



**HAMLINE UNIVERSITY**  
School of Law  
COURSE SYLLABUS

Faculty: **Adjunct Professor Aimee Gourlay**

Course: **Negotiation LAW 9570 1**

Semester: **Fall 2010**

Meeting Schedule: **Wednesdays 9:00 – 10:50 am**

Room: **4**

Textbook	Primary Text	Primary Text	Required
Author	Russell Korobkin,	G. Richard Shell,	(If you have not read this, it is required.) Roger Fisher, William Ury & Bruce Patton,
Title and edition of text	<i>Negotiation Theory and Strategy</i> (2 <sup>nd</sup> ed., 2009)	<i>Bargaining for Advantage</i> (2006)	<i>Getting to Yes: Negotiating Agreement Without Giving In</i> (1991)
Publisher/year	Aspen	Penguin	Penguin
ISBN	978-0735570672	978-0143036975	978-0140157352

***Learning Outcomes for the Course:***

As a lawyer, you will negotiate all the time—with opposing counsel, with your own clients, and with your colleagues. You come to this class with negotiation skills and approaches that have (or have not!) worked for you in the past. In this course, you will have the opportunity to improve upon these skills and approaches and, perhaps more importantly, learn to use different skills and approaches that may be more suitable for certain situations.

This class will consist of lecture, discussion, demonstrations/observations, and many simulations and exercises.

### ***Course Expectations:***

By the end of the course, I expect that you will be able to:

- Prepare effectively for any negotiation
- Articulate the appropriateness of a particular negotiation approach
- Employ and critique effective and ineffective distributive and integrative negotiation techniques
- Articulate basic ethical guidelines for attorneys serving as negotiators

You also will have a modest understanding of the range of current negotiation research, theory and application through your own and classmates' summaries.

#### ***HUSL Policies on attendance, lateness and preparation***

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class attendance helps develop skills essential to the competent practice of law. A student who violates the attendance policy, including the instructor's specification of class expectation described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other penalties described below and in Academic Rule 108. Persistent or frequent lateness or unpreparedness may also be the basis for reduction of the grade awarded in a course. See Academic Rule 108 for further details.

#### **Attendance and Punctuality/Preparation Policies in this Course**

In this class, we will be conducting simulations more often than not, and it is a disservice to classmates to show up late or unprepared. Therefore, class absence, lateness, and poor preparation will adversely affect your grade. **Participation is 2 points per class towards your grade, for a maximum of 25 points. Note that there are 14 classes so you can miss one class without losing points. However, if you must miss a class, it is imperative that you give me as much advance notice as possible so that I can rearrange role assignments for class activities.**

#### **Policy on Laptop Use in Class:**

Laptops are allowed, except they are not allowed during simulations. However, if you are using your laptop for a non-class related purposes (checking email, on the internet, doing other class work), you will lose class participation points.

## **Class Participation/Contribution/Feedback**

You will be evaluated on the quantity and quality of your contributions and insights in class. A quality comment usually possesses one or more of the following attributes:

- offers a unique and relevant insight
- builds helpfully on other comments
- contributes to moving the discussion and analysis forward
- demonstrates recognition of concepts we are studying and integrates these concepts with reflective thinking

For the simulations, you are expected to make a good faith effort to play assigned roles as realistically as possible. Feedback to colleagues will be required and will be most helpful if:

- it is honest and respectful
- it is specific (i.e., identifies the specific language or behavior that triggered your observations)
- it relates to the concepts we are studying
- it is constructive (i.e., includes a suggestion of other language or behavior that might have worked better for you in role)

## **Office Hours**

Office hours can be scheduled by appointment. My office is located five blocks south of the Hamline campus, at Hamline Park Plaza, 570 Asbury, Suite 101. I am easily reachable by phone or email: (651)523-2359 or [agourlay@hamline.edu](mailto:agourlay@hamline.edu).

## **Assignments**

Papers and other written submissions should be double-spaced, 12-point Times New Roman type face with one inch margins all around. I expect them to be well-written and will mark down papers that have not been proofread. The final examination will be by anonymous student numbers; the other papers will be handed in by name.

### **1A. Paper Due: 9/21/2010 by 5 pm at the registrar's office, using exam number. (Four – six pages, 20%)**

Reflect on one of your negotiation simulations, let me know which one. Answer the questions below and use specific examples to illustrate what you learned from the role play:

- a. Did you set the negotiation up well?
- b. Were you sufficiently prepared?
- c. What went well and/or what you would do differently in the future?

