shall be allowed to complete an assignment scheduled for that day within a reasonable time after the absence. A student who is excused from class under this policy may not be penalized for the absence; however, I may respond appropriately if the student fails to complete the assignment satisfactorily.

So we can begin simulations on time and as a courtesy to your fellow classmates, please make every effort to be punctual. ***Repeated lateness will negatively impact your class participation grade.***

CLASS PARTICIPATION

Your class participation grade will be determined by your attendance, preparation for class, completion of out-of-class simulations, and good faith participation in class. This course places a strong emphasis on learning by doing. Learning to improve your negotiation skills is something that requires effort. It is not a passive activity. The more effort you put into this course, the more you will learn from it—and the more fun you will have.

Class participation will include class discussions. This course provides a great deal of opportunity for discussion of your negotiation experiences. We realize it is more challenging for some students than others to speak in class, but we hope that everyone will contribute to the discourse. We can all (teaching staff included) learn by sharing ideas together. Everyone has something valuable to contribute—we are all experts about our own experiences. We expect that we will all be respectful of each other and help to make this a positive environment in which to develop our skills.

There are as many ways to negotiate as there are negotiators, so we encourage you to be willing to experiment and to try out different techniques to see what works well for you. After your negotiations, we will ask that you give constructive feedback to one another to help each other continue to improve. Learning to give appropriate and receive constructive feedback is part of the course, and will be counted as part of your participation grade.

REFLECTION PAPERS

One of the keys to improving a skill like negotiation is thoughtful reflection on your experiences, behavior, and thought processes, and your observations of others. To facilitate this process, during the semester you will be required to write guided reflection papers asking you to consider your experience from a negotiation exercise or multiple exercises in the previous weeks. You may be asked to explore such topics as a new technique you experimented with during a negotiation and its results, a mistake you felt you made and how you will avoid it in the future, a reaction you had that surprised you, something your partner did or said during the negotiation that helped with the outcome, etc.

Reflection papers should be about 3 – 4 double spaced pages. Quality and conciseness are more important than length. ***Reflection papers should be posted online by 11:59 p.m. on the day they are due.***

At the end of the course, you will be required to write a final reflection paper, of approximately 4-5 double spaced pages, reflecting upon your experience in the course as a whole. ***This final reflection paper must be posted online by 11:59 p.m. on the day it is due.***

ONLINE DISCUSSIONS & WRITTEN ASSIGNMENTS

As part of the class, you are required to participate in the online discussion forum for the class hosted on MyTechLaw. Over the course of the class, you are required to start two different thread topics on an observation, a question, or a comment that you had about negotiations based on your experience in class or outside of it. You must also post two responses to two other students' top level posting, and post at least one response to a response. Good posts and responses will be 1-2 in depth paragraphs that reflect on the experiences you are having as a group. Responses will engage with the substance of a student's post and agree, disagree, or add additional observations or questions. Note that the requirements of two posts, two responses, and a response to a response are a minimum, and students will be rewarded for reflective comments beyond the minimum as well. Civility is expected on the online forum just as in class.

In addition to online discussion, there will be occasional short written assignments that you will do outside of class. These will include negotiation preparation memos, worksheets, or exercises. Some of these will be collected and graded. We will give more information about these short assignments as the course progresses.

QUIZZES

Pop quizzes on the reading assignments will occasionally be administered as part of the course. These short quizzes will test the material in the assigned reading. These will not be announced ahead of time.

NEGOTIATION OUTCOMES

The Negotiation Workshop is a place for you to experiment with different negotiation techniques and learn from both your successes and your mistakes. To that end, most negotiation outcomes (i.e. the result of an agreement in a simulation) will not factor in to your grade to allow you to feel free to attempt different negotiation approaches, even if that results in a worse outcome. However, just as in real life, outcomes will matter. For particular simulations, announced ahead of time, your outcomes will be turned in and will be graded against those of your classmates having the same role. Exceptionally positive outcomes for you or your simulated client will result in a higher grade, and exceptionally unfavorable outcomes will result in a lower grade.

GRADING

Your final grade will be based on your class participation, your reflection papers, written assignments, online discussion, quizzes, and negotiation outcomes, and will be adjusted if necessary to account for unexcused absences, as discussed above. There will be no final exam. The breakdown of percentage for the course is as follows:

Class Participation	30%
Reflection Papers	30%
Online Discussions & Written Assignments	20%
Quizzes	10%
Negotiation Outcomes	10%
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Total	100%

DISABILITY POLICY

Any student who, because of a disability, may require special arrangements in order to meet the course requirements should contact John Delony, Associate Dean for Student Life, as soon as possible to make any necessary arrangements. Students should present appropriate verification from Student Disability Services to Dean Delony. Please note that classroom accommodations cannot be provided to a student until appropriate verification from Student Disability Services has been submitted. For additional information, you may contact the Student Disability Services office in 335 West Hall or 806-742-2405.

ACADEMIC HONESTY POLICY

Academic honesty is required at all times. Please review the Law Student Handbook and Texas Tech University Operating Policy 34.12. The attempt of students to present as their own any work not honestly performed is regarded by the faculty and administration as a most serious offense and renders the offenders liable to serious consequences, including possible suspension or expulsion from the school. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, and any act designed to give unfair academic advantage to the student or the attempt to commit such an act.

SCHEDULE OF CLASSES / ASSIGNMENTS

The tentative list of assignments for the course is provided below. You should read the assigned material and prepare and (if applicable) negotiate the assigned simulations before the relevant class. This assignment list may be modified during the course of the semester, in which case we will give you notice of the revised assignments.

