

NEGOTIATION WORKSHOP

Professor Alyson Carrel

GENERAL MEMORANDUM

Purposes of Workshop p. 2
Requirements p. 3
Syllabus p. 7

PURPOSES OF WORKSHOP

This workshop is designed to help students improve their skills in negotiation, joint decision making, and joint problem solving, and to enable them to develop these skills further in the future. More specifically, the aims are:

1. **To give you an organized theoretical framework with which to analyze problems of negotiation** -- one that will help you to keep learning from your experiences.
2. **To enable you to experiment actively with a variety of negotiating techniques and your own negotiating styles.**
3. **To help you become more sensitive to ethical issues in negotiation.**
4. **To give you some experience with different contexts of negotiation**, from legal to diplomatic, from bilateral to multilateral, and in the mediation setting.
5. **To improve the workshop, both the content and procedure**, by trying out a variety of material and methods and soliciting detailed feedback from you.

REQUIREMENTS

1. ATTENDANCE

We will run a negotiation simulation during each class. If you are absent from class, you will disrupt the exercise experience for yourself and your classmates. Additionally, class discussion and instruction are essential to improving each student's understanding and skills in negotiation. For these reasons, **attendance at all classes is mandatory**. (Participation in advanced rounds of moot court or a trial competition is not a basis for an excused absence.) A student who misses a class for any reason other than illness will lose participation points that could result in a lowered grade. Any student who is not present at the first class meeting will be dropped from the course. The last date for dropping the course will be 10:00am of the first class. No drops will be allowed after that.

Classes will begin promptly at 9:00am. You should be prepared to begin at the start of class. No additional preparation time will be given.

2. DROP POLICY

No drops allowed after 10:00am on Wednesday, January 14, 2015.

3. REQUIRED TEXTS

The required texts are:

Getting To Yes, Roger Fisher and William Ury

The Mind and Heart of the Negotiator, 6th Edition, Leigh L. Thompson

You can purchase these texts at the Abbott Hall Bookstore. You may use previous editions (from 3rd edition and up) for this class if you can find a copy.

Additional articles (readings) will be posted on Canvas.

4. SCHEDULE

The class will normally meet from 9:00 a.m. to 11:50 a.m. In addition, you will be required to meet with other students and third parties for negotiation preparation or actual negotiations outside scheduled class hours. At times, the decision to meet or communicate outside of class will be at your discretion. **Therefore, you should review the exercises well in advance of class.**

5. EXERCISE/ROLE PLAY INFORMATION

For most exercises you will have both general (shared) information and confidential information, for your role only. You may disclose to other negotiators the information on your confidential sheet if you wish to do so, but you may not show your confidential sheet to any other negotiator, even a teammate, until the negotiation is completed. When the negotiation is completed, you may share your confidential information sheet with other negotiators, but you are not obliged to do so.

The information that you need to negotiate the exercise should be in the materials. You may not invent facts that improve your bargaining position. If, however, you are asked a question calling for irrelevant facts not contained in your information, (e.g. "What is your middle

name?"), you may invent a response, or, if more appropriate, say, "I don't know".

CAUTION

Because this class has been taught for a number of years, it is possible that you will have the opportunity to look at confidential instructions given to students in prior classes, or that such students will offer to discuss negotiation exercises with you prior to your doing them. You are prohibited from sharing your results with a classmate or other students in a negotiation course before they have completed the exercise. Additionally, you may not 'google' or otherwise search electronically for any of the exercises prior to doing them. Doing any of these activities, even with the best intentions, would be cheating both yourself and your classmates and is a violation of the honor code

6. RESEARCH

Northwestern University's School of Law, and the Dispute Resolution Research Center (DRRC) at Kellogg have been instrumental in developing Northwestern's reputation as one of the premier institutions for teaching negotiations. Many of the individuals who have written the exercises and readings used in the class are affiliated with Northwestern and have used these cases to conduct cutting-edge research negotiations. You have an opportunity to benefit from this research in this course. Just as prior Northwestern students have contributed to your learning experience, by participating in research you contribute to the experiences of future students. If you do not want your outcomes used for research purposes (these would always remain anonymous), please notify me.

During the semester, you may be asked to engage in negotiation exercises (from which data may be collected). You may be asked to complete online studies of negotiation. Typically, the online studies will require one-half hour to one hour of your time to complete. The web links to these studies will be provided to you during the course of the semester.

7. FEEDBACK

Peer Feedback

After each exercise, spend approximately 15 minutes discussing that exercise with each other, i.e., what each did that he/she was unsure of, seemed ineffective, etc. I encourage you to share with each other what tactics/behavior bothered you. Only in that way can each of you learn about, and consider eliminating, mannerisms and tactics to which others have a negative reaction. This is an opportunity for constructive comments on each others' negotiating styles and skills, and you should take full advantage of it. Among matters commonly discussed in feedback sessions are:

- (a) negotiating style.
- (b) effectiveness of specific tactics.
- (c) Was the negotiation amicable? Adversarial? What should the tone have been?
- (d) Did the negotiators engage in active listening? How was that demonstrated?
- (e) Was there collaboration, give and take, or inflexibility?

Self-Assessment/Feedback

In addition, you will regularly reflect on your own negotiation effectiveness and style. After simulations conducted during class time, you will conduct a short writing assignment

reflecting how well your preparation and approach helped you and/or your client in the negotiation. In practice, it is important to be self-reflective. It is the easiest method for improving your skills and approaches and will lead to your overall success as a negotiator.

Faculty Feedback

In an effort to provide as much feedback to you as possible, I have engaged two outstanding students who have previously taken this class to serve as teaching assistants. The T.A.s and I will observe and comment, in a constructive fashion, on both live and videotaped negotiations. (The T.A.s are not involved in the awarding of grades.) You may not always agree with what T.A.s or I say about a particular negotiation tactic or style, but our comments should be useful in helping you to find your own approach to negotiating.

You should feel free to seek out the T.A.s for assistance if you have questions or if you wish additional feedback.

8. TECHNOLOGY in the CLASSROOM

I expect students to be fully engaged during class discussions and may deduct participation points if you are on your computer, phone, etc and causing disruptions. However, at times we will be using Canvas and Google Apps as part of this class. Unless we are actively engaged with something related to Canvas or Google Apps, I do not allow students on their laptops, tablets, or smartphones during class.

Please make sure you have recently logged into and have access to both Canvas and Google Apps. If you do not have access, please let Professor Carrel know in class on January 14th.

CANVAS: To check access to Canvas go to:
canvas.northwestern.edu and enter your NetID and Password. Once you select the negotiation course,

GOOGLE APPS: To check access to Google Apps, log in to Canvas and select the Negotiation Course. On the left hand side select "Modules". On the Modules page, you should see a list of exercises and topics we will explore throughout the semester. Select "Introductions".

You must be signed into Google with your nlaw account and may need to log out of all personal Google accounts to access this Site.

9. GRADING

Grading will be based on effort and comprehension of negotiation principles and practice, as shown in your videos, class participation, final project and pre-negotiation analysis of the exercises. **Pre-negotiation analysis sheets must be submitted in Canvas by 9am the day of the exercise if you are negotiating during class, and PRIOR to your negotiation when you negotiate outside of class. You are on your honor to submit your PNA prior to negotiating for out of class negotiations.** Specifically, grades will be based on the following:

- a. Class Participation (this includes feedback session with Professor) – 25%
- b. Randomly Selected Pre-Negotiation Analysis – 25%

- c. Final Project Paper – 30%
- d. Final Project Presentation – 15%
- e. Group Dynamics Analysis – 5%

10. FINAL PROJECT

Students will work in assigned groups of 4-5 on a final project of their choice. *Suggested* final projects are:

- a. *Research Paper*: Write a 12-15 page research paper related to negotiation concepts and how it applies to practicing attorneys.
- b. *Negotiation Simulation*: Write a negotiation simulation (general information for both parties and confidential information for each party) and accompanying teaching notes (including 8-10 pages of analysis and research) that address a specific negotiation concept or skill. If you choose this project format, I will provide you an extensive guideline on drafting effective simulations.
- c. *Negotiation Experiment*: Explore, test, and analyze a negotiation concept (e.g. ethics, non-verbal communication cues, preferences). The resulting paper should contain approximately 8-10 pages of analysis (this does not include introduction, summary of research or project proposal, or supporting graphs/charts for projects). The paper should not merely be a blow-by-blow account of what happened, but should include concepts such as an analysis of the parties' interests, BATNA, and other negotiation concepts we will discuss throughout the semester.