Answer these questions, reflecting on the last few simulations, the readings and class discussion:

- d. What have you learned that you didn't know before (about yourself, about others' behavior, about negotiation theory and practice)?
- e. How will you use this in future negotiations?
- f. Will these insights help you to be a better lawyer? Why not or in what way(s)?

Your papers should demonstrate that you are integrating class readings and discussions. Footnotes referencing these are necessary.

**1B. Due: Preparation form for 10/6/10 class; short paper due 10/12/10 at class. (Three to five pages plus preparation form, 20%)**

Complete a preparation form prior to the negotiation on 10/6/10. After the simulation in class, complete a three to five (3-5) page reflection on how your preparation was useful (or not) to your negotiation. Again, these papers should demonstrate that you are integrating the class readings and discussions, and they require footnotes. Hand in a copy of your preparation form with your paper.

**2. Due: In-class presentations on 9/22, 9/29, 10/6, 10/13, 10/20, 10/27, 11/3, an 11/10 (sign-up in class). (10 %)**

There will be a sign-up to present (on one of the above dates) in class on one of the following: newspaper article; video clip; review of a movie or television scene; or, an idea from a book or article related to some aspect of negotiation. Your choice should illustrate or elaborate on an idea from class. If you have a particular area of interest, I am happy to work with you to find a source (email is best).

The assignment is NOT to present a summary; but rather a critical analysis. "Critical" does not imply that you are going to find fault. It means that you are expected to give an objective evaluation.

*Briefly* summarize the idea you are presenting to the class, and mostly give your opinion about it and apply it to class and/or the work of a lawyer-negotiator. Your presentation should be no more than five minutes and you will not get points for material presented after five minutes.

Turn in a short synopsis (no more than one page) of your presentation before class. Please use quotation marks for direct quotes and cite any sources you use.

Creativity in your presentation style is encouraged, as is negotiation with the professor on topic, presentation style, team participation, etc.

### 3. Final Exam (25%)

There will be a take home final exam for this course with two questions: one will be about some aspect of one of the in-class negotiation simulations; and one will cover preparation for a negotiation.

#### Evaluation:

1. Short papers: 40% (2 papers, 20 points each)
2. In-class Presentation: 10 %
3. Final Exam: 25% (25 points)
4. Class/simulation participation: 25% (2 points per class, 25 point max)

#### Detailed Reading Assignments and Due Dates:

1. 8/25/10	<b>Introduction to Negotiation Study; Estimating the Bargaining Zone</b>	<b>Korobkin, Chapters 1 &amp; 2 Shell, Intro. &amp; Chapter 2</b>
2. 9/1/10	<b>Psychological Factors in Evaluating Alternatives</b>	<b>Korobkin, Chapter 3 Shell, Chapter 4</b>
3. 9/8/10	<b>Using Integrative Bargaining to Expand the Bargaining Zone</b>	<b>Korobkin, Chapter 4 Shell, Chapter 5 Getting to Yes</b>
4. 9/15/10	<b>Integrative Bargaining</b>	<b>Shell, Chapters 7, 8, 9, &amp; 10 Finish Getting to Yes</b>
5. 9/22/10	<b>Using Communication, Rapport Building and Creativity to Expand the Bargaining Zone</b>	<b>T/B/A</b>
6. 9/29/10	<b>Using Power, Influence and Competitive Negotiation Tactics to Change the Bargaining Zone</b>	<b>Korobkin, Chapter 5 Shell, Chapter 6</b>
7. 10/6/10	<b>The Influence of Fairness and Other Related Social Norms on Surplus Allocation</b>	<b>Korobkin, Chapter 6 Shell, Chapter 3 Negotiation Prep form due at class.</b>
8. 10/13/10	<b>The Negotiator's Dilemma; Conflict Style</b>	<b>Korobkin, Chapters 7 &amp; 8 Shell. Chapters 1, 12 &amp;</b>

<b>9.</b> <b>10/20/10</b>	<b>Group Membership</b>	<b>Korobkin, Chapter 9</b>
<b>10.</b> <b>10/27/10</b>	<b>Group Membership continued</b>	
<b>11.</b> <b>11/3/10</b>	<b>The Principal-Agent Relationship</b>	<b>Korobkin, Chapter 10</b>
<b>12.</b> <b>11/10/10</b>	<b>Negotiation Theory</b>	<b>Self Selected readings and reports (more details later)</b>
<b>13.</b> <b>11/17/10</b>	<b>Misrepresentation and Other Contract Defenses, Ethics</b>	<b>Korobkin, Chapter 13 Shell, Chapter 1</b>
<b>14.</b> <b>12/1/10</b>	<b>TBA</b>	