

Law 466
NEGOTIATION WORKSHOP
Fall, 2012
Thursday 1:20-4:20 (Smith)

Prof. Erin Ryan
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1. Overview. This rigorous, four-credit course introduces the theory and practice of negotiation in a workshop setting. We will examine the basic stages of a negotiation; the major tensions at play in negotiation; distributive bargaining, value-creating, and problem-solving techniques; the management of communication and emotional elements in negotiation; power dynamics and ethics; and other topics as time allows. The course is designed to help students develop negotiating skills and a framework for ongoing self-learning through role-playing simulations, discussion, reading assignments, and regular journal and writing exercises. It provides a demanding but richly rewarding educational experience.

2. Attendance Policy. The course attendance policy is unusually strict, because much of our learning takes place during in-class simulated negotiation role-plays. Attendance for each class meeting is mandatory, as absences frustrate not only your own learning but the learning opportunities of the students you are partnered with in that day's simulation. If you cannot make the commitment to attend every class session on time, please cede your place in the course to a waitlisted student who is able to make the necessary commitment (and note that students who fail to maintain regular attendance or preparation may be dropped from the course). If an unavoidable medical or family emergency arises, please notify me as soon as possible so that we can strategize to salvage the simulation for the remaining students in your group.

3. Readings. Course readings will be drawn from a variety of books and articles, many oriented to the lay reader. The amount of assigned reading reflects the four-credits of the course, but take heart: most assignments will be significantly less dense (and possibly more interesting!) than the average casebook assignment. The required texts are:

- Roger Fisher, Bill Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement without Giving In*, 2d Ed. (Penguin, 1991).
- Robert H. Mnookin, Scott R. Peppet, and Andrew S. Tulumello, *Beyond Winning: Negotiating to Create Value in Deals and Disputes* (Harvard University Press, 2000).
- G. Richard Shell, *Bargaining for Advantage: Negotiation Strategies for Reasonable People*, (Penguin, 2nd ed. 2006).
- Douglas Stone, Bruce Patton, and Sheila Heen, *Difficult Conversations: How to Discuss What Matters Most* (Penguin 2000).
- Recommended (and from which I will assign at least one excerpt): Roger Fisher and Daniel Shapiro, *Beyond Reason: Using Emotions as You Negotiate* (Viking 2005).

During the semester, I will make available other required readings over our course website.

4. Syllabus. The syllabus I make available at the beginning of class provides my best expectation of how the course will unfold. I don't anticipate major changes over the semester, but I will ensure that the website Assignments page contains the most up-to-date information if there are changes. I will also inform you of any changes in class or by email, but please consider the website the definitive reference on assignments. If you are uncertain about a change, please refer to previous class slides, as I will likely have listed it on the "Administrative Matters" slide.

Please note that this course regularly includes simultaneously moving parts that you must stay on top of—very much like law practice. I have done my best to organize them for you as clearly as possible in the syllabus and each day's class slides, but in the end, you are responsible for keeping track of your own obligations. The ability to follow instructions is a skill critical to good lawyering, and it will be rewarded in grading accordingly.

5. Simulations. For most classes, you will need to prepare to participate in a simulated negotiation role-play. A few simulations will also take place outside of class meetings. I will assign you a role and make available the information you will use to prepare for the simulation. Simulation roles are assigned using a random algorithm that attempts to rotate students through different partners as much as possible during the course.

It is your responsibility to take time before class to familiarize yourself thoroughly with the facts that you are given. You will also complete a short preparation chart in advance of most simulations, explained in Week 2. To encourage you to prepare adequately, and to enable you to better focus on the negotiation during the exercise, I discourage the use of distributed fact sheets during negotiations (though you are free to use any notes that you have prepared).

You will usually be given two sets of facts relating to a simulation: one that is known to all participants, and a confidential set known only to your side of the negotiation. *It is essential to the exercise that the latter remain confidential*, and that you neither discuss nor disclose them to anyone representing another party in the negotiation until after the exercise is completed. (To maintain confidentiality for future classes, I will collect all fact sheets after exercises conclude.)