Pick your learning point(s) when you pick your negotiation situation or test concept. Do not make the negotiation too complex. Consider your resulting sample size – you want your results to have significance. If you are basing the negotiation on a real-life situation, you are free to vary from the facts of the real-life situation in order to improve the exercise as a learning experience.

A one-page summary of your proposed final project will be due February 18, 2014.

Grading will be based on the extent to which you are able to use concepts learned in the class to construct your project, the overall quality of your data/research, analysis, the clarity of writing and argument, and the implications for practicing attorneys. Each project should have some research, the extent to which will be determined by the type of project you choose. When citing research, please use the Bluebook citation format. *Originality and creativity will be valued.*

Each individual in the group must also submit a two page analysis of their group dynamics and communication during the process of completing the project. The group dynamics paper should comment on how you used your negotiation skills to work with other group members.

11. COURSE FEE

There is a course materials fee for this section (and all of the other sections) of the Negotiation Workshop. **The fee is \$50 and must be paid no later than February 4, 2015.** You should see Nancy Flowers, Program Coordinator who is located in the Bluhm Legal Clinic 862 to pay this fee. Only checks (payable to Northwestern University) and/or cash will be accepted. Nancy will give you a receipt for your records. **I cannot submit your final grade for the course to the Registrar unless your fee has been paid.**

12. CONTACT

If you have any questions, please contact me at a-carrel@law.northwestern.edu or stop by my office, RB 859, located in the Bluhm Legal Clinic.

SYLLABUS

BEFORE CLASS: Read Chapter 1, *The Mind and the Heart of the Negotiator*,
Getting to Yes (entire Book)

CLASS 1 – January 14, 2015

Class Schedule:

- 9:00 - 10:00 Introduction of students, professor, and teaching assistants
 - 10:00 - 10:30 Prepare to negotiate **Eazy's Garage**
 - 10:30 - 11:00 Assignment:
Negotiate **Eazy's Garage**. [1 on 1].
Following this, and all future negotiations, students are to engage in a mutual feedback session. Additionally, the results of this negotiation, and all future negotiations (in summary form), are to be handed in to Professor Carrel. If the negotiation is done in class, hand in the results at the conclusion of the negotiation. If the negotiation is done outside of class, hand in the results at the beginning of the next class.
 - 11:00 - 11:15 Feedback with your partner re: **Eazy's Garage** (and T.A., if negotiations observed)
 - 11:15 - 11:50 Discuss **Eazy's Garage** exercise with whole group
 - Distribute: **Buying a Condo**
Race Horse
 - Assignment:
 - Read: Chapter 3 (Distributive Negotiation)
Chapter 4 (Win-Win Negotiation)
 - Negotiate: **Race Horse** (outside of class)
 - Prepare to negotiate **Buying a Condo**
- *****

CLASS 2 – January 21, 2015

Class Schedule:

- 9:00 – 9:45 Debrief **Race Horse**
- 9:45 – 10:30 Negotiate **Buying a Condo** (30 minutes) and provide peer feedback (15 minutes)
- 10:30 - 11:00 Debrief **Buying a Condo**

11:00 - 11:50 Discuss Pre-Negotiation Planning

Distribute: Class list
Pat Sullivan Client Contact Form
Sky Needle & Videotaping Instructions
Bullard Houses

Assignment:
Read: Chapter 2, Pages 12-25 (Preparation)
Chapter 6 (Establishing Trust and Building a Relationship)

Negotiate: Prepare to negotiate Bullard Houses

Sky Needle [1 on 1], 30 minute videotaped negotiation (outside of class).
Feedback on Sky Needle negotiation tapes with T.A.s (dates and times to
be arranged).