January 12: Overview

- In-class simulation: *Win as Much as you Can*
- Assignment for this class:
 - Think about what you already know about negotiation, negotiation tactics, and what makes someone an effective negotiator.

January 14: Elements of Negotiation

- Simulation: *U-Pod*
- Lecture: Negotiation vocabulary
- Assignment for this class:
 - Read GTY, Introduction, pgs. xxvii-xxix, ch. 3-15

January 19: No Class – Martin Luther King Day

January 21: Elements of Negotiation

- Lecture: Elements of Negotiation
- Assignment for this class:
 - Read GTY, chs. 2 – 3, pgs. 15 – 57
 - Read Sally Soprano facts

January 26: Creation of Value

- Simulation: *Sally Soprano*
- *Powerscreen* assignment video
- Assignment for this class
 - Preparation memo for Sally Soprano

January 28: Negotiation Preparation

- *Powerscreen* Prep-by-Side
- Assignment for this class
 - Read GTY, ch. 4-5, pgs. 58 – 98
 - *Powerscreen* 7 Elements Worksheet

February 2: Negotiation Preparation

- Simulation: *Powerscreen*
- Review *Powerscreen*

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February 4: Negotiation Dynamics

- Powerscreen video
- Pick up *67 Fishpond Lane* assignment
- Assignment for this class
 - Read GTY, chs. 6 – 7, pgs. 99 – 130

February 9: Criteria and Norms

- Negotiate *67 Fish Pond Lane*
- Assignment for this class
 - Get together with your negotiation partner ahead of time and decide on your negotiation strategy
 - Read GTY, ch. 8 and conclusion, pgs. 131 – 150

February 11: Distribution of Value

- Review *67 Fishpond Lane*
- Distribution of value lecture
- Pick up Discount Marketplace
- Assignment for this class
 - Negotiate *Discount Marketplace* on own with video

February 16: Criteria and Norms

- *Discount Marketplace* video review
- Assignment for this class
 - Negotiate *Discount Marketplace* on own with video
 - Read GTY, part V, pgs. 153 – 193

February 18: Distribution of Value / Commitments

- *Discount Marketplace* video review
- Assignment for this class
 - Negotiate *Discount Marketplace* on own with video
 - Turn in *Discount Marketplace* agreements during video review

February 23: Distribution of Value / Commitments

- *Discount Marketplace* review
- Receive *Negotiating a Job Transfer*
- Assignment for this class
 - Negotiate *Discount Marketplace* on own with video
 - Turn in *Discount Marketplace* agreements during video review

February 25: Approaches to Conflict

- *Management of Differences Exercise* and discussion
- Assignment for this class:
 - Negotiate *Job Transfer* outside of class

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March 2: Active Listening

- Active listening exercises
- Pick up *Casino* and preparation worksheet
- Assignment for this class:
 - Think of an active listening topic
 - Negotiate “Negotiating a Job Transfer” outside of class
 - Read DC Introduction xxvii-xxxiii, Ch. 1-2, pgs. 1-43

March 4: Empathy and Assertiveness

- *Casino* Prep-by-side
- Assignment for this class:
 - *Casino* preparation worksheet
 - Read DC Ch. 3-4, pgs. 44-82
 - Negotiate *Job Transfer* outside of class

March 9: Empathy and Assertiveness

- Review *Casino*
 - Negotiate *Casino* outside of class
 - Negotiate *Job Transfer* outside of class

March 11: Online Negotiation

- Review *Negotiating a Job Transfer*
- Pick up *Weathers and Evans*
- Assignment for this class:
 - Read DC Ch. 5-6, pgs. 85-128
 - Turn in *Job Transfer* emails

March 16: No class – Spring break

March 18: No class – Spring break

March 23: Empathy and Assertiveness

- Negotiate *Weathers and Evans*
- Review *Weathers and Evans*
- Assignment for this class:
 - *Weathers and Evans* preparation worksheet
 - Read DC Ch. 7-12, pgs. 129-230

March 25: The Salary Negotiation

- Salary Negotiations in context
- Pick up the *Salary Negotiation*

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March 30: The Principal / Agent Tensions

- In class: *Sue or Settle* exercise
- Principal / Agent Lecture
- Assignment for this class:
 - Research norms for *Salary Negotiation* – Negotiate outside of class
 - Read *Sue or Settle*
 - Read Excerpt from *Beyond Winning* (posted online) on Principal / Agent issues

April 1: The Principal / Agent Tensions

- Review *Salary Negotiation*
- Client interview videos
- Pick up *DONS* role sheet
- Assignment for this class:
 - Research norms for *Salary Negotiation* – Negotiate outside of class
 - Turn in *Salary Negotiation* results in class

April 6: No class – day of no classes

April 8: The Principal / Agent Tensions

- Negotiate *DONS*
- Assignment for this class:
 - Interview Partner for *DONS* negotiation

April 13: Principal / Agent Tensions

- *DONS* Review
- Assignment for this class:
 - Interview Partner for *US v. Dunlop* negotiation

April 15: No class

- Assignment for this class:
 - Interview Partner for *US v. Dunlop* negotiation
 - Conduct *US vs. Dunlop* negotiation outside of class

April 20: Principal / Agent Tensions

- Review *US vs. Dunlop* negotiation
- Assignment for this class:
 - Interview Partner for *US v. Dunlop*

April 22: Group Negotiations

- Conducting Group Negotiations lecture
- Assignment for this class
 - Meet with your group to discuss *GGSO Negotiation*

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April 27: Group Negotiations

- Assignment for this class
 - Conduct the *GGSO Negotiation* outside of class

April 29: Wrap Up

- Review *GGSO Negotiation*
- Wrap up and review
- Assignment for this class
 - Conduct the *GGSO Negotiation* outside of class