

[From Russell Korobkin, *Teacher's Manual and Simulation Materials: Negotiation Theory and Strategy*
(Aspen Publishing, 2002)]

Part 1: Teaching Negotiation
with *Negotiation Theory and Strategy*

I. About *Negotiation Theory and Strategy*

Negotiation Theory and Strategy is designed to serve as the primary text for a law school course in negotiation. That said, it was consciously written to meet the needs of a variety of different course structures and teaching styles.

This book is designed for a two-, three-, or four-unit, semester-long course in negotiation. The book can be covered in its entirety in a three-unit or four-unit course, and can be pared down for a two-unit course. The book can also be used as the text for the negotiation portion of a class in “Alternative Dispute Resolution,” “Interviewing, Counseling, and Negotiation,” or any other law school course that has a substantial negotiation component. A sample syllabus and description of how the book can be taught in a standard three-unit negotiation course are provided below, along with suggested adjustments to this approach for courses of more units, fewer units, or a different focus.

The book was written based on the assumption that many negotiation professors would like a single set of source materials for their entire course. The primary reason for the book’s existence, in fact, is that there is no other casebook or textbook that can be used as the sole assigned text for a law school course in negotiation. Until now, negotiation professors have had two choices in putting together course materials: (1) compile their own unique collection of books and/or articles; or (2) use as the primary text the negotiation portion of an Alternative Dispute Resolution casebook or one or several monographs on legal negotiation and then supplement that text (which inevitably would be too short and incomplete) with a collection of supplemental books and articles. With *Negotiation Theory and Strategy*, no supplemental reading materials or negotiation exercises are needed. The book covers all of the critical topics, includes excerpts from a wide-range of sources (including those most often used independently by law school negotiation professors), includes discussion problems at the end of each chapter, and comes with simulation exercises that reinforce the lessons of each chapter. Have your students purchase *Negotiation Theory and Strategy*, and they (and you) will have all the materials needed for the full semester.

At the same time, many negotiation professors have supplemental readings and/or exercises that they particularly like or are well-suited to emphasize aspects of negotiation that they find particularly important or interesting. While this might be true in all fields, it is especially so in the area of negotiation, since negotiation professors traditionally have had to cobble together their course materials from scratch. Two design features were consciously chosen in order to make the book as useful to professors who wish to supplement it with their own materials as to professors who wish to rely on it as their sole text. First, the book was kept relatively short. Spread out over a semester, weekly reading assignments are extremely manageable, without being inadequate. This makes it possible for instructors to supplement the book's chapters with their own materials without inciting a student insurrection! Second, the book was designed in a modular structure that makes it easy for professors to eliminate, combine, or rearrange chapters as necessary to suit their pedagogy. Although they occasionally cross-reference other chapters, each chapter of the book is a self-contained unit of instruction. Chapters 2-6 form the conceptual core of the book. If you find that you need to skip or rearrange other chapters in order to have time to accommodate your favorite supplementary materials (or because you have different ideas about what should be emphasized in the course), you can do this without creating substantial confusion in the minds of students.

Negotiation Theory and Strategy is premised on the belief that all negotiations share the same structural features and raise the same set of issues. Legal negotiation is not fundamentally different than negotiation in any other context, although certain issues might be especially significant in legal negotiations (e.g., principle-agent conflicts). Likewise, deal making negotiation is not fundamentally different than dispute resolution negotiation, although the more adversarial nature of the latter might make some issues more salient and certain tactics more or less useful. In teaching concepts, the casebook relies on examples drawn from both deal making and dispute resolution situations, as well as other types of negotiating contexts. Consequently, the book is no more nor less useful for students interested in one legal career path than another (with the exception of Chapters 14 and 15, which deal specifically with legal rules governing litigation). Issues raised in the book will often illustrate differences between the special problems that arise in deal making versus dispute resolution negotiations, thus helping students to determine in which context negotiation is more appealing to them.

Although the book is written with law students in mind, and therefore many of the examples used are based on legal situations, there is no pedagogical reason why the book cannot be used for a negotiation course taught to graduate students in other disciplines or departments (such as graduate business students) or to advanced undergraduate students. All of the examples involving transactions are as relevant to

would-be business people as to would-be lawyers, and the examples involving disputes are as relevant to would-be disputing parties, who might be individuals or institutions, as they are to would-be lawyers, who might find themselves representing disputing parties. References to how a lawyer-negotiator (as opposed to merely a negotiator) might approach a particular problem might initially strike non-law students as a bit odd, but the basic concepts illustrated are universal in application, and examples used that specifically involve lawyers are always simple enough that no specialized legal knowledge is necessary to understand or apply them.

II. Pedagogy

The design of *Negotiation Theory and Strategy* is based on a three-pronged approach to teaching negotiation:

- (1) Communicate theoretical insights and conceptual models of the negotiation process.
- (2) Give students an opportunity to apply these concepts to unfamiliar situations and to their personal negotiating experiences to deepen their understanding of the material.
- (3) Use simulations to provide students an opportunity to apply the concepts in an actual, interactive negotiation situation, both to reinforce their understanding and to allow an opportunity to develop an informed but personal approach to negotiating.

The materials are designed so that the professor can spend roughly 1/3 of instructional time on each of these three tasks, although it is easy to vary this time division to suit your own taste (i.e., for more lecture, more discussion, or more simulation).

A. Theoretical and Conceptual Material

The majority of the textual material in the book is geared toward the first prong of this approach – presenting theoretical and conceptual material. Each chapter provides a combination of excerpted texts and narrative material (with the precise breakdown dependent on whether I was able to identify published texts that I think explain the concepts clearly and concisely) focusing on a particular element of negotiation strategy or a category of issue implicated in bargaining. Except for the last three chapters of the book, which focus specifically on law, the excerpted materials come mainly from books and articles on negotiation rather than from judicial opinions. Following the excerpts and narrative text is narrative "note" material that further explains, refines, or expands on points made in the main readings. The notes are intended to provide students with more information and examples. They do not raise rhetorical questions for students to ponder.

B. Applying the Concepts

The second pedagogical prong is addressed by the “discussion questions and problems” provided at the end of each chapter. This element of each chapter is made up of two components: (1) problems that help students master the preceding textual material and grapple with some of the issues it raises by forcing them to apply the concepts to unfamiliar factual “hypotheticals,” and (2) questions that force students to think more deeply about the textual materials by requiring them to apply the materials to their own negotiating experiences or develop opinions about issues raised in the materials. The “problems” and “questions” are mixed together in this portion of each chapter. Many of the problems and questions have multiple parts and/or follow-up questions. Each chapter has at least five questions and problems in order to ensure that there is a sufficient basis for up to an hour of class discussion each week. No chapter has more than a dozen questions and problems, thus ensuring that students can carefully consider each question and come to class prepared to discuss them. The limited number of questions also makes it possible for the professor to require the students to answer the questions in writing to assure that students actually do think carefully about each.

C. Negotiation Simulations

The third pedagogical prong is satisfied by the use of negotiation simulations and exercises, printed in this teacher’s manual, that were written or selected to accompany and reinforce each of the first 13 chapters of the book. (Chapters 14 and 15, which focus on the law of settlement, deal with doctrinal issues rather than issues of negotiation strategy, and thus are not accompanied by a simulation exercise). In the negotiation simulations, each student is assigned a role and is given background information that is either common knowledge to all parties or is confidential to students playing that particular role. Students with different roles are then assigned to negotiate against each other. The simulations vary in complexity, but all except one can be completed in 20-40 minutes. Each simulation inevitably raises many negotiation issues simultaneously, but each has been designed or selected to have particular relevance to the issues raised by the chapter that it reinforces.

