

SYLLABUS

NEGOTIATION AND MEDIATION—FALL 2014

Welcome to this exploration and frequent practice of important tasks lawyers perform skillfully when creating deals and resolving disputes.

I. Course Materials: LAWYERING WITH PLANNED EARLY NEGOTIATION: HOW YOU CAN GET GOOD RESULTS FOR CLIENTS AND MAKE MONEY
First Edition (2011), by John Lande [hereafter **TEXT**]

Recommended but not required: **BEYOND WINNING: NEGOTIATING TO CREATE VALUE IN DEALS AND DISPUTES**, by Robert H. Mnookin, Scott R. Peppet, and Andrew S. Tulumello; **GETTING TO YES**, by Roger Fisher, William Ury, and Bruce Patton; **BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE**, by Roger Fisher and Daniel Shapiro; **DIFFICULT CONVERSATIONS: HOW TO DISCUSS WHAT MATTERS MOST**, by Douglas Stone, Bruce Patton, and Sheila Heen; **THE ART OF NEGOTIATION: HOW TO IMPROVISE AGREEMENT IN A CHAOTIC WORLD**, by Michael Wheeler and **CHALLENGING CONFLICT: MEDIATING THROUGH UNDERSTANDING**, by Gary Friedman and Jack Himmelstein . Copies are on reserve in the library.

Please purchase **TEXT** as soon as possible and read assignments from this collection and supplemental TWEN posts. The action theories in these readings comprise seamless webs so individual class assignments reflect necessary yet artificial action theory separations. Please read the assigned sections of **TEXT** and the TWEN posts promptly and review them appropriately to prepare later performance course phases. **Course participation requires use of a small, self-provided digital recorder or smartphone app to record and then review your negotiation and mediation performances classes.**

II. Course Goals

1. Share knowledge about action theories to allow you to prepare, conduct, and evaluate negotiating and mediating tasks effectively;
2. Provide information about ethical dimensions of effective negotiation and mediation task performance;
3. Create opportunities to engage in reflective practice of fundamental actions to allow you to improve existing competencies and develop new skills

performing negotiating and mediating tasks;

4. Overall, become more sophisticated problem-solvers.

III. General Course Requirements and Accommodations

1. Attendance and Preparation. Attendance and preparation are critical in this course. It features seven digital feedback classes for which attendance is mandatory. There is a make-up assignment for preapproved absences. These classes divide into two 12-student groups and a portion of everyone's negotiation or mediation is observed by an instructor and video-recorded digitally. Small group discussions with review of digital video excerpts follow these performances. Virtually all other classes pair you with one or more classmates to negotiate or mediate. Missing these classes lessens learning opportunities for assigned counterparts or partners as well as diminishing your chances to learn from doing. Similarly, not preparing for performance assignments squanders valuable learning opportunities. Please plan to attend class consistently and prepare for it diligently. There will be a bonus of one point added to the grade of any person who attends all classes. The ABA Standards for Approving Law Schools require "regular and punctual class attendance." I interpret this standard as requiring attendance at 90% or more of the following classes, monitor attendance, and reduce class points for participation that falls below this level.
2. Effort. Learning and improving negotiation and mediation skills is not something that can be "done to" you. It is self-inflicted, and requires steady, thoughtful work. Because this course spends little time explaining assigned reading materials, it assumes that you read these assignments so that class discussions focus on applying these action theories to demonstrations and actual experiences. While others can, and frequently will, share thoughtful feedback about your actions, what you learn from this course largely depends on your efforts reading, preparing, reflecting on, and evaluating decisions and actions. The more effort made, the more learned.
3. Helpfulness to Fellow Students. Usually the best sources of helpful feedback on your actions that went well and those that might benefit from improvement are the persons with whom you just interacted. Consequently, providing frequent constructive feedback to each other, and to instructors, supplies a critical component of this course. The more you help everyone learn in this course, the richer your course experiences will be.
4. Participation. Because dialogue requires more engaged learning than

lectures, this course unfolds primarily through discussion. Please participate actively in these conversations. Everyone learns from and by sharing ideas. Ideas and suggestions about how to explore these action theories and applications in better, more valuable ways are always welcome.