During the negotiation, please hew as closely to the facts presented as possible. Creative augmentation is generally discouraged when it is not necessary, but you may elaborate on the given facts *so long as* the improvisation (1) is consistent with the given facts, (2) does not materially change the background scenario, and (3) would be considered a fair elaboration if you were on the other side. If you need to answer a "why" question for which your facts do not prepare you, you may extemporize as needed, but within the limits of these guidelines.

6. Class Participation. Class discussions are an important element of the course--both to inform our study of negotiation with a full array of perspectives and to encourage each of you to engage actively with the material. (Keep in mind that part of your collective task in cultivating constructive class participation is to make room for the points that others may also wish to raise.) Class participation--including preparation for and participation in the simulations, classroom exercises, and classroom discussions--will count for approximately 50% of your final grade.

7. Journal Assignment and Final Project. Self-reflection is one of the most important (and surprisingly effective) tools for improving your negotiating skills. To encourage this kind of self-learning, you will keep a regular Negotiation Journal. For the journal, you will write a 3-

5 page entry each week reflecting on your negotiating experiences that week--analyzing your thought processes, reactions, insights, and frustrations during the in-class simulation, in the real world, as inspired by the assigned reading, or based on any other relevant experience. I will collect each week's entries at the beginning of the next class and provide detailed feedback about your early entries to help guide your journal-writing progress.

For more information about the goals and mechanics of the journal-writing exercise, please see the attached document, "About the Course Writing Assignments." To give you an even clearer idea of what the journaling assignment is about, I will also make several model journal entries available to you on the course website Documents page.

Your weekly journals should be typed on a word-processor and saved so that you can return to them for the Final Journal Project at the end of the semester. You will conclude the course with a final entry that we will discuss later in the semester. The Final Journal Project is usually due at noon on the first Friday after classes end (as you will already have completed the majority of the work over the semester), and will count for approximately 50% of your final grade. Please note that because these are not legal writing assignments, they do not satisfy the Capstone or WIE writing requirements for graduation.

8. Videotape Exercise. Toward the middle of the course, I will assign you in groups of four to videotape a simulation exercise outside of normal class hours within a designated week. After taping your negotiation, your group will review the videotape and debrief the negotiation. As we'll discuss more in class, groups may also decide to debrief the exercise with me.

9. In-Class and Out-of-Class Time. The time we will spend outside of class meetings in simulations and debriefing is a critical and organic part of the course. In addition to the Videotaped negotiation and several smaller exercises that take place outside of class early in the semester, you will also engage in two "capstone" attorney-client simulations that take place outside of class in the final weeks of the course. (We perform two of these to ensure that everyone has the opportunity to experience the perspective of both a client and an attorney). Please note that the time you will spend on simulations that take place outside of class has been accounted for in the four credit hours allocated to the course, in that we usually meet for only three hours each week, rather than the three hours and forty minutes generally allocated for a four-credit course.

10. Final Grades. The course is designed to provide you opportunities to experiment with a variety of negotiating styles. To encourage you to so experiment, my evaluation of you will focus not on the outcomes you reach but instead on the quality of your simulation preparation and participation, and the insightfulness of your postmortem analyses. Your grade will be based approximately 50% on the quality of your class preparation and participation (including attendance) and 50% on your Final Journal Project.

Please note that most students find this class to be a remarkable learning experience, but not without a good deal of work. The class is intensive, rigorous, probing, occasionally cathartic, and usually fun--but it does demand a lot of work, and you should not come into it expecting an easy grade for little effort. (You should, however, expect to have a great time!)

11. Confidentiality Policy. There are two ways in which your maintenance of confidentiality will be an important part of the course. First is the requirement that you refrain

from discussing confidential simulation information until after the role-play is completed. Equally important is that you maintain the confidence of classmates who may occasionally share personal reflections or experiences during class that are not intended for wider distribution. This course works best when students can trust that in-class communications take place in a closed circle, and I ask that you make a careful effort to respect the confidentiality of our classroom discussions in this regard.

12. Laptop Policy. You may use a laptop to take notes in class, but you may not email or browse the web during class. You may not engage in any activity, on your laptop or otherwise, that would disrupt me or the attention of students sitting near you. Also, to encourage greater freedom from note-taking and better participation in class discussion, I will make class slides available to you over Blackboard. My hope is that by providing you with these slides, you will not feel obligated to copy them into your notes, freeing your attention for richer class discussion. (For more information about the costs of electronic multitasking and peer distraction in class, please see the materials I've posted to the course website Course Information page.)

13. Course Website. All students must enroll in the course "Blackboard" website, an online portal accessible through your LexisNexis account. (I will share the password with registered students by email one week before classes begin.) The site will contain course announcements, reading assignments, and discussion forums about the topics we are studying, so I encourage you to check it frequently. Participation in the discussion forums is voluntary with one exception: during the first week of class, please visit the "Introductions" forum and introduce yourself to me and the rest of the class. It's easy to self-enroll:

1. Sign into LexisNexis using your personal password.
2. Find "My Web Courses" on the left and click to access the Web Courses home page.
3. From there, click on the "Courses" tab on the uppermost banner.
4. Go to the "Course Catalog" on the right side of the screen and select "Lewis and Clark."
5. Choose my Negotiation class, enter the password, and click to enroll.

You will then have access to all posted course materials. Syllabus materials are in the "Course Information" folder, reading assignments are posted to the "Assignments" folder, and class slides will be posted after class to the "Course Documents" folder. Please bring any questions about the course or course materials to our first day of class, but please direct technical questions about using Lexis to the law librarians or Lexis customer service.

14. Purchased Simulation Materials. I can provide all of the simulations we use in the course free of charge, with a few exceptions. Some simulations are owned by copyright holders that charge fees per participant, and some exercises also require nominal supplies. If needed, I may collect a \$10 materials fee for these exercises during the second week of class (feel free to request a receipt after class or by email). The "Three Groups" negotiation will also require a contribution of \$5 from each participant, which I will collect at the beginning of that exercise.

15. Office Hours & Lunches. My office hours are 3:00-5:00 on Fridays, but I am also happy to schedule appointments for other times that may be more convenient for you. Please contact me by email (eryan@lclark.edu) to schedule an appointment. In addition, I will make every effort to remain after class so long as is necessary to answer any remaining questions or otherwise talk with you.

Finally, to help us get better acquainted, I encourage you to join me for a group brown-bag lunch sometime during the semester. To facilitate this, I'm setting aside the fourth Friday of every month for student brown-bag lunches, and I'll put a sign-up sheet for these dates on the course website Discussion Forum (to let me know who is coming). If you are interested in having lunch but these dates don't work for you, please gather a small group and email me proposed dates that work better. I look forward to meeting you all!

NEGOTIATION WORKSHOP

Conceptual Course Outline

Professor Ryan

I. INTRODUCTORY PRINCIPLES

- A. The Tensions and Stages of Negotiation
- B. Feedback and Self-Reflection
- C. The Negotiator's Dilemma
- D. Preparing to Negotiate
- E. Understanding Interests, Aspirations, Alternatives
- F. Rapport Building

II. THE TENSION BETWEEN CREATING AND CLAIMING VALUE

- A. Identifying Value
 - 1. Rapport-Building, continued
 - 2. Information Exchange
- B. Creating Value: Integrative Bargaining
 - 1. Identifying Underlying Interests
 - 2. Brainstorming Options for Joint Gain
 - 3. Thinking Outside the Box ("Widening the Pie")
- C. Claiming Value: Distributive Bargaining ("Dividing the Pie")
 - 1. Concession Patterns
 - 2. Leverage
- D. Balancing the Tension Between Creating and Claiming Value
 - 1. Evaluating Context
 - 2. Commitment