Although the instructor can assign students to complete the negotiations outside of class, I recommend that they be conducted in class if at all possible. This makes it possible to immediately follow the completion of the simulation with a debrief/discussion session that reinforces the main lessons of the simulation and the related material from the casebook. To maximize effectiveness and the efficient use of time, professors should assign students to roles in the simulation exercise and hand out copies of the relevant materials to the appropriate students at least one class period

in advance of the one in which the simulation will be conducted, so that students can carefully prepare outside of class.

During a week of class meetings, the book is structured to permit the professor to:

- (1) Present a lecture that reinforces and expands upon the main ideas and issues in one chapter of readings.
- (2) Lead a class discussion of the “discussion questions and problems” found at the end of the chapter.
- (3) Permit the students to negotiate the simulation exercise provided for that chapter.
- (4) Lead a debrief/discussion of the simulation, identifying and explaining how the simulation reflected issues raised in the readings and lectures and reinforcing that week’s particular themes.

D. Evaluation and Grading

It is difficult to determine the best way to evaluate students’ abilities to understand and apply the material taught in a negotiation course. One method is to give a traditional “issue-spotter” exam, in which students are presented with a hypothetical negotiation scenario and asked to evaluate the situation in terms of concepts taught in the course. Some instructors prefer more introspective written assignments, in which students are required to reflect on their individual negotiation experiences. I have tried both of these types of assignments and have found the latter to be extremely difficult to evaluate. Another possible approach is to require students to write out answers each week to the discussion questions and problems provided in the casebook. This has the substantial advantage of ensuring that students will have thought about the questions and problems thoroughly prior to class discussion, but also the substantial disadvantage of requiring weekly grading by the instructor. A variation on this approach is to have the final examination consist of a random selection of the discussion questions and problems from the book, thus enabling students to prepare directly for the exam as they prepare for class discussion each week.

The most difficult decision is whether to determine students’ grades, either entirely or in part, based on their performance in the negotiation simulations. The positive incentive that this creates is obvious: students are likely to do the reading assignments more carefully, prepare for the simulations more carefully, and challenge themselves more while participating in the simulations, if their course grade is affected by their results.

There are two offsetting disadvantages. The first is that in simulations many students will be more willing to experiment with different styles and tactics rather than relying on their instinctive patterns if their outcome does not affect their grade. At the extreme, the fact that simulations are graded might even discourage some students who are concerned about their grade point average but not confident about their negotiating ability from enrolling in the course. The second problem is that negotiation outcomes are difficult to grade. Success in negotiation often requires negotiators to "think outside the box" and find creative solutions to problems that are not amenable to comparisons with more conventional agreements. In order to grade negotiations, this important element must be artificially excluded from the exercise (for example, by assigning "points" for each possible result and limiting negotiators to the range of results that are pre-scored). Some of the 13 negotiation simulations included in this teacher's manual simply cannot be graded objectively, although the professor could conceivably look at all negotiators' individual results and subjectively assign a grade to each outcome.

Many of the simulations lend themselves to grading based on an objective standard, however, and others can be graded if minor adjustments are made to the exercises. The teaching notes in this manual for the various simulations discuss whether and how the simulations can be graded. Should you choose to grade simulation results, it is best to compare students only to others who play the same role in the negotiation (as is done in duplicate bridge), as one role often has a stronger bargaining position. It is also wise to randomly rotate negotiating assignments from week to week (taking care that no student negotiates against the same opponent twice) to make sure no one is unfairly disadvantaged by being pitted against the class' best negotiators more often than others.

III. Organization of the Casebook

Negotiation Theory and Strategy's 15 chapters are divided into the following five parts:

I. Introduction. Part I consists of a single chapter, "Toward A Conceptual Approach to Negotiation," designed to introduce students to the idea that the complex process of negotiation can be made more tractable when conceptual models are used to organize its content. Section A uses a simple conceptual model, describing negotiation in terms of a set of steps that occur chronologically in the course of a negotiation. Section B presents excerpts of three articles written by legal negotiation scholars that use different conceptual models to describe and understand the negotiation process.