5. Accommodation for Students with Disabilities. Students requesting classroom accommodations must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

IV. Course Written Requirements

1. Self-Critique Papers. This course requires four short papers analyzing performances in digital feedback classes where you played a lead negotiating or mediating role. These papers must contain a completed action-choices chart (made while listening to the audio recording you make of these performances), and a short, written analysis of your performance. Each written analysis must identify and assess one effective action sequence and one ineffective behavioral sequence, and may include a transcript of these interactions and a description that place each of these back and forth communication occurrences in context. These papers must also discuss strategies for improving personal behavioral challenges discerned. These papers should not exceed four pages [not counting the action-choices chart], and they can be shorter. A further description of these requirements, along with their deadlines, follows.
2. A Final Essay or Project. This course ends with a ten to fifteen page submission which either: (1) evaluates in depth either some actual conflict in light of what was learned in this course, or (2) develops a practical project in detail. This paper is due in class on Tuesday, November 25, the last day of classes this term. Further information about this requirement follows.
3. Negotiation Plans. This course requires three negotiation plans submitted before digital feedback classes in which you play lead negotiating roles. These plans may not exceed four pages, and they can be shorter. Further information about this requirement follows.
4. Post-Performance Exercise Assessment and Review Documents. This course occasionally requires completing and submitting short questionnaires that require assessing and reviewing aspects of performances promptly after they occur. These documents provide useful

comparative information that often is shared during discussions in later classes. They are not evaluated.

V. Course Grading

Pursuant to faculty policy, this course is graded. For further information, see current UF grading policies. **It has no final exam.** Grading is based on digital feedback class performances, plans, self-critique papers, and the final essay or project. Everything except the final essay or project is graded using a system awarding small point totals reflecting GVE [generally very effective], GE [generally effective], METI [more effective than ineffective] MITE [more ineffective than effective] and GI [generally ineffective] assessments. Portions of your performances during digital feedback classes are watched and video-recorded digitally, and instructors use this marking scheme to assess actions they observe. **Your course marks are not based upon exercise outcomes.** They are based solely on the effectiveness of preparation and decisions based on plans and behavioral inferences; observed actions; written self-critiques; and your final project.

[Information on UF Law grading policies](#)

Grade	Points
A (Excellent)	4.0
A-	3.67
B+	3.33
B (Good)	3.0
B-	2.67
C +	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

The law school grading policy is available at:

<http://www.law.ufl.edu/students/policies.shtml#9>.

VI. Information Technology

Most course slides are posted on TWEN shortly after the class in which they are analyzed. Information technology, including laptops, may be used for note taking and other

pedagogic purposes during classes. Non-pedagogic use of information technology in classes is not permitted and violates the University's conduct code. Non-pedagogic in-class use of information technology includes, but is not limited to, activities such as reading, writing, or sending e-mail, engaging in e-commerce, reading non-course related materials, non-course related surfing on the Internet, playing games, social networking sites, twitter accounts, WhatsApp, and text messaging.

VII. Course Schedule

The following detailed schedule of classes reflects suggestions by prior classes to emphasize performance opportunities more than action theory discussions. It balances practice opportunities in deal making and dispute resolving, and negotiation and mediation. Please direct any questions you have about any of these assignments to me using the email and phone information provided here. Staff colleagues in the entrance office to the Clinic Suite 105, Bruton-Geer, usually can respond if I cannot be reached.

VIII. Course Website

This course will make use of a course website through TWEN. The syllabus and other required course materials will be posted on this website.

IX. Notices; Duty to Check Email

Students will receive simulation instructions and other notices through the email accounts registered through their TWEN accounts or preferred provided email accounts. Students should check these email accounts for such emails at least once every business day (i.e., excluding weekends and holidays).

You are responsible for the information in this syllabus!

Tuesday, August 19 (100 MIN.): INTRODUCING NEGOTIATION, MEDIATION and THIS COURSE: Read Introduction, Inspirations of this Book and Overview of this Book in **TEXT** and the TWEN post. We will introduce ourselves, review course-learning approaches, define negotiation and mediation, and do an introductory exercise explained in class.

- We will do the Condrum Connundrums negotiation, which will be distributed in class, and then discuss experiences.

Thursday, August 21 (50 MIN.): FEEDBACK, CORE CONCERNS and NEGOTIATION TACTICS: MYTHS, UNDERLYING ASSUMPTION & YOU: Read Chapter 5 of **TEXT** and skim TWEN post.

- We will do the Going Bananas negotiation, which will be distributed in class, and then discuss experiences.

Tuesday, August 26 (100 MIN.): NEGOTIATION TENSIONS, STRATEGY, STYLE, THE ROLE OF CONTEXT, AND MODE

Read pages 95-103 of **TEXT** and the TWEN posts, a short chapter describing negotiation theory by Bruce Patton and the short piece entitled Beyond Reason (Address the Concern, Not the Emotion).

- After class, prepare the letter required by the Brian Garhammer situation. This letter may not exceed two double-spaced pages and must be either word processed or written legibly, printed, and is **due no later than at the beginning of class on September 2**. Submit via e-mail, deliver hard copy to my office or submit in class.
- What is fairness anyway exercise ? (What happens in Vegas..)
- Pairings and general information for Palmer v. I've Been Moved (IBM) will be provided electronically.
- The Thomas-Killman Management of Differences Exercise [MODE], a valuable source of insights regarding action tendencies relating to core negotiations and mediation tasks, will be distributed for taking and self-scoring at home, and **submit its third page at the next class**.

Thursday, August 28 (50 MIN.): VIDEO DEMONSTRATION BREAKING BAD: Start reading TWEN posts, a short chapter describing negotiation theory by Bruce Patton and **STD** pages 29-68.

- Breaking Bad and Negotiation presentation will be posted on TWEN after class

Tuesday, September 2 (100 MIN.): NEGOTIATING PALMER V. I'VE BEEN MOVED (IBM): Read Chapters 1 and 4 and review Appendices B and M in **TEXT**. We will discuss the format for Digital Feedback classes and handout the Community Book.

- We will negotiate the Palmer v. I've Been Moved Problem.
- We will review and explain the theories underlying the MODE instrument, share aggregate class data, and analyze how this information may help improve negotiating and mediating skills
- Pairings and general information for our next in class role-play Another Fracking Negotiation will be provided electronically.
- We will discuss the Digital Feedback Class (DFC) process

- In addition, pairings, room assignments, and confidential information for our first digital feedback class, 360 Degree-Deal Dizziness or TBA will be electronically distributed.

Thursday, September 4 (100 MIN.): NEGOTIATING ANOTHER FRACKING NEGOTIATION: Read pages 89-94 and review Appendix O of **TEXT**. We will discuss self- reflection.

- Modern Family and Self-Critique analysis
- Deep Practice exercise
- We will negotiate Another Fracking Negotiation.

Tuesday, September 9 (100 MIN.): FIRST DIGITAL FEEDBACK CLASS [360 Degree-Deal Dizziness or TBA]: Report directly to assigned negotiating rooms and reconvene at the conclusion of this exercise in assigned break-out rooms. After giving feedback to each other, we will discuss experiences and review digital excerpts. Everyone also completes a brief questionnaire about their experiences with this exercise, and submit it before class ends.

- Your negotiation plan is due no later than the beginning of this class.**
- Please record your negotiation and then review it, complete an action choices chart regarding it, and write a self-critique, due no later than the beginning of class on Tuesday, September 16**
- In addition, pairings and confidential information for the in class role-play Booze Cruise or Presidential Problems will be electronically distributed.

Thursday, September 11 (100 MIN.): MOVEMENT AND QUESTIONING SKILLS: Read pages 73-86 of **TEXT** and skim Chapter 8 of **TEXT**. We will explore the critical importance of information in negotiation and mediation, several important decision-making challenges negotiating lawyers commonly confront, and essential, core questioning. **Bring your cell phones to class.**

- We also will briefly negotiate over the phone and discuss aspects of Booze Cruise or Presidential Problems exercise.
- In addition, we will discuss experiences, and review video demonstrations, and analyze letters written for Brian Garhammer.

Tuesday, September 16 (50 MIN.): BECOMING DAENERYS TARGARYEN AND CORE CONCERNS or NEGOTIATING THE SEA OF EMOTION IN 12 ANGRY MEN: Read the TWEN postings, a short book review by Erin Ryan entitled “Building the Emotionally Learned Negotiator”

- An instrument designed to measure emotional literacy will be posted on TWEN after class. **Please complete it, then self-score it and then submit by e-mail to me with your name and your score no later than 9 am on Thursday, September 18**
- Pairings, room assignments, and confidential information for our second digital feedback class, Have a Magical Day will be electronically distributed.
- Information for our in class exercise A Swiss Understanding will be electronically distributed.

Thursday, September 18 (100 MIN.): LISTENING: We will discuss the important role listening and empathy play in negotiating and mediating, and results from the emotional literacy assessment.

- We will briefly negotiate A Swiss Understanding.
- In addition, pairings and confidential information for The Battle for the Alamo, Kings of the Castle or TBA negotiation will be distributed electronically. **In advance of class on September 25 this assignment may be preliminarily and partially negotiated with either assigned counterpart, or both sequentially but not simultaneously.** Pre-class negotiations between all three persons assigned to do this exercise together are prohibited. Similarly, resolving all issues between all parties before class is prohibited.

Tuesday, September 23 (100 MIN.): SECOND DIGITAL FEEDBACK CLASS [Have a Magical Day]: Report directly to assigned negotiating rooms and reconvene at the conclusion of this exercise in assigned breakout rooms. After giving feedback to each other, we will discuss experiences and review digital excerpts.

- Your negotiation plan is due no later than the beginning of this class.
- Please record your negotiation and then review it, complete an action choices chart regarding it, and write a self-critique, due no later than the beginning of class on Tuesday, September 30.

Thursday, September 25 (100 MIN.): NEGOTIATING STRIP MALL MADNESS, A RIDE TO REMEMBER or TBA, MULTI-PARTY CHALLENGES, THE IMPORTANCE OF POWER and FRAMING:

- We will negotiate The Battle for the Alamo, Kings of the Castle or TBA.
- Pairings and confidential information will be distributed electronically for Mixing Business and Pleasure negotiation for our next class.
- Pairings and confidential information for the **March Madness negotiation** will be electronically distributed. This negotiation must be done entirely by e-mail with no face-to-face interaction or conversation permitted. Retain all e-mails sent and received regarding this negotiation. This negotiation must be concluded by the beginning of class on Thursday, October 2, and please ensure that the final e-mail reflects the outcome of your efforts. **Please print all e-mail conversations regarding this negotiation and submit them at the beginning of class on October 2.**
- In addition, the Machiavelli Measure [MM] will be distributed to be completed, self-scored, and submitted at the beginning of the next class.**

Tuesday, September 30 (50 MIN.): HARD BARGAINING AND NEGOTIATING ETHICS: Read Chapter 10 and pages 107-111 of **TEXT**. We will discuss issues of hard bargaining and ethics in negotiation and evaluate video clips.

- We will also discuss MM data.
- We will negotiate Mixing Business and Pleasure.
- Please review the posted protocols for client-based negotiations for information about how these exercises work.
- In addition, pairings, room assignments, and confidential information for our third digital feedback class, There's No Crying in Negotiating, Grand Theft Space Ship or TBA will be electronically distributed.

Thursday, October 2 (100 MIN.): COUNSELING CLIENTS REGARDING NEGOTIATION AND E-MAIL NEGOTIATIONS:

Read Chapter 2, pages 86-89 and review Appendices K and N of **TEXT**. In addition read TWEN Post. We will discuss the important tasks involved in counseling clients before, during, and after negotiation. In addition, we will discuss e-mail negotiations.

- First 50 minutes will be lecture

- We will discuss March Madness negotiation experience specifically and ideas for effective e-mail negotiation generally.
- Second 50 minutes will be counseling clients for 3rd DFC (room assignments 270 & 382)

Tuesday, October 7 (100 MIN.): THIRD DIGITAL FEEDBACK CLASS [FIRST CLIENT-BASED NEGOTIATION] [There's No Crying in Negotiating, Grand Theft Space Ship or TBA]:

Report directly to assigned negotiating rooms and reconvene at the conclusion of this exercise in assigned breakout rooms. After giving feedback to each other, we will discuss experiences and review digital excerpts.

- Your negotiation plan is due no later than the beginning of this class.
- Please record your negotiation and then review it, complete an action choices chart regarding it, and write a self-critique, due no later than the beginning of class on October 14

Thursday, October 9 (100 MIN.): PERSUASION and PROBLEM-SOLVING: Read pages 104-107 of **TEXT**.

- We will discuss and evaluate video demonstration based on This Ain't No Bellwether or Labor of Love?

Tuesday, October 14 (50 MIN.): VALUATION OF THE HOMUTH PROPERTY NEGOTIATION (based on M. Bazerman Negotiation Genius) or FRONT PAGE NEWS VIDEO DEMO: We will discuss valuating cases for negotiations.

- In addition, pairings, room assignments, and confidential information for our fourth digital feedback class, Law Firm Liability, will be electronically distributed.

Thursday, October 16 (100 MIN.): FRAMING, DECIDING, PROBLEM-SOLVING: We will do several short in class exercises.

- First 50 minutes we will critically evaluate video clips
- Second 50 minutes will be counseling clients for 4th DFC (room assignments will be announced 382&270)

Tuesday, October 21 (100 MIN.): FOURTH DIGITAL FEEDBACK CLASS [SECOND CLIENT-BASED NEGOTIATION] [Law Firm Liability]:

Report directly to assigned negotiating rooms and reconvene at the conclusion of this exercise in assigned breakout rooms. After giving feedback to each other, we will discuss experiences and review digital excerpts.

- Everyone complete a brief questionnaire about their experience with this exercise, and submits it before class ends.
- Your negotiation plan is due no later than the beginning of this class.
- Please record your negotiation and then review it, complete an action choices chart regarding it, and write a self-critique, due no later than the beginning of class on Tuesday, October 28.
- In addition, pairings and confidential information for Fighting Family will be electronically distributed.

Thursday, October 23 (100 MIN.): MOVING FROM NEGOTIATION TO MEDIATION and OPENING STATEMENTS: Read TWEN post **STD** pages 78-88 and review the Florida Statutes, Rules of Civil Procedures, and Supreme court Rules Regarding Mediation. We will discuss these readings and evaluate video demonstrations.

- We will practice opening statements in class.
- We will do a short, focused mediation Fighting Family in class.
- In addition, pairings and confidential information for Nasty Neighbors will be distributed electronically.

Tuesday, October 28 (50 MIN.): CAUCUSING, GENERATING MOVEMENT, FRAMING and REFRAMING: Read TWEN post.

- We will do a short, focused mediation, Nasty Neighbors in class.
- Pairings and confidential information for Star Struck will be electronically distributed.
- Please review the posted protocols for mediations for information about how these exercises work.