III. THE TENSION BETWEEN EMPATHY AND ASSERTIVENESS

- A. Separating the People from the Problem
- B. Empathy & Acknowledgement without Agreement
- C. Listening to Hear and Speaking to be Listened To
- D. Partisan Perceptions and Cognitive Bias
- E. Managing Emotion and Identity
- F. Conflict Styles
- G. Ethics
- H. Power

IV. THE TENSION BETWEEN PRINCIPAL AND AGENT

- A. The Principal-Agent Relationship
- B. Lawyer-Client Interviewing
- C. Putting it All Together: The Art of the Deal
- D. Putting it All Together: Dispute Resolution

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About the Course Writing Assignments

1. *The Negotiation Journal.* Research suggests that students of negotiation learn best when they write about what they are learning at least once a week. For this reason, your primary writing obligation in this class will be to engage in weekly reflective writing about your negotiation experiences in a Negotiation Journal.

The Negotiation Journal is a written record of your own reflections on your learning experience in the course. Almost every week, you will write a few pages reflecting on your negotiating experiences that week—analyzing your thought processes, reactions, insights, and frustrations during in-class simulations, out in the real world, as inspired by the assigned reading, or based on any other negotiation-relevant experience. Because everyone faces crunches and crises from time to time, you may “pass” on regular journal assignments up to three times over the course of the semester. (When passing, please hand in a page with your name, the date, and which pass you are submitting—e.g., “This is Pass #2.”)

Keep in mind that entries should not be simply scripts of what happened in a given negotiation. Strive to be introspective and discerning in your analysis of what happened, what didn’t happen, or what might have happened had you tried a different strategy. Report on any insights you have reached or roadblocks you are struggling with. Journal writing invites you to explore hypotheses, set goals, create reference points for future use, and question your own assumptions (as well as mine, and those of the classmates and others with whom you negotiate!).

Journal entries should be between 3-5 pages in length, double-spaced, page-numbered, and should include your name and the due date in the header. (Please use one-inch margins and a 12-point standard font, like the font you see here.) Although entries need not be as carefully structured as formal legal writing, they should be coherent, with correct spelling and grammar. I will collect your submissions at the beginning of each class, and though I will not grade them on a weekly basis, I will offer feedback and commentary on your first two entries to help guide you toward the kind of reflective writing I am asking for. I will keep your journals confidential.

You are free to develop a journal format tailored to your personal learning approach, but consider including some of the following elements in your first few entries:

- A specific description of a portion of a negotiation you’ve chosen to reflect upon. Try to report the facts as clearly and non-judgmentally as you can. Illustrating your description with actual dialogue may help you reflect further on these moments. (Description should be a starting point, and not the end of your entry.)
- An exploration of how you feel about the experience now, and how you felt about it at the time it was happening. Did your feelings affect your choices during the negotiation, your assessment afterward, or your subsequent behavior?
- An analysis of any assumptions you made about the problem at hand, or that underlay the approach you took in the negotiation. Identify as many of the factors

that went into your judgment calls as possible, and now evaluate your judgments with the benefit of hindsight.

- A reflection on how this experience compares with your past negotiating experiences. Are there any patterns? What do you think about those patterns?
- A note about whether the assigned readings or class discussions bear on the issue you're confronting, and how they might be helpful to you in the future.
- A consideration of how you might behave differently if you were to encounter a similar situation in the future. Note that the more specifically you can "rehearse" this proposed change, the more useful the exercise will be. (For example, you may want to write out short dialogues reworking your responses in a particularly challenging section of a negotiation, or revise a section of your preparation memo to practice incorporating what you've learned.)

Please note that I have provided some sample journals on the course website to give you a sense of what other successful journals have looked like.