II. The Negotiation Process. Part II presents the book's central conceptual model of negotiation as a process that requires participants to estimate, expand, and divide the

"bargaining zone," defined as the range of deals that would benefit both negotiators. Chapter 2 introduces the concept of the bargaining zone and describes how thoughtful negotiators can determine their own "reservation point" and estimate their opponent's. Chapter 3 expands on this concept by considering research on how psychological factors can affect how negotiators carry out these tasks. Chapter 4 describes how, by employing the concept of "integrative" bargaining, negotiators can find and exploit opportunities to make agreements more valuable to both parties. Chapters 5 and 6 consider the principal ways that negotiators divide the gains of trade that can be achieved by reaching agreement: exercising power (Chapter 5), and relying on social conceptions of fair terms and fair process (Chapter 6).

III. The Negotiator. This Part overlays a series of complexities onto the conceptual model developed in Part II. Chapter 7 considers how the decisions that a negotiator makes about what information to share and what information to keep private can affect her ability both to expand the bargaining zone and divide it. Chapter 8 introduces two conceptual approaches to thinking about negotiators' bargaining styles and considers how the styles of individual negotiators affect the bargaining process. Moving from the consideration of individual differences to the topic of group characteristics, Chapter 9 investigates how gender and culture can affect bargaining behavior and bargaining outcomes.

IV. Additional Parties. To simplify the analysis, Parts I-III assume that negotiations involve only two parties. This Part considers the complications and unique issues that arise when negotiations concern more than two parties. Chapter 10 considers the costs and benefits of agents, such as lawyers, bargaining on behalf of the principal parties to the negotiation. Chapter 11 addresses the complications that occur when negotiations contain more than two principal parties. Chapter 12 discusses how negotiators can use a neutral third party, such as a mediator, to assist them in the negotiation process.

V. The Law of Negotiation. The final part of the book considers how the law provides incentives and restrictions that affect the course of the negotiation process. Chapter 13 draws on the law of contracts, torts, and professional responsibility to address the question of what facts negotiators may misrepresent and what facts they must disclose in the bargaining process. Chapters 14 and 15 address, respectively, legal rules that encourage and limit the ability of litigants to negotiate lawsuit settlements.

IV. Course Organization and Syllabi

This section provides recommendations on how to structure a negotiation course using *Negotiation Theory and Strategy*. The recommended syllabus is based on a three-unit law school course that meets for approximately 150 minutes per week for

14 weeks; with minimal adjustments the syllabus can be used for a four-unit course; with some deletions it can be used for a two-unit course.

A. Class Meeting Schedule

I prefer to teach a three-unit negotiation course in a “workshop” format with class meetings held one day a week for 2 and $\frac{3}{4}$ hours (150 minutes of class time and a 10-15 minute break). This allows each course to focus intensively on one topic, and each class meeting to include lecture, discussion questions, an exercise, and a debrief/discussion of the exercise. Because of the range of activities and the use of a weekly exercise that requires active participation by all students, class meetings of this length are possible without students losing focus. The casebook materials are organized in a way, however, that makes them suitable for different meeting-time configurations.

Two class meetings per week, with the first being 50 minutes and the second 100 minutes, is a format that permits the instructor to provide the necessary theoretical material via lecture during the first class, and then allow direct student participation during the longer second class via discussion questions and a negotiation simulation. Two class meetings of 75 minutes each, with the first class devoted to lecture and discussion questions and the second class devoted to a simulation and debrief (with some time occasionally remaining in the second meeting for additional discussion questions), can also work well.

Three class meetings per week of 50 minutes each is also a possible configuration, but this format is slightly less convenient because 50 minutes is usually too little time to both conduct a simulation and hold a meaningful debriefing session afterward. The debrief need not take place on the same day as the simulation, but it is desirable for the debrief to follow the simulation as closely as possible, so that students clearly recall the specifics of their simulation experience when discussing it. The problem of having a simulation and the following debrief/discussion on different days can be mitigated if the class meets on consecutive days, or if the instructor has students conduct simulations that require more than 20 minutes of negotiating time outside of class and then uses the following class meeting for a debrief/discussion session.