- In addition, pairings, room assignments, and confidential information for our fifth digital feedback class, *Blood is Thicker Than Money* or *Don't Tread on Me* will be electronically distributed.

Thursday, October 30 (100 MIN.): A LESSON IN BRACKETING, ETHICS, and DRAFTING AGREEMENTS IN MEDIATION; PERCEPTION of TIME and PRIORITIES: Read TWEN post and the Florida for Professional Conduct for Mediators. We will discuss challenges representing clients before and during mediations. In addition, we will discuss ethical dilemmas in mediation, and tricky ending mediation issues.

- We will do a group exercise in bracketing
- We will do a short mediation, *Star Struck*.
- In addition, pairings, room assignments, and confidential information for our sixth digital feedback class, *Payback is a Female Dog*, *Backyard Backbreaker* or *TBA*, will be electronically distributed.

Tuesday, November 4 (100 MIN.): FIFTH DIGITAL FEEDBACK CLASS [FIRST MEDIATION] [*Blood is Thicker Than Money* or *Don't Tread on Me*]: Report directly to assigned negotiating rooms and reconvene at the conclusion of this exercise in assigned break-out rooms. After giving feedback to each other, we will discuss experiences and review digital excerpts.

- Mediators please record your mediation and then review it, complete an action choices chart regarding it, and write a self-critique, due no later than the beginning of class on Thursday, November 13.

Thursday, November 6 (100 MIN.): SIXTH DIGITAL FEEDBACK CLASS [SECOND MEDIATION] [*Payback is a Female Dog*, *Backyard Backbreaker* or *TBA*]:

Report directly to assigned negotiating rooms and reconvene at the conclusion of this exercise in assigned breakout rooms. After giving feedback to each other, we will discuss experiences and review digital excerpts. Everyone also completes a brief questionnaire about their experiences with this exercise, and submit it before class ends.

- Mediators please record your mediation and then review it, complete an action choices chart regarding it, and write a self-critique, due no later than the beginning of class on Thursday, November 13.

- In addition, pairings, room assignments, and confidential information for our seventh digital feedback class, Problems in Pegtop's Pub: A Royal Mess or TBA, will be electronically distributed.

Thursday, November 13 (100 MIN.): INFLUENCING NEGOTIATIONS and EXPANDING THE HORIZONS OF MEDIATION: We will do several short in class exercises.

Tuesday, November 18 (100 MIN.): SEVENTH DIGITAL FEEDBACK CLASS [THIRD MEDIATION [Problems in Pegtop's Pub: A Royal Mess or TBA]: Report directly to assigned negotiating rooms and reconvene at the conclusion of this exercise in assigned break-out rooms. After giving feedback to each other, we will discuss experiences and review digital excerpts.

- Mediators please record your mediation and then review it, complete an action choices chart regarding it, and write a self-critique, due no later than the beginning of class on Tuesday, November 25.

Thursday, November 20 (100 MIN.): TEAMS, TOLERANCE, DIVERSITY, INFORMATION GATHERING AND PROBLEM-SOLVING: We will discuss effective ways to gather information based on teamwork context.

Tuesday, November 25 (100 MIN.): TBD

NOTE: Your final project or paper is due no later than 12 PM Tuesday, November 25 and please ensure that you use only your exam number

VIII. DESCRIPTION AND SCHEDULE OF WRITTEN ASSIGNMENTS

1. All papers may be single-spaced or double-spaced and either word-processed or written legibly. Please submit hard copies to avoid tying up our feeble and overworked printers, and ensure that your name appears on all negotiation plans, self-critique papers, action choices charts, other written assignments, and the Garhammer letter. Final essays or practical projects are evaluated anonymously so use exam or student identification numbers, not actual names.
2. All written assignments should be submitted by delivering them either to me or the course box in the Clinic Suite's entry office.
3. Please honor the deadlines in this Syllabus. Papers submitted late without compelling justification receive reduced marks.