2. *The Final Project.* As stated in the syllabus, your weekly journal entries will become the basis of the Final Journal Project—a collection of all your journaling and other writing assignments during the semester—so it is imperative that you save each entry as a word-processed document that you can return to edit later. You will conclude with a final chapter that we will discuss later in the semester, when we discuss the entire project in more detail (and I will circulate a model). The Project will count for approximately 50% of your final grade.

3. *Written Preparation.* Preparing to negotiate forces you to organize your thinking about the upcoming negotiation in light of the skills we are building through the course. Indeed, one of the most important lessons of the course is the critical value of advance preparation! Getting into the career-long habit of preparing in writing before every negotiation is the most reliable way to increase your effectiveness as a negotiator.

We will make use of a Preparation Chart based on the "Information-Based Bargaining Plan" in Appendix B of Richard Shell's *BARGAINING FOR ADVANTAGE*, which I'll distribute in class. Before each simulation (starting after "CA Power Play"), you will draft a preparation strategy according to this format—thinking through the implications of the facts you have been given and integrating your conclusions into your strategy. Drafting some of the actual language that you want to use during the negotiation (for example, a carefully statement of your interests or alternatives) can increase your ability to be precise and persuasive during the negotiation. (After our "information exchange" unit in week four, we will add a "Give-Get-Guard" piece to help you plan an information management strategy—but don't worry about this before then.)

Before completing your Prep Chart, consider whether there is anything else you've learned from your experiences thus far that could bear on the upcoming negotiation. Given what you know about your strengths and common pitfalls, how can you increase your effectiveness through planning? Given what you know about your partners, can you prepare to negotiate more effectively with them, or to learn from their example? Finally, take a mental step back and evaluate your strategy in light of the "big picture" before committing to it. What is it that you hope to get out of this process for yourself or your client? Is your strategy likely to advance those goals? If so, you are ready—and well-prepared—to negotiate!

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Notes on Giving and Receiving Feedback

Giving and receiving feedback is an important part of this course. You will be asked to debrief with your simulation partners after most exercises, to share the kind of constructive guidance that will help each of you improve the negotiation skills you have just practiced.

► **Here are a few notes to keep in mind when offering feedback to your fellow participants:**

- *Make mental notes during the negotiation simulation about things your partner did well and things that could be done differently, so that you can share them after the simulation is over.*
- *You can offer your impressions of your partner's negotiation style and its impact, but also point to specific examples of interesting, impressive, or troubling moments in the simulation.*
- *Try to make your guidance as specific as possible, and strive for the kind of clarity that will enable your classmate to actually use your advice the next time s/he negotiates.*
- *Try to give feedback without making negative judgments—rather than focusing on what you think “went wrong,” try to craft your feedback as suggestions for “trying something different.”*
- *When offering feedback that may be difficult for your partner to hear, try to also convey personal support for the person. Consider how hearing similar words would make you feel.*

► **Here are a few notes to keep in mind when receiving feedback:**

- *While receiving feedback, take the opportunity to learn from your reaction. Try not to interrupt your partner's feedback by explaining, defending, or agreeing until your partner has finished.*
- *Ask clarifying questions to get the most out of the guidance you are being offered.*
- *Even if you have a different impression of how things went, “try on” the feedback as a hypothesis about what happened; you remain free to discard it afterward if it does not fit with your own experience.*

NEGOTIATION WORKSHOP

Professor Ryan, Fall 2012

DETAILED SYLLABUS & ASSIGNMENTS

Week	In class	Assignment	
1	9/6	<p>Introduction and Overview</p> <ul style="list-style-type: none"> ● Course Overview and Class Introductions ● Negotiate: <i>Chocolate</i> ● The Three Tensions of Negotiation ● Feedback and Self-Reflection ● Introduce: <i>Haggle</i> 	<ul style="list-style-type: none"> ▪ Review all course and syllabus materials posted on the course website (CW). ▪ Read: Fisher, 3-40; Shell, 1-39 (Ignore Appendix A in Shell for now; we'll come to that later in the course.) Note: Shell and Fisher occasionally overlap, and each resonates more with some students than the other—but both offer important lessons & tools.
2	9/13	<p>The Negotiator's Dilemma</p> <ul style="list-style-type: none"> ● Debrief: <i>Haggle</i> ● Discuss: Preparation ● Negotiate & Debrief: <i>California Power Play</i> ● Discuss: The Negotiator's Dilemma 	<ul style="list-style-type: none"> ▪ Introduce self on CW thread ▪ Negotiate <i>Haggle</i>, write Haggle Journal (no pass) ▪ Prepare <i>CA Power Play</i> ▪ Read: Shell, 58-88; 117-37 ▪ Bring \$15 materials fee to class (exact change/no coins, please!)
3	9/20	<p>Claiming Value: Distributive Bargaining</p> <ul style="list-style-type: none"> ● Debrief: <i>Batmobile</i> ● Discuss: Goals & Aspirations ● Discuss: Identifying Interests ● Discuss: Rapport Building ● Introduce: <i>Perez</i> (videotaped negotiation); schedule videotaping space by next class 	<ul style="list-style-type: none"> ▪ Prepare and Negotiate out of class: <i>Batmobile</i> ▪ <i>Batmobile</i> Planning Memo and Feedback Form due in class (one member of pair should email me outcome by Tuesday, noon) ▪ Read: Shell, 138-74; Fisher, 42-57, 99-108 (Optional: Game Theory articles posted to CW) ▪ No journal today; focus on <i>Batmobile</i> Planning Memo

4	9/27	<p>Information Exchange</p> <ul style="list-style-type: none"> ● Discuss: Questions & Information Gathering ● Negotiate & Debrief: <i>Land Sale</i> ● Discuss: Leverage ● Introduce: Course Website Results Forum 	<ul style="list-style-type: none"> ▪ Journal ▪ Prepare <i>Land Sale</i> ▪ Read: Shell, 40-57, 89-113; 175-195 ▪ Schedule <i>Perez</i> videotaping
5	10/4	<p>Creating Value: Integrative Bargaining</p> <ul style="list-style-type: none"> ● Brainstorm: <i>Sally Soprano</i> ● Negotiate & Debrief: <i>Sally Soprano</i> ● Discuss: Inventing Options, Widening the Pie ● Introduce: Email negotiation accounts 	<ul style="list-style-type: none"> ▪ Journal ▪ Prepare: <i>Sally Soprano</i> ▪ Read: Fisher, 58-95, 109-130, 149-50
6	10/11	<p>Tension btw. Creating & Claiming Value</p> <ul style="list-style-type: none"> ● Negotiate & Debrief: <i>Sally Soprano II</i> ● Discuss: Objective Criteria and Standards ● Discuss: Closing and Getting Commitment 	<ul style="list-style-type: none"> ▪ <i>Perez</i> preparation assignment (no-pass) in lieu of journal ▪ Negotiate <i>Perez</i>; one from each quad must send me your result in the body of an email as soon as possible, and no later than 10 am ▪ Prepare: <i>Sally Soprano II</i> ▪ Read: Mnookin, 9-43 (together with some new material, this section provides an excellent review of what we've covered so far, geared for a legal audience) ▪ Read Good Pastor, "A Primer on Competitive Bargaining" (required: pps. 341-49, 370-77)

7	10/18	<p>Ethics</p> <ul style="list-style-type: none"> ● Introduce: <i>The Taxman</i> (email negotiation) ● Debrief: <i>Perez v. Ace Auto</i> ● Discuss: Ethics 	<ul style="list-style-type: none"> ▪ Set up anonymous email account (per instructions on class slide); send me test message w/real name in header by 9 am ▪ <i>Perez</i> Conferences this week ▪ No journal due—take a breath! ▪ Read: Shell, 196-227; Mnookin, 273-94; Fisher, 131-45
8	10/25	<p>Power, Conflict</p> <ul style="list-style-type: none"> ● Negotiate & Debrief: <i>The Three Groups</i> ● The MODE ● Discuss: Conflict Styles ● Introduce: The Core Concerns 	<ul style="list-style-type: none"> ▪ Journal ▪ Bring \$5 bill to class (exact change, no coins please!) for use in <i>The Three Groups</i> ▪ Take MODE professionally and personally (15-20 min); email me raw # scores by 9 a.m. ▪ Read: Fisher, 153-94; Adler & Silverstein, “When David Meets Goliath” (CW: pps. 1-28, 77-92, 101-110); Stone, xv-xxi, 3-82 ▪ Begin <i>The Taxman</i> tonight
9	11/1	<p>The Tension btw. Empathy & Assertiveness</p> <ul style="list-style-type: none"> ● Discuss: Speaking and Listening ● Discuss: Assertion ● Introduce: Partisan Perceptions & Biases 	<ul style="list-style-type: none"> ▪ Read: Mnookin, 44-68, 156-72; “Are You Really Listening” 2-page handout; “Experiments in Listening” (on CW; required: 1-4, 8-17, 19-25); Stone, 85-128 [▪ Refresh previous readings: Fisher 21-36 (separating people from problem); 50-55 (interests)] ▪ Complete <i>Taxman</i> and feedback per instructions ▪ No journal, given <i>Taxman</i>

10	11/8	Negotiating Hurdles: Emotion, Technology <ul style="list-style-type: none"> ● Introduce: Final Journal Project ● Managing Emotion in Negotiation ● Negotiate: <i>Role Reversal</i> ● Managing Technology in Negotiation ● Debrief: <i>The Taxman</i> 	<ul style="list-style-type: none"> ▪ Journal ▪ Email me anonymized <i>Taxman</i> transcript by Sat. noon; review transcripts (on CW by Monday) for debriefing, per instructions ▪ Read <i>Beyond Reason</i> excerpt; Thompson, “Negotiating via Info Tech.” (on CW); Shell, “Electronic Bargaining” (on CW); Stone, 131-234 ▪ For <i>Role Reversal</i>, bring to class a scenario personal enough to have emotional resonance, but that you’ll feel comfortable discussing with a partner
11	11/15	The Principal-Agent Tension <ul style="list-style-type: none"> ● Client-Centered Lawyering & Interviews ● Negotiate: <i>Buyer Beware</i> ● Interviews: <i>Ellsworth v. Ellsworth</i> ● Introduce: The Principal-Agent Tension 	<ul style="list-style-type: none"> ▪ Journal ▪ Prepare for <i>Buyer Beware</i> interview ▪ Prepare for <i>Ellsworth</i> client interviews ▪ Read: Client Interviewing article (CW); Mnookin: 69-96, 173-223
	11/22	THANKSGIVING BREAK	<ul style="list-style-type: none"> ▪ Prepare and negotiate <i>Ellsworth</i> in quads outside of class sometime between 11/15 and 11/29
12	11/29	The Arts of the Deal and Dispute Resolution <ul style="list-style-type: none"> ● Managing the Principal-Agent Tension ● Debrief: <i>Ellsworth v. Ellsworth</i> ● Interviews & Pair Preparation: <i>Aunt Martha’s Kitchen</i> 	<ul style="list-style-type: none"> ▪ Journal ▪ Prepare for <i>Aunt Martha’s Kitchen</i> client interviews (and preliminarily for the overall negotiation) ▪ Read: Mnookin, 97-155

13	12/4	<p>Putting it all Together</p> <ul style="list-style-type: none"> ● Debrief: <i>Aunt Martha's Kitchen</i> ● Wishing Well Topics ● Course Overview and Conclusion 	<ul style="list-style-type: none"> ▪ Finish negotiating <i>AMK</i> outside of class (finish by today) ▪ Read: Mnookin, 224-71, 315-23; Shell, 229-36 ▪ Bring SASE to class ▪ Final Journal Project due to Sue Page (LRC 2nd floor) by 1 p.m. on Friday after last class
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