SYLLABUS

Negotiation: Spring 2009
Room: Law MTCT 1:00 p.m. – 2:50 p.m.

Required Reading:

Recommended Reading:

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 contexts will be developed through readings and highly interactive exercises and role plays. The course addresses the fundamental skills of systematic and thorough negotiation preparation, the ongