Negotiations  
Fall 2016

Instructor: Kondi Kleinman  
E-mail:  
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Schedule: Oct. 22 & 23 (Sat. & Sun.) (9:00 a.m. – 6:00 p.m.)
Course No.: LAWG-2075-10

Course Description and Learning Outcomes

This interactive seminar is designed to teach both the theory and practice of negotiation. The goal is to improve students’ understanding of negotiation as well as their ability to negotiate effectively. Students will spend much of their time participating in negotiation exercises and simulations from a variety of practice areas. Class lectures and discussions will focus on such topics as the difference between competitive and integrative bargaining, the ethical dimensions of negotiations, the importance of reputations, and the value in planning and choosing negotiation strategies. By the end of the semester, among other things, students will:

- Understand the theory of negotiation, including the differences between competitive and integrative bargaining;
- Feel more comfortable negotiating;
- Know how to prepare to conduct an effective negotiation;
- Develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication.

Texts

- Getting to Yes, by Roger Fisher, William Ury, and Bruce Patton (2nd or 3rd Edition) (All)

Chapter 1: 3-4, 6-9, 11-17, 28-39  
Chapter 2: 41-47; 52-74  
Chapter 3: 84-86; 90-92; 95-100; 103-114  
Chapter 4: 125-130; 132-134; 145-149; 154-159  
Chapter 5: 161-179; 181-201  
Chapter 6: 203-208; 212-230  
Chapter 7: 233-263  
Chapter 8: 275-282; 286-294; 296-298; 303-306; 310-313  
Chapter 9: 315-321; 326-337; 346-350  
Chapter 10: 353-389  
Chapter 11: 393-417

- You are responsible for completing all assigned readings by the end of the semester.
**Teaching philosophy**

- I try to provide an environment that is conducive for all students to experiment with different negotiation skills and behaviors.

- I encourage open and vigorous debate regarding the material covered in the course. There likely will be students who disagree with much (or all) of what I say in class, and much (or all) of what they read in the readings. That’s fine with me. I’m a firm believer in the “marketplace of ideas” approach to learning. You will never be penalized for disagreeing with me or something in the readings.

**Course Policies**

- **Open door policy.** Feel free to contact me at any time. Although I don’t have an office on campus, I will respond to emails and calls as quickly as possible. In addition, if something necessitates an in-person meeting, my office is a short walk from the law center, and I’m happy to meet you on campus.

- **Participation in negotiations.** You will participate in many negotiations. Before each negotiation, you will receive “confidential facts.” Do not reveal any facts, information, outcomes, or special instructions about a problem until after we discuss it as a group in class.

- Do not try to anticipate or guess the “facts” of the other side.

- Be prepared to tell your “facts” to the class during the debriefing.

- Try not to discuss a negotiation after you complete it. Please wait until we can “debrief” it together as a class.

- Please be on time!

- Please refrain from surfing the internet/emailing/IMing/shopping online/etc. during class.

- Attendance at all class sessions is mandatory.

**This is a graded course.**

- Grades will be based on:
  - 10-15 page final paper (50%)
  - Participation in class and during negotiation simulations (30%)
  - Videotaped negotiation and self-critique paper (20%) (Midterm Assignment)

- You will not be graded on outcomes or results of negotiations; rather, you will be graded on preparation and commitment to the materials and exercises.
Videotaped Negotiation and Self-Critique Paper  (Midterm Assignment)

After our first weekend, you must get together with a classmate and videotape a negotiation and then write a short reflection paper. Here is what you need to do.

1. Pair up with a classmate and prepare for the negotiation. You have plenty of time to learn the fact pattern and formulate a strategy. Take advantage of that! Your grade will be based, in part, on how well you prepare.

2. Videotape the negotiation with your counterpart in the law center’s AV room (instructions for how to reserve the room are below).

3. Watch the recording together and offer each other constructive feedback.

4. Write a short reflection paper critiquing yourself and your counterpart (2-4 pages, double spaced, normal font, normal margins).
   - If you reach a deal, note the terms of the agreement at the top of your paper.
   - How did you prepare?
   - What was your strategy?
   - Did you have to adjust your strategy during the negotiation? If so, how?
   - What did you do well?
   - What would you change?
   - What did you notice about yourself that surprised you (if anything)?
   - What did your counterpart do well/not well?
   - How can your counterpart improve?

5. Email me your paper in Word format (i.e., no PDFs) by Wednesday, October 5, 2016 at 5 p.m. (EASTERN TIME).

6. Submit a copy of the recorded negotiation by October 5, 2016, so I can watch it! Please take your group’s DVD to McDonough Room 352 during normal business hours and let them know that the DVD is for my negotiation course. They’ll get the DVDs to me.
Final Paper Assignment

1. Your final paper should be **10-15 pages** (total) (double spaced, normal font & margins).

2. The paper is **not** anonymous, i.e., please put your name on it. Don’t use an exam number.

3. Please write the paper as you would any other paper that wasn’t a final exam, i.e., use Word (or a similar program), not some exam-formatted template.

4. Please don’t try to conceal the identities of your classmates if you reference them in your paper, e.g., “In a negotiation with Jane and John Doe….” I promise I will not share your paper with any of your classmates, especially Jane and John Doe!

5. There are four writing prompts. You should respond to two of them. You can create your own writing prompt. See the four prompts on the next page.

6. You should spend roughly half of your paper responding to one prompt and roughly half responding to a second prompt. That doesn’t mean it needs to be a perfect split. If one topic is more interesting to you, write more on that topic. I would rather read something about which you are interested than something that you think is boring.

7. The final paper is a “think piece.” Please only use the reading materials assigned in this course (Getting to Yes, Negotiation: Appropriate Process and Problem Solving, lecture).

8. **Your grade will depend on how well you demonstrate (by citing to specific exercises and specific readings) that you’ve learned the concepts, principles, and theories from lectures, readings, and exercises. Did you discuss/analyze/criticize those ideas in creative ways to demonstrate that you understand them and can apply them in new ways or to different situations?**
   - In a nutshell, the paper presents you with an important opportunity to demonstrate that you have read and thought about a good portion of the assigned readings.
   - The best papers do not just regurgitate what is in the texts; they apply the course concepts in creative, interesting ways. If you can demonstrate that you’ve read the assigned texts/listened in class and understand the material and then cause me to think, “Wow, I’ve never thought about it like this before” or “This is really interesting; I’ve never read something quite like this,” you’re doing really well.

9. Please use footnotes when you cite. Don’t use in-text citations.

10. You don’t need to “Blue Book” your work. Citations can be simple, e.g. 
    1. GTY 13,  
    2. CB 172,  
    3. Class Lecture, Oct. 25, 2015, etc.

11. You MUST submit your final paper to the Registrar’s office using the online submission tool (as opposed to turning in a hard copy or emailing it to me).

12. **ALL Students’ Papers are due on Friday, December 16th by 5:00 p.m.**
    I don’t plan on giving extensions!
Final Paper Topics

The following are four possible paper topics (A, B, C, and D). Write on two of the four possible topics.

Choice A

Write a critique/analysis of the arguments by one or more of the authors you have read this semester on his/her approach to negotiation or problem solving and explain what you do and don’t agree with and why (possibly illustrating with counter-examples or lessons learned from our simulation exercises or actual negotiation problems in the world). For example, point out the weaknesses of and/or difficulties in implementing Roger Fisher’s Getting to Yes method (separating the people from the problem; focusing on interests rather than positions; inventing options for mutual gain; and insisting on using objective criteria). Note: EVEN THOUGH YOU ARE FOCUSING ON ONE (OR PERHAPS A FEW) AUTHORS OR READINGS, YOU SHOULD BE ABLE TO INCORPORATE INTO THE PAPER MANY OF THE PRINCIPLES, THEORIES, AND OTHER READINGS PRESENTED IN THE COURSE.

Choice B

Take a “real life” negotiation experience from your own life or from the outside world. It might have occurred in the past, or it might be ongoing. Apply the principles, concepts, theories and models discussed in lectures and readings as you explain how the issue(s) involved might be most reasonably, efficiently, and fairly resolved. Examples from past papers: Two roommates share a two-bedroom apartment and are trying to negotiate who will occupy the larger room; the 2011 NFL Labor Dispute.

Choice C

Consider a major area/theme/subject explored during the course or in the book, (e.g., ethics in negotiation; the use of agents when negotiating; emotions in negotiation; barriers to conflict resolution; gender/race/culture in negotiation; communication skills used in negotiation; etc.) and discuss that theme’s relevance to and/or impact upon a negotiation in which you have been involved (either inside or outside of this class). Again, apply the principles, concepts, theories and models discussed in lectures and readings as you take on this assignment.

Choice D

Write your own paper topic. The topic must be approved by me first—please e-mail me for topic approval. (With that stated, I almost always will approve what you want to do, so don’t be shy. As noted above, if you’re really interested in something, I would rather you write about that than something about which you’re less interested.) The topic must allow you to demonstrate that you have learned the concepts, principles, and theories discussed in the lectures and readings, that you understand them, and that you can apply them to new situations in creative, thought-provoking ways. (Example from the past: Create a negotiation simulation exercise (like the ones we do in class). Write confidential fact patterns for two or more roles and create a teacher’s guide, analyzing what the simulation is designed to teach and how it will teach those points/concepts.)