*Turn in name and phone number of client for Pat Sullivan by February 4, 2015 (if you are
having trouble finding a volunteer you MUST alert your TA before January 28, 2015).*

CLASS 3 – January 28, 2015

Hand In: Pre-Negotiation Analysis of Bullard Houses

Class Schedule:

9:00 – 10:45 Negotiate Bullard Houses with assigned partner

10:45 – 11:50 Debrief Bullard Houses

Distribute: Chestnut Drive

Assignment:
Read: Chapter 5 (Developing a Negotiation Style)
Posted Readings on Blackboard:
W. Ury, "Getting Past No"
Boehm, Dealing from Strength
Chapter 1 of Ury Brett & Goldberg, Getting Disputes Resolved

Negotiate: Prepare to negotiate Chestnut Drive with construction company
representative on September 24 (Groups of 6). Preparation to include
pre-negotiation meeting(s) of Chestnut Drive neighbors.

Turn in name and phone number of client for Pat Sullivan by February 4, 2015.

CLASS 4 – February 4, 2015

Hand In: Pat Sullivan Client Contact Information;
Hand In: Pre-Negotiation Analysis of Chestnut Drive (one per individual)

Class Schedule:

9:00 - 10:00 Groups 1-3 negotiate Chestnut Drive with a representative of the construction company

Group 4 continue negotiation preparations

10:00 - 10:15 Feedback in small groups with representative of the construction company

10:15 - 11:15 Group 4 negotiate Chestnut Drive with a representative of the construction company

11:15 - 11:50 Discuss Chestnut Drive negotiations

Distribute: New Car and Email Negotiation instructions –

Assignment:

Read: Chapter 12 (Negotiating Via Information Technology)

Negotiate: Prepare to negotiate New Car - You may begin the email negotiation as of February 11, 12pm CST/1pm EST. The deadline to reach a deal is 5pm CST/6pm EST, February 18. All deliverables (blog, transcript, contract), in Word or PDF format, are due by 5PM CT, February 23.

CLASS 5 – February 11, 2015

Hand In: Pre-Negotiation Analysis of New Car

Class Schedule:

9:00 – 11:50 Discuss Final Projects, Technology and Collaboration

Distribute: Pat Sullivan
Pat Sullivan Pairings

Assignment:

Group Project: Meet in groups to prepare project summary;
Prepare one-page summary of your final project proposal (1 week to complete – due February 18, 2015)

Negotiate: Negotiate **New Car** - You may begin the email negotiation as of You may begin the email negotiation as of **February 11, 12pm CST/1pm EST**. The deadline to reach a deal is **5pm CST/6pm EST, February 18**. All deliverables (blog, transcript, contract), in Word or PDF format, are due by **5PM CT, February 23**.

Prepare and Negotiate **Pat Sullivan** with assigned client (4 weeks to complete – due **March 18, 2015**.)

CLASS 6 – February 18, 2015

Hand In: One member of your group must post your one page Final Project Proposal summary to Canvas by noon (12:00pm) February 18, 2015.

Class Schedule: *NO CLASS – Students negotiating **Pat Sullivan** and **New Car** outside of class*

Read: Chapter 11 (Social Dilemmas)

Negotiate: Negotiate **New Car** - You may begin the email negotiation as of You may begin the email negotiation as of **February 11, 12pm CST/1pm EST**. The deadline to reach a deal is **5pm CST/6pm EST, February 18**. All deliverables (blog, transcript, contract), in Word or PDF format, are due by **5PM CT, February 23**.

Prepare and Negotiate **Pat Sullivan** with assigned client (4 weeks to complete – due **March 18, 2015**.)

CLASS 7 – February 25, 2015

Class Schedule:

9:00 - 10:00 Discuss **New Car**

10:00 – 11:50 **Peplator Pricing** Exercise. [6 on 6].

Assignment:

Read: Chapter 7 (Power, Gender, and Ethics)

Negotiate: Prepare to negotiate **DONS** (you will have a chance to interview your client in class on March 4, 2015)

Prepare and Negotiate **Pat Sullivan** with assigned client (3 weeks to complete – due **March 18, 2015**.)

CLASS 8 – March 4, 2015

Hand In: Pre-Negotiation Analysis of **DONS**

Class Schedule:

- 9:00 - 9:30 Meet with client for **DONS**
- 9:30 – 10:00 Continue to prepare for **DONS** negotiation
- 10:00 – 11:00 Negotiate **DONS** with assigned partner
- 11:00 - 11:50 Debrief **DONS**

Distribute: **ABA Simulation**
Reputation Index

Assignment:
Read: Appendix 3 (Third-Party Intervention)

Negotiate: Prepare to negotiate **ABA Simulation**

Prepare and Negotiate **Pat Sullivan** with assigned client (2 weeks to complete – due **March 18, 2015**)

CLASS 9 – March 11, 2015

Hand In: Pre-Negotiation Analysis of **ABA Simulation**

Class Schedule:

- 9:00 – 10:00 Discuss Mediation
- 10:00 – 11:00 Negotiate **ABA Simulation** in Mediation Setting with Mediation Students from Loyola Law School and/or NU Mediation Process
- 11:00 – 11:50 Debrief **ABA Simulation**

Distribute: **Halfway House**

Assignment:
Read: Chapter 9 (Multiple Parties, Coalitions, and Teams)

Negotiate: Prepare and Negotiate **Pat Sullivan** with assigned client. This negotiation must be completed by **March 18, 2015**.

Prepare to negotiate **Halfway House**

Note: **Halfway House** is a negotiation that is in a “town-hall meeting” format. This means that the entire class is in the same room for the duration of the negotiation. The Mayor’s Group will be presiding over the **Halfway House** meeting.

CLASS 10 – March 18, 2015

Hand In: Pre-Negotiation Analysis of **Halfway House**;

Hand In: Pre-Negotiation Analysis of **Pat Sullivan**;

Class Schedule:

9:00 - 10:00 Discuss **Pat Sullivan**

10:00 - 11:15 Negotiate **Halfway House** - (Entire class participates in a town-hall meeting.)

11:15 - 11:50 Debrief **Halfway House**

Distribute: **Mouse**

Assignment:

Read: Chapter 10 (Cross Cultural Negotiation)
Rubin & Sander, Culture, Negotiation and the Eye of the Beholder (posted on Canvas)

Negotiate: Prepare to negotiate **Mouse**

SPRING BREAK – March 25

CLASS 11 – April 1, 2014

Hand In: Pre-Negotiation Analysis of **Mouse**

Class Schedule:

9:00 - 10:15 Negotiate **Mouse**

10:15 - 11:50 Discuss **Mouse**

Distribute: **STAR**

Assignment: **Complete the on-line Reputation Index**
Read: Chapter 8 (Creativity and Problem Solving in Negotiations)

Negotiate: Negotiate **STAR** (1 on 1), 30 minute videotaped negotiation (outside of class). Feedback on **STAR** with Professor Carrel ((dates and times to be scheduled through Canvas). (3 weeks to complete - Negotiation must be done by **April 20, 2014.**)

CLASS 12 – April 8, 2014

Hand In: **Final Project (with accompanying presentation materials) (1 per group)**

Hand In: **Group Dynamics Analysis (1 per person)**

Class Schedule:

9:00 – 11:50 Final Project/Presentations. Groups make short (15 minutes-20 minutes) presentations regarding projects.

Assignment:

Negotiate: Negotiate **STAR** (1 on 1), 30 minute videotaped negotiation (outside of class). Feedback on **STAR** with Professor Carrel (dates and times to be scheduled through Canvas). (2 weeks to complete - Negotiation must be done by **April 20, 2014.**)

CLASS 13 – April 15, 2014

Class Schedule: ***NO CLASS – Students negotiating **STAR** outside of class and meeting with professor for feedback***

STAR – Review your videotape prior to meeting with Professor Carrel and identify 2 short portions of the video for her to watch and provide commentary/feedback.

