

## READING ASSIGNMENTS AND DEADLINES (AS OF 11/10/2014)

**NOTE: The readings on ANGEL are very likely to be revised throughout the semester. The most-recently-updated reading assignments will be posted in the “General Course Materials” folder on ANGEL**

<b>Part I: General Overview of Course, Negotiation, “ADR,” and the Role of the Lawyer</b>			
DATE	SUBJECT OF CLASS SESSION AND IN-CLASS SIMULATION	READING ASSIGNMENT	DEADLINES
8/20	<p>Overview of Dispute Resolution and Conflict Management—and the Place of the Law and Lawyers</p> <p><b><i>In-Class Simulation:</i></b> The Burning Sailboat</p>	<p>DRL5, Chapter 1, pp. 1-42</p> <p>On ANGEL: Welsh, <i>Looking Down the Road Less Traveled</i></p>	
<b>Part II: Negotiating as a Lawyer on Behalf of a Client: Dynamics, Limitations, Law, Ethics of the Attorney-Client Relationship</b>			
8/27	<p>Varying Models of the Attorney-Client Relationship, Introduction to Relevant Ethical Provisions, Interviewing Techniques</p> <p><b><i>In-Class Exercises:</i></b> Window Washing</p>	DRL5, Chapter 2, pp. 43-90	<p><b><i>After class:</i></b> Complete post-simulation report</p> <p><b><i>Due during class:</i></b> Choose partner, date and time for first video negotiation (Harrison v. Martin, materials posted in “Video Simulations” folder on ANGEL)</p> <p><b><i>Begin this week (dates to be provided):</i></b> First video negotiation. (The pre-negotiation form for this simulation <i>does not need to be submitted to me</i>. It is for you, to use if you think it would be helpful to you—and, very importantly, your client.)</p>
9/3	<p>Counseling Techniques, Relevant Law and Return to Ethics</p> <p><b><i>In-Class Simulation:</i></b> Mama Greco’s—Parts 1 and 2</p>	DRL5, Chapter 2, pp. 91-143	<p><b><i>Before class:</i></b></p> <ul style="list-style-type: none"> <li>• Lawyers conduct legal research</li> <li>• Lawyers and observers confer regarding upcoming interview</li> </ul> <p><b><i>After class:</i></b> Complete post-negotiation report</p>

Part III: Preparation, Stages, Styles, Approaches, and Skills of Negotiation			
9/10	<p>Introduction to Negotiation Style, Steps in the Negotiation Process, and Negotiation Approaches</p> <p><b><i>In-Class Exercises:</i></b> Pricing Exercise</p>	<p>DRL5, Chapter 3, pp. 145-171</p> <p>On ANGEL:</p> <ul style="list-style-type: none"> <li>Gibson, <i>Prisoner's Dilemma</i></li> <li>Gold, <i>Cultural Baggage When You "Win As Much As You Can"</i></li> </ul>	<p><b><i>After class:</i></b> Complete post-negotiation report</p> <p><b><i>Due this week (9/12, 11:59pm):</i></b> Complete self-evaluation and statement of goals, based on first video negotiation, on ANGEL</p>
9/17	<p>Adversarial and Problem-Solving Negotiation Strategies and Techniques, Part I</p> <p><b><i>In-Class Simulation:</i></b> Wright-Tite</p>	<p>DRL5, Chapter 3, pp. 171-228</p> <p>On ANGEL:</p> <ul style="list-style-type: none"> <li>Supplemental materials on being assertive, not "getting in your own way"</li> </ul>	<p><b><i>Before class:</i></b> Complete pre-negotiation report (optional)</p> <p><b><i>After class:</i></b> Complete post-negotiation report</p>
9/24	<p>Adversarial and Problem-Solving Negotiation Strategies and Techniques, Part II</p> <p><b><i>In-Class Simulation:</i></b> Golden Years</p>	<p>DRL5, Chapter 3, pp. 171-228 (review)</p> <p>On ANGEL:</p> <ul style="list-style-type: none"> <li>Supplemental materials on empathy</li> <li>Supplemental materials on "general purpose" communication/negotiation techniques</li> </ul>	<p><b><i>Before class:</i></b> Complete pre-negotiation report</p> <p><b><i>After class:</i></b></p> <ul style="list-style-type: none"> <li>Complete post-negotiation report</li> <li>Remember that if you want to submit a written agreement, the terms must be clear sufficiently clear and complete; additional in-person, telephone or email negotiation may be required; see instructions regarding requirements</li> </ul>
10/1	<p>Law and Ethics of Negotiation, Drafting Agreements</p> <p><b><i>In-Class Simulation:</i></b> Mossyback Lane</p>	<p>DRL5, Chapter 3, pp. 246-272</p> <p>On ANGEL:</p> <ul style="list-style-type: none"> <li>Supplemental materials on drafting agreements and settling lawsuits</li> <li>Sample settlement agreements</li> <li>Sample transactional agreements</li> <li>FRCP 41</li> <li>Supplemental materials on misrepresentation (also posted in October 8 folder)</li> </ul>	<p><b><i>Before class:</i></b> Complete pre-negotiation report</p> <p><b><i>After class:</i></b> Complete post-negotiation report</p> <p><b><i>Due this week (optional)(10/1, 11:59pm):</i></b> Agreement based on Golden Years</p>