B. Recommended Syllabus (Three-Unit Course)

Week 1: Introduction to the Study of Negotiation

Reading: Chapter 1

Simulation: The Prado Scoot

Week 2: The Bargaining Zone

Reading: Chapter 2

Simulation: The Bullard Houses

Week 3: Psychological Aspects of Defining the Bargaining Zone

Reading: Chapter 3

Simulation: Club West

Week 4: Integrative Bargaining

Reading: Chapter 4

Simulation: The Blockbuster

Week 5: Power

Reading: Chapter 5

Simulation: The White Album

Week 6: Fairness and Related Social Norms

Reading: Chapter 6

Simulation: Eazy's Garage

Week 7: The Negotiator's Dilemma

Reading: Chapter 7

Exercise: The Construction Venture

Week 8: Conflict Style

Reading: Chapter 8

Exercise: Thomas-Kilmann Conflict Mode Instrument

Week 9: Group Membership

Reading: Chapter 9

Simulation: Alpha-Beta Robotics

Week 10: The Principal-Agent Relationship

Reading: Chapter 10
Simulation: Monolith vs. Sat-Lith

Week 11: Multilateral Negotiations

Reading: Chapter 11
Simulation: Harborco

Week 12: Using Mediation in Negotiation

Reading: Chapter 12
Simulation: Rick's Revenge

Week 13: Misrepresentation

Reading: Chapter 13
Simulation: Mossyback Lane

Week 14: The Law of Settlement

Reading: Chapters 14 and 15

C. Adjustments for a Four-Unit Course

With minor adjustments, the recommended syllabus will work well for a four-unit negotiation course as well. With the additional 50 minutes per weeks that a four-unit format allows relative to a three-unit format, the instructor can go into more detail in lecture, more time can be spent considering discussion questions, and an extra 10-15 minutes can be allowed for the simulation. Most of the chapters will provide an adequate amount of material for a week of instruction in a four-unit course. Chapters 7, 8, and 9 are the exceptions – some instructors might find that these chapters do not require a full week of time in a four-unit course.

For a four-unit course, therefore, I recommend the following adjustments to the recommended syllabus:

- In week 7, add a negotiation simulation that allows students to apply all of the concepts covered in Part II of the book (Chapters 2-6). For this purpose, I recommend the *Sally Soprano* simulation, available from the Program on Negotiation at Harvard Law School for a reasonable per-student fee (contact information is provided below). This simulation followed by Chapter 7 will provide more than enough content for the week.

- In week 8, cover both Chapter 8 and Chapter 9.
- In weeks 9-13, cover the materials provided on the recommended syllabus for weeks 10-14.
- In week 14, conclude the course with a complex simulation that allows students to bring together all of the concepts covered in the course. (Recommendations for such simulations are provided below).

D. Adjustments for a Two-Unit Course

Negotiation Theory and Strategy can easily be adapted for a two-unit negotiation course, but deletions to the syllabus will be required. There are three basic approaches to making the necessary deletions.

(1) The first approach is to cover the entire text but omit the negotiation simulations. Since the recommended syllabus for a three-unit course assumes that approximately 1/3 of class time will be spent on simulations and debriefs/discussions of simulations, the entire text can be covered if this aspect of the course is eliminated. Most professors will want to include at least some simulations, so this approach will be undesirable to many.

(2) The second approach is to save class time by having all preparation for negotiation simulations and the actual conduct of the simulations take place outside of class. This approach allows the professor to cover most of the material, but it has two drawbacks. First, the quality of the simulation experience will not be the same if students are not given an opportunity for supervised negotiation and immediate debrief/discussion. Second, because debriefing/discussing the simulations must be done in class, this approach will not reduce the required class time from the three-unit course by the necessary 1/3. Time for lecture and consideration of the discussion problems will also have to be abbreviated.