4. **NEGOTIATION PLANS:** This course requires three negotiation plans. As indicated, these plans may not exceed four pages in length, and they can be shorter. Plans should not simply summarize, outline, or organize common facts or confidential information. While organizing and learning this knowledge is important, plans must reflect strategic thinking rather than simple presentations of distributed information. No formula exists for good plans. Please choose workable formats so that these documents help you negotiate. This assignment's primary goal is to practice preparing before negotiating by thinking through, and writing about, important issues likely to arise. Please review and consider the questions listed for each of negotiation's seven core elements in the Patton TWEN excerpt.

H. Negotiation plan deadlines:

- A. 360 degree-Deal Dizziness or TBA plan is due in class on September 9
- B. Have A Magical Day plan is due in class on September 23
- C. Plan from lawyers in There's No Crying in Negotiating, Grand Theft Space Ship or TBA is due in class on October 7
- D. Plan from lawyers in Law Firm Liability is due in class on October 21

SELF-CRITIQUE PAPERS: Four self-critique papers are required in this course. These papers must include:

- A. An action chart, made by copying the posted negotiation and mediation charts and, while listening to the recording made of your negotiation or mediation, charting actions on this copy. Chart actions by:
 - (1) Cumulatively marking actions by using a tallying system. Use these marked counts rather than summaries such as "some," "few," "many," etc.
 - (2) Recording only your actions, not those made by negotiation counterparts, teammates, mediation participants, or clients
 - (3) Seeking accuracy to help identify behavioral patterns, and identifying actions is the first step on the road to improving them and developing competence, skill, and mastery using effective and avoiding ineffective behaviors
 - (5) Remembering that the same action can be charted in several categories, i.e. a question may be either open, closed, compound, or leading, and also serve as a reframing attempt, a process comment, or, when mediating, an ATMA check
 - (6) Realizing that actions that are difficult to chart are probably not effective
- B. A self-critique written after listening to the performance recording and comparing it to feedback received from colleagues and instructors. This analysis should emphasize performance and not summarize or chronologically narrate what

occurred. It also should specifically identify and analyze one of the most effective action sequences you performed and one of your least effective behavioral sequences. It should not exceed four pages in length, and may be shorter.

This action analysis may include a verbatim transcription, created from listening to your tape, of the effective and ineffective action sequences. Enough of the interaction should be included so that the analysis clearly presents context and provides support for your effective and ineffective assessments. The analysis should include why these specific actions were assessed as effective and ineffective. Regarding the ineffective action example, the analysis should additionally address why it happened, and what strategies you contemplate using to help avoid similar mistakes in future interactions. Transcribing interactions discussed fully in video review sessions is discouraged because it risks distortion from instructor perspectives and gives instructors no insights regarding important events occurring outside observed sessions.

C. Self-critique paper deadlines:

- A. 360 Degree-Deal Dizziness or TBA paper is due no later than the beginning of class on September 16
- B. Have a Magical Day paper is due no later than the beginning of class on September 30
- C. There's No Crying in Negotiating paper, Grand Theft Space Ship, or TBA from lawyers only, is due no later than the beginning of class on October 9
- D. Law Firm Liability paper, from lawyers only, is due no later than the beginning of class on October 28
- E. Paper from mediators only in Blood is Thicker Than Money or Don't Tread on Me is due no later than the beginning of class on November 13
- F. Paper from mediators only in Payback is a Female Dog, Backyard Backbreaker, or TBA is due no later than the beginning of class on November 18
- G. Paper from mediators only in Problem in Pegtop's Pub: A Royal Mess or TBA is due no later than 12N on November 25

6. **FINAL ESSAY OR PRACTICAL PROJECT:** This in depth evaluation of an actual dispute you have experienced or a practical project developed in detail is due no later than 12 pm on Tuesday, November 25. This paper should be between ten pages and fifteen pages in length and reflect substantial thought and effort. **Think about this assignment broadly, creatively, and early so that it does not become an end-of-the-term/course stressor.**