10/8	<p>Dealing with Difference (including Differences with Your Client), “Collaborative Law” and “Partnering”</p> <p><b><i>In-Class Simulation:</i></b> The Grade</p>	<p>DRL5, Chapter 3, pp. 272-297, 865-874</p> <p>On ANGEL:</p> <ul style="list-style-type: none"> <li>• Supplemental materials on misrepresentation (also posted in October 1 folder)</li> <li>• Supplemental materials on social identity theory, intergroup conflict</li> <li>• Supplemental materials on clients’ <i>ex-ante</i> preferences among dispute resolution procedures</li> </ul>	<p><b><i>Before class:</i></b></p> <ul style="list-style-type: none"> <li>• Cultural research (optional but strongly encouraged)</li> <li>• Complete pre-negotiation report</li> </ul> <p><b><i>After class:</i></b> Complete post-review report</p> <p><b><i>In class:</i></b> With assigned partner, choose date and time for second video negotiation (dates to be provided)</p>
10/15	<p>Negotiating in a Court-Connected Context, Legal Encouragement and Limitation of Negotiation and Settlement</p> <p><b><i>In-Class Simulation:</i></b> Mossyback Lane II</p>	<p>DRL5, Chapter 3, pp. 228-246, 267-269 (review), 465-470</p> <p>On ANGEL:</p> <p><b>FRCP Rules 16, 41 and 68, FRE Rule 408</b> Supplemental materials on settling lawsuits in state and federal courts</p> <p><b>Case Law Encouraging Litigation Settlement</b> <i>Ehrheart v. Verizon</i> (excerpt)</p> <p><b>Case Law Limiting the Reach of Litigation Settlement</b> <i>ATSI Communications Inc. v. Shaar Fund Ltd.</i> (excerpt)</p> <p><b>Mary Carter Agreements and Evidentiary Issues</b> <i>Hatfield v. Continental Imports</i> (excerpt); <i>Doctors Hospital v. Beazley Insurance</i> (excerpt)</p>	<p><b><i>Before class:</i></b></p> <ul style="list-style-type: none"> <li>• Research state court rules for procedures required to settle a lawsuit</li> <li>• Complete pre-negotiation report</li> </ul> <p><b><i>After class:</i></b> Complete post-negotiation report</p> <p><b><i>Begin this week (dates to be provided):</i></b> Second video negotiation; submit pre-negotiation worksheet before video negotiation begins</p>
10/20-27	<p>Email Negotiation (with students at Santa Clara)</p>	<p>See 10/29 readings</p>	<p><b><i>After completion of email negotiation:</i></b></p> <ul style="list-style-type: none"> <li>• Submit email exchanges as required</li> <li>• Submit written agreement as required</li> </ul>

10/22	<p>Multiparty Negotiations</p> <p><b><i>In-Class Simulation:</i></b> The Stadium</p>	<p>In DRL5 and on ANGEL:</p> <p><b>Examples of Multiparty Negotiation and “Quasi-Mediators”</b> Nolon, <i>Second Best Practices?</i></p> <p><b>Coalition Building and Management</b> Korobkin, <i>Negotiation: Theory and Strategy</i>, 2d ed. (excerpt)</p> <p><b>Lessons from Negotiating in Teams</b> Sally &amp; O’Connor, <i>Negotiating in Teams</i>; Matz, <i>Intra-Team Miscommunication</i></p> <p><b>Beyond Negotiation and Mediation</b> Docherty, <i>Negotiation, One Tool Among Many</i></p> <p><b>Reconsidering Courts and Culture</b> Gold, <i>Cultural Baggage When You “Win As Much As You Can”</i> (pp. 281-87)</p> <p>DRL5, pp. 773-775 (review)</p>	<p><b><i>Before class:</i></b> Complete pre-negotiation report</p> <p><b><i>After class:</i></b> Complete post-negotiation report</p> <p><b><i>In class:</i></b> Choose date and time for review of second video negotiation with Prof. Welsh</p>
10/29	<p>Technology and Negotiation</p> <p><b><i>Discussion of Email Negotiation</i></b></p>	<p>On ANGEL:</p> <ul style="list-style-type: none"> <li>• <i>Klebanoff v. Haberle</i> (excerpt), supplemental cases</li> <li>• Ebner, Bhappu, Brown, Kovach &amp; Schneider, <i>You’ve Got Agreement: Negoti@ting via Email</i> (pp. 89-106)</li> <li>• Model Rules of Professional Conduct, Rule 1.1, Comment 8</li> <li>• Nadler, <i>Rapport in Negotiation and Conflict Resolution</i> (pp. 877-79, 880-882) (<b>optional</b>)</li> </ul>	<p><b><i>Begin this week:</i></b> Meetings with Prof. Welsh to review second video negotiation. Submit post-negotiation self-reflection before meeting with Prof. Welsh. Submit updated goal statement following meeting.</p>
<b>Part IV: The Skills, Law and Ethics of the Mediation Process</b>			
11/5	<p>Introduction to Mediation and Its Various Goals, Foci, Stages and Participants</p>	<p>DRL5, Chapter 4, pp. 301-401</p>	<p><b><i>Due this week (11/3, 11:59pm):</i></b> Agreement based on email negotiation; see instructions regarding requirements.</p>
11/8	<p>Negotiation Marathon</p>		

11/12	<p>Mediator Ethics, Mediation Counseling and Advocacy, Good Faith Participation, Duty of Candor, Mandatory Mediation</p> <p><b><i>In-Class Simulation:</i></b> The Deck</p>	<p>DRL5, Chapter 4, pp. 401-420, 436-455, 458-465, 512-535, 753-799</p> <p>On ANGEL:</p> <ul style="list-style-type: none"> <li>• Welsh, <i>Motherhood and Apple Pie</i></li> </ul>	<p><b><i>After class:</i></b> Complete post-negotiation report</p> <p><b><i>Due (11/14, 11:59pm):</i></b> Election of whether performance in third video negotiation or mediation submission will be part of final grade.</p>
11/19	<p>Confidentiality and Mediation Privilege; Obligations of Truthfulness in Mediation</p> <p><b><i>In-Class Simulation:</i></b> Parker v. Davidson</p>	<p>DRL5, Chapter 4, pp.477-512, 1037-1044, 1049</p> <p>On ANGEL: Selected Pennsylvania and California confidentiality provisions</p>	<p><b><i>Before class:</i></b></p> <ul style="list-style-type: none"> <li>• Complete pre-negotiation report</li> <li>• Lawyers: Consult with clients regarding preferred mediator expertise and approach, including issues to be addressed</li> <li>• Lawyers: Reach agreement with each other on mediator's expertise, approach and issues to be addressed; send a joint email regarding these selections to the mediator</li> </ul> <p><b><i>After class:</i></b> Complete post-negotiation report</p> <p><b><i>In class:</i></b> With assigned partner, choose date and time for third and final video negotiation.</p> <p><b><i>Begin this week (dates to be provided):</i></b> Third and final video negotiation. If pre-mediation submission is elected, it must be submitted <b><i>before</i></b> third video negotiation begins.</p> <p><b><i>By the end of exam period:</i></b> Complete Reputation Index.</p>