(3) The third approach, and the one I recommend, is to cut back on the number of chapters covered, and to selectively omit a few of the recommended negotiation simulations. Specifically, I would recommend the following changes to the three-unit course syllabus:

- Skip Chapter 1 (“Towards a Conceptual View of Negotiation”)
- Skip either Chapter 8 (“Conflict Style”) or Chapter 9 (“Group Membership”)
- Skip Chapter 12 (“Using Mediation in Negotiation”)
- Skip Chapters 14 and 15 (“Rules Encouraging Litigation Settlement” and “Limits on Settlement”)
- Eliminate the *Alpha-Beta Robotics* simulation accompanying Chapter 9

- Eliminate the *Harborco* simulation accompanying Chapter 11

These omissions should allow you to reduce the necessary class time by approximately 14 class hours – the difference between a two-unit and a three-unit course. If more class time is needed, have students conduct some of the negotiation simulations outside of class.

E. Tailoring the Materials for an ADR Course

Negotiation Theory and Strategy can also be used as the text for the negotiation portion of a course on Alternative Dispute Resolution that has a substantial negotiation component. Precisely which portions of the casebook are used will depend, of course, on how many hours per week the Alternative Dispute Resolution course meets, and how many weeks of the course are devoted to the subject of negotiation. In any course, I recommend that the text and discussion questions in Part II (Chapters 2-6) be used in its entirety, although if time is truly at a premium Chapter 3 can be skipped or covered only briefly in lecture. Chapters from Parts III - V then can be selectively added, depending on the time available and interests of the instructor. I recommend that Chapter 10 (Principal-Agent Issues) and Chapter 13 (Misrepresentation) be added first. Chapter 12 (Uses of Mediation in Negotiation) can be used as part of the unit of the course dealing with the subject of mediation.

F. Potential Additions to the Syllabus

Based on their interests, some professors might wish to supplement this text with additional reading materials or exercises. Time for this can easily be made by occasionally combining two chapters into one week's assignment. What follows are a few ideas for additions to the recommended syllabus that you might wish to consider, depending on your interests and beliefs about negotiation pedagogy:

(1) The text includes a chapter on integrative bargaining, and includes relevant excerpts from the standard works on this topic. Nonetheless, some instructors will wish to devote more time than a single week to this important subject. If you fall into this category, in addition to assigning Chapter 4 of the text, you might assign as supplementary reading the popular and succinct *Getting to Yes* by Roger Fisher, William Ury, and Bruce Patton. If a second week is spent on the subject of integrative bargaining, you will probably want to add an additional negotiation simulation focusing on this topic. The *Sally Soprano* simulation from the Program on Negotiation at Harvard Law School, mentioned above, is a good choice. This simulation works well in concert with *The Blockbuster* simulation, provided in this manual to accompany Chapter 4 of the casebook. *The Blockbuster* is a structured, scoreable, logrolling exercise in which students must negotiate a movie actor's contract. Value is

created by students trading issues of high value to one party for issues of high value to the other party. *Sally Soprano* has a similar context (the negotiating of an opera singer's contract), but it is highly unstructured and allows students more latitude to creatively identify issues to add and subtract in order to create value.

(2) Although the need for good communication skills is stressed throughout, because this book emphasizes understanding the structure and strategic goals of negotiation rather than the development of specific skills, some instructors will wish to devote more time to the study of specific process skills such as information acquisition and/or active listening. A unit on these skills can be added at the end of Part II or Part III.

(3) Similarly, some instructors will wish to address in more detail the problem of what tactics to use in response to difficult negotiators or how to deal with particularly difficult issues. Here, I recommend assigning as supplementary reading William Ury's *Getting Past No*, pp. 31-156. As an accompanying exercise, groups of two students can team up, prepare, and present their own mock negotiation (5 minutes each) in which they demonstrate to the class the use of two or three of the five tactics recommended by Ury. I have found that most students enjoy the opportunity to script a negotiation and act it out in a controlled way, as a change of pace from the usual assignment of conducting an unscripted negotiation.

(4) The simulations that are recommended to accompany each chapter are chosen to specifically reinforce the lessons of that chapter, and to give students an opportunity to apply concepts learned in that chapter. Some instructors may wish to add to the course one or several complex simulations that require students to apply a variety of concepts and that take more time to complete.

There are two particularly good places in the course to add additional simulations. The first is following the completion of Part II, thus providing students an opportunity to pull together all of the concepts covered in the core chapters of 2-6. (Chapters 7 and 8 are the shortest of the book, so it is not difficult to work in an additional simulation on a week that you are covering one of those chapters.) Adding a complex simulation at this point also can serve as a mid-term review. If a mid-term examination is desired, the professor can have students write a critical review of their preparation for and negotiation of this simulation. The second good place to add a simulation is at the end of the course, thus providing students with an opportunity to bring together all the concepts they have learned throughout the semester.

Instructors who wish to add additional simulations to their syllabus may wish to consider the following two excellent sources:

The Program on Negotiation at Harvard Law School (PON) operates a clearinghouse that offers a variety of negotiation simulations for a reasonable per-user fee, with a discount for educational uses. It also offers a range of other materials useful to the teaching of negotiation, mediation, and other forms of dispute resolution, including books, case studies, and video tapes. Three of my favorite PON simulations are included in this teacher's manual with permission from PON: *The Bullard Houses* (Chapter 2), *Eazy's Garage* (Chapter 6), and *Harborco* (Chapter 11). In addition to these simulations and the *Sally Soprano* simulation mentioned above, I have successfully used *The Powerstar Problem*, *DEC vs. Riverside*, and *Ellsworth vs. Ellsworth*. These simulations require substantially more negotiation time (from one to three hours) than the shorter simulations included in this teacher's manual, but their richness allows students to draw on all aspects of the course. They are highly recommended, if time permits, as "midterm" or "final" simulations for the course. To receive a catalog or to order materials from PON, contact the clearinghouse on line at www.pon.org, or by telephone at (800) 258-4406 or (617) 495-1684.

The Willamette University College of Law's Center for Dispute Resolution (CDR) holds an annual competition for negotiation and mediation simulations, and it publishes many of the submissions each year. Two simulations originally published by the Willamette CDR, *Monolith vs. Sat-Lith* (Chapter 10) and *Rick's Revenge* (Chapter 11), are included in this teacher's manual with permission of the CDR and the authors. You can request the full compilations by calling the CDR at (503) 370-6046.

G. Potential Deletions from the Syllabus

Instructors who wish to make additions to the text – either those discussed above or others of their own – should consider the following possible ways to free up time for the additions:

(1) Assign Chapter 1 as background reading. Chapter 1 provides introductory material designed to make students comfortable with the idea of thinking about negotiation from a theoretical/conceptual perspective, and with the approach of analyzing negotiations rather than merely "doing" negotiation instinctively. The concepts that are introduced in this chapter are covered in more detail throughout the remainder of the book. If time is short, you may wish to assign Part I as background reading before the first day of the course and launch into Chapter 2 directly during the first week of class.

(2) Combine Chapters 7 and 8 or 8 and 9. Chapter 8 on "Conflict Styles" is the shortest in the book. The exercise recommended to accompany it, the *Thomas-Kilmann Conflict Mode Instrument*, is extremely useful but can be completed in a

relatively short amount of time. Chapter 8 can be combined with Chapter 7 in one week by reducing the number of versions of *The Construction Venture* exercise used in conjunction with Chapter 7. Chapter 8 can be combined with Chapter 9 by having students conduct the *Alpha-Beta Robotics* simulation accompanying Chapter 9 outside of class, or foregoing that simulation.

(3) Skip Chapters 14 and 15. Instructors more interested in the process and strategy of negotiation than the legal rules governing settlement negotiation specifically can eliminate Chapters 14 and 15, which deal with rules that encourage and discourage litigation settlement. I do not recommend eliminating Chapter 13, which covers both the law and ethics of misrepresentation, as misrepresentation is a critical issue in all negotiation contexts.

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