Negotiation

Hamline University School of Law
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Course Syllabus

January 9-12, 2012 **2 Law School Credits**

Course Description
This course examines the skills, constraints, and dynamics of the negotiation process. A theoretical framework for understanding negotiation practice in a variety of commercial contexts will be developed through readings, as well as highly interactive exercises and role-plays. The course addresses fundamental skills such as systematic preparation, management of the negotiation process, and identification of optimal agreements. Ethical constraints of negotiation also are considered. Course content is drawn from the fields of law, psychology, business, and communication.

Introduction
The skills of negotiation are necessary for anyone working in an organizational setting, or just interacting with family and peers. Even more so, negotiation is of critical importance for the international lawyer. Yet few have studied the negotiation process or have any systematic understanding of why negotiations often fail, or the characteristics of effective negotiators.

This course combines **theory and practice** in an effort to improve both your understanding of the negotiation process and your effectiveness as a negotiator. Specifically, the goals of the course are:

- to increase awareness about negotiation and about your own negotiating behavior;
- to enhance your negotiating skills; and
- to provide you with analytical tools and concepts for thinking about negotiation.

Class Format/Participation
This class will consist of short lectures, discussion, observations and many exercises. Class participation is an **integral** part of the learning process in this course. It includes mandatory attendance, preparation for and participation in class exercises, and active participation in class discussions. The exercises are dependent on everyone being at class to play their assigned roles. You must be present, and on time, to be fair to your classmates.

Required Reading

- Shell, BARGAINING FOR ADVANTAGE: NEGOTIATION STRATEGIES FOR REASONABLE PEOPLE, **ISBN-13:** 978-0143036975**,** (Penguin 1999, second edition revised and updated)
- Fisher, Ury & Patton, GETTING TO YES, **ISBN-13:** 978-0140157352 (Penguin, 1991)

- Negotiation exercises (handed out in class)

Please read GETTING TO YES in its entirety before the course begins. Specific assigned pages from BARGAINING FOR ADVANTAGE are noted for each class session below; however, given the condensed nature of this course and front-loading of reading assignments, I highly recommend that you read all of the text in advance.

Recommended Reading

- Lax and Sebenius, "The Negotiator's Dilemma: Creating and Claiming Value," Chapter Two in THE MANAGER AS NEGOTIATOR: BARGAINING FOR COOPERATION AND COMPETITIVE GAIN (Free Press 1987)
- Mnookin, Peppet and Tulumello, *Negotiators' Empathy and Assertiveness*, 14 ALTERNATIVES TO THE HIGH COST OF LITIGATION 133 (1996)
- Mnookin, Peppet and Tulumello BEYOND WINNING: NEGOTIATING TO CREATE VALUE IN DEALS AND DISPUTES (Harvard Univ. Press, 2000)
- Stone, Patton & Heen, DIFFICULT CONVERSATIONS (Penguin, 2000)
- Birke and Fox, *Psychological Principles in Negotiating Civil Settlements*, 4 HARVARD NEGOTIATION LAW REVIEW 1 (Spring 1999)

Class Schedule

Monday, January 9

(9:00 – 4:30, including breaks)

Class Topics:

Introduction
Negotiation: a preparatory framework
Competitive bargaining (simulation and debriefing)

Reading Assignment:

Bargaining for Advantage; Chapter 1 - 5 (pages 1 to 88)

Tuesday, January 10

(9:00 – 4:30, including breaks)

Class Topics:

Cooperative and information-based bargaining
Negotiation and power
Negotiation simulation and debriefing

Reading Assignment:

Bargaining for Advantage; Chapter 6 - 9 (pages 89 to 174)

Wednesday, January 11
(9:00 – 4:30, including breaks)

Class Topics:
Barriers to negotiation
Your negotiation style
Negotiation simulation and debriefing

Reading Assignment:
Bargaining for Advantage; Chapter 10 (pages 175 to 195)

Thursday, January 12
(9:00 – 4:30, including breaks)

Class Topics:
Negotiation ethics
Negotiation simulation and debriefing
Course conclusion: Q&A
Exam assigned

Reading Assignment:
Bargaining for Advantage; Chapter 11 - 12 plus Appendixes A and B (pages 196 to 252)

Course Grading

Grades will be based on the following:

1. **Attendance and meaningful participation: 25%** (includes your participation in class discussion and overall performance -- not just the actual result! -- during the simulated negotiations). Attendance at all class sessions is mandatory.

2. **Final paper: 75%.** The paper -- 12-14 pages, double-spaced, 12 point font, with standard margins -- consists of two questions (each of equal value for grading purposes) relating to both the course reading materials and the in-class exercises/simulations. The paper is due no later than 4:00 p. m., Friday, January 27, 2012. On the final class day you will receive instructions regarding the final paper preparation and submission.

Only degree-seeking students must complete this written assignment. Non-degree seeking students have the option to submit the paper for comments and feedback.

NOTE: Academic Rule AR-105(B)(8): A student who does not take a scheduled examination will receive a grade of "F" for that examination, unless properly excused. In addition, any student who does not turn in a required paper on the scheduled date will receive a grade of "F for that paper, unless properly excused. Failure to meet any course requirement can be the basis for a final grade of "F" in the class, unless properly excused.