

NEGOTIATION WORKSHOP SPRING 2015
COURSE OVERVIEW MEMORANDUM

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I. PURPOSES OF THE COURSE

Attorneys resolve far more cases through negotiation than by trial. Business lawyers -- whether putting together a start-up company, arranging venture financing, or preparing an initial public offering—are continuously called upon to negotiate on behalf of their clients. Similarly, public interest lawyers, in-house counsel, and government attorneys all need to be effective negotiators. Even those few lawyers who do not conduct external negotiations will negotiate within their own organizations over salaries, work assignments, benefits, and support staff.

Despite the pervasiveness of negotiation in the practice of law, few attorneys have studied the negotiation process, or have any systematic understanding of why negotiations often fail, or appreciate the characteristics of effective negotiators. Similarly, most practitioners are unfamiliar with a burgeoning literature on bargaining and negotiation drawn from research in fields such as cognitive and social psychology, organizational behavior, game theory, decision analysis, and international diplomacy.

This course combines theory and practice in an effort to improve both your understanding of the negotiation process and your effectiveness as a negotiator. The course emphasizes developing and improving a variety of skills relevant to effective preparation, decision-making, persuasion, communication, and problem-solving. In addition, the course seeks to encourage the capacity and enthusiasm for you to continue refining these skills in the future. Specifically, the goals of the course are:

- (1) **To increase your awareness** about negotiation and about your own negotiating behavior.
 - The pervasiveness of negotiation.
 - The importance of process—*i.e.* how we negotiate.
 - Your own negotiating behavior and the implicit assumptions that underlie it.

- (2) **To enhance your negotiating skills**, theoretically and practically.
 - To assess the skills you have as a negotiator and as a third party.
 - To broaden your repertoire.
 - To practice and experiment with a variety of techniques in relative safety.
 - To develop practical ways for applying useful concepts to daily negotiations.
 - To learn effective techniques from each other.
 - To work on bridging the gap between theory and practice; between what we espouse and what we do.

- (3) **To provide you with a variety of analytical tools and concepts** for thinking about negotiation.
- To introduce (or reintroduce) you to interdisciplinary literature and research relating to the negotiation process.
 - To offer some basic variables that can serve as organizing concepts.
 - To provide some diagnostic and preparatory tools including charts, checklists, and prep worksheets.
 - To acquaint you with a common vocabulary to enhance preparation, negotiation, and post-negotiation review and outcome analysis.

To achieve these ends, the course uses a wide range of tools: analysis, readings, interactive group discussion of course material and discussion of the negotiation process; frequent negotiation exercises with extensive in-class review and debrief; shorter interactive exercises; peer evaluation; and journal writing of negotiation experiences and prompted responses related to course material. Negotiation cases are drawn from many contexts; from legal to business, from personal to international, from bilateral to multilateral.

II. STRUCTURE AND LOGISTICS

This three-credit course is scheduled for 2.75 hours of class time per week. We will break halfway through class, generally, and have historically established a system of rotating treats. **There will be no fewer than 6 additional meetings outside of the scheduled class time for negotiations or for preparation for group negotiations done in class each of which can last at least an hour or more.**

III. REQUIREMENTS

Attendance & Preparation:

There will be readings, cases, and discussion problems or other homework assignments each week. *Effective* preparation for the negotiation cases will take substantial time. You will hinder your own learning, in addition to your peers, if you are not fully prepared both for class and for the specific negotiations. **You are expected to attend every class and every negotiation meeting—failure to do so must be approved by the professors in advance and is strongly discouraged.** The success of this course and its value to you and your co-participants depends on your careful preparation and active involvement. It also requires close attention to the logistical details attendant on a course such as this. Please read your assignments. Please be sure you understand each week what negotiations are scheduled in and out of class. **As all handouts and assignments are 3-hole punched, students have found it very helpful in the past to bring a 3-ring binder to class starting with the first class. Organization is critical to your success in this course.**

Readings:

The required texts are the following (and are available at the bookstore or online):

Fisher, Ury & Patton, Getting to Yes (2nd ed.)

Shell, Bargaining for Advantage: Negotiation Strategies for Reasonable People

Stone, Patton, Heen & Fisher, Difficult Conversations (2nd ed.)

Menkel-Meadow, Schneider & Love, Negotiation: Processes for Problem Solving (2nd ed.) (aka the textbook)

Journal Assignments:

Experience strongly demonstrates that processing your reactions to the class discussions, the negotiations and the readings helps you become a more effective negotiator. Therefore, you are expected to write several short (3-4 page) prompted, responsive journal entries during the semester regarding the class. These journals will chart your thinking, reflection and self-examination concerning negotiation as the course proceeds. The journals provide an integrated focus for analyzing your subjective experience and reflecting upon the ideas and readings of the course. In addition, your journals will form a record of your development in the course and will serve as an important basis for feedback and coaching. Your work on your journals, therefore, provides a critical complement to your participation in the course.