A. Regarding analyzing a specific dispute, choose either: (1) a conflict in which you were involved personally in an actual personal, social, or professional context; (2) a conflict that you observed closely as a friend, relative, or co-worker of one or more of the disputing parties; or (3) a conflict that you have read or heard about, including disputes that are the focus of litigation, appellate opinions, or other matters reported in newspapers, internet sources, or other media. This assignment asks you to do the following although not necessarily in this order:

- Describe the manifestations of the conflict or disputing behaviors
- Using ideas learned in this course, analyze the conflict and disputing behaviors including how the persons involved understood and dealt with it
- In light of what you have learned in this course, speculate how the dispute might have been handled differently or better
- Indicate what you have learned in analyzing and writing this study about conflict resolution and, if relevant, yourself

B. Regarding a practical project, please do not view the following list of potential categories of topics as limiting, restricting, or mandatory. These suggestions are offered only to help you conceptualize and complete this option if chosen:

- Specific examples from current media or popular culture, needed particularly in transactional contexts, that provide additional valuable insights about course action theories including:
 - (1) Vignettes from movies or television shows in digital format via flash drive (i.e. not just links to You Tube or other sites), and how you recommend using and analyzing them
 - (2) Newspaper articles, scholarly journals, web sources, and other content that provide similar demonstrative value, and how you recommend using and analyzing them
 - (3) Drafts of recommended, introductory and explanatory power point slides to use introducing and analyzing these sources
 - (4) An outline of relevant discussion points
- Detailed scenarios for new class role plays that would work better than those used:
 - (1) Explaining why they are superior
 - (2) Providing detailed descriptions and confidential participant information
 - (3) Providing a brief research summary of applicable legal sources [cases, statutes, rules, etc]
 - (4) Providing an outline of relevant discussion points
- Specifically explained ideas for teaching course segments with methods that you feel would work better than those that were used:
 - (1) Explaining why they are superior

- (2) Providing introductory and explanatory power point slides, and, if possible, thematically appropriate cartoons
- (3) Providing a brief research summary of applicable legal sources [cases, statutes, rules, etc]
- (4) Providing an outline of relevant discussion and power points

IX. COURSE ETHICS

Real-world and simulated negotiations and mediations are laden with ethical dilemmas, and we will discuss them as they arise in our exercises. The nature of simulated negotiations and mediations create potential for additional difficulties discussed here.

Except for the client-based exercises where lawyers have to get information from their clients before class, each of our negotiations and mediations involves written, confidential instructions from your client. Except for teamed negotiations, please do not share these written instructions with classmates. Do not either read from or show them to others during exercises. If you print these instructions, please do not distribute them to anyone. Finally, take care when acquiring confidential information before assignments to ensure getting the correct set of instructions. Please notify me immediately after discovering that the wrong confidential information was acquired so that steps can be taken to preserve the integrity of the exercise. Reading more than one set of confidential instructions per exercise is prohibited, until exercises end. Gaining access to and using confidential instructions, outcome summaries, or any other information regarding exercises from other classes or earlier semesters is prohibited. Violating any of these rules transgresses this law school's regulations and applicable Honor Code provisions regarding academic honesty.

In addition to these rules, the ethical constraints generally applicable to lawyers govern this course. Thus, the Florida Rules of Professional Conduct govern negotiation ethics in this class. I may initiate proceedings to investigate apparent violations that I observe or learn about. If you think that another member of this class has breached rules of course ethics or the Florida Rules of Professional Conduct, you may file a formal, written complaint with me. If I find the complaint is non-frivolous after investigating, I will attempt to resolve the matter informally. If I find a violation, I will consider sanctions, including a downward modification of the evaluation in that negotiation; a reduction in course grade, a failing grade for the course; and other academic dishonesty remedies.

“Please explain this mediation process again”

The design enhancements and many of the exercises are suggestions by prior class participants. (Aren't you lucky!)