In addition, there will be a final journal entry of 10-12 pages due at the end of class. In this final entry, you will synthesize your work over the course of the semester, integrate the breadth of readings into what you have learned, and outline your negotiating goals for the future. The original journal entries from the semester will be instructive in this effort, so please be sure to keep all journals from the course.

Other Writing Assignments:

There will be one lengthy written assignment in addition to several shorter discussion problems/homework assignments and the journals discussed above. Each student will individually write a negotiation preparation memorandum of 10 pages in advance of a complex negotiation. In groups, students will draft a settlement agreement to this negotiation. Further information on this assignment will be given during the course. In addition, early in the course, you will be completing third-party peer evaluations of negotiations in which you play the role of the observer along with periodic self-evaluations of your changing skills.

Participation:

Because the course is highly interactive and based on experiential learning, **preparation, participation and thoughtful contribution to the class discussion, negotiation simulations and exercises is critical.** It is not enough to simply attend the class, rather it is **essential** that you actively participate by preparing for the exercises, and participating in the discussions we have in each class. As such, **attendance and participation will account for 25% of a student's grade in the course and will be carefully monitored and evaluated.**

Cases and exercises require advance preparation (reading, preparation of negotiation strategy, some written assignments). Participation points for case simulations and exercises will be based on the quality of your preparation for these assignments and the quality of your participation in class during these simulations and exercises. Participation points for discussion will be based on such factors as use of the assigned readings for a particular class, relevance to the topic covered, ability to comprehend and build on contributions of other classmates, ability to effectively articulate personal experiences relevant to the discussion topic, and addition of new information or insights.

Finally, as part of your participation grade, you will also be required to complete a “Representation Plan” for many of the negotiation simulations. The goal is to instill effective analysis and preparation skills for any given negotiation. More detailed information will be provided in class.

The participation portion of your evaluation should enhance your grade, not diminish it. This is dependent on you!

Final grades will be based on the following:

Journal Entries	20%
Final Journal Entry	30%
Written Work for Dunn & Mudd (Prep Memo)	20%
Representation Plans	5%
Class Participation & Attendance	25%

IV. CONFIDENTIALITY

Any journal essays or peer or self-evaluations you write will be treated as confidential as will any discussions with the professors.

In various negotiation cases, you will typically be given confidential instructions. You will sometimes have an opportunity to prepare for the negotiation with a partner. It is very important, of course, that you not share these confidential instructions with students who are playing other roles in the negotiations. You will sometimes have a chance, after the negotiations, to share these instructions with those on the other side and to evaluate the experience together.

You should also refrain from discussing the details or structure of the negotiation cases, or the substantive facts of one or both sides, with persons not taking the course. If these details or facts became widely known, the cases will be of little further use to us or to future participants in the course.

NEGOTIATION WORKSHOP
Spring 2015

Preliminary Class Schedule

I. Introduction: Developing a Negotiation Vocabulary

Class One – January 14: Overview of Class (Pizza)

Negotiation Textbook—Chapter 1
Getting to Yes

Class Two – January 21: Elements of a Good Outcome (Diego prep)

Negotiation Textbook—Chapters 2 & 3
Shell—Chapters 2-5

II. Concepts of Negotiation

Class Three – January 28: Integrative Bargaining (Diego Primadonna)

Negotiation Textbook—Chapter 4

Class Four – February 4: Distributive Bargaining (Chuck’s Wagon)

Negotiation Textbook—Chapters 5A & B
Shell—Chapters 6-10

Class Five – February 11: Mixed Models (Powerscreen)

Negotiation Textbook—Chapter 5C, D & E
Shell—Chapter 1
Schneider, *Teaching a New Negotiation Skills Paradigm*

Class Six – February 18: Conflict Styles (Dynad & Barnga)

Negotiation Textbook—Chapter 7
Stone, Patton & Heen—Intro and Chapters 1-5

Class Seven – February 25: Understanding the Other Side (Role Reversal)

Negotiation Textbook—Chapter 8
Stone, Patton & Heen—Chapters 6-12
Preparation Memorandum Due for Dunn & Mudd

III. Issues in Negotiation

Class Eight – March 4: Dealing with Differences & Difficult Conversations (Casino)
Negotiation Textbook—Chapters 9 & 10

SPRING BREAK March 8-15

Class Nine – March 18: Ethics & Issues of Truth (Commonwealth v. McGorty)
Negotiation Textbook—Chapters 11 & 12
Shell—Chapter 11

Class Ten – March 25: The Attorney-Client Relationship (Dunn & Mudd)
Negotiation Textbook—Chapter 6
One Page Summary of Dunn & Mudd

IV. Complex Negotiations

Class Eleven – April 8: Team Negotiations (MAPO)
Negotiation Textbook—Chapter 13

Class Twelve – April 15: Multiparty Negotiations (Seasia)

V. Putting it All Together

Class 13 –April 22: Learning Beyond the Workshop
Shell—Chapter 12

Final Journal Due on Friday, May 1 by noon in Suite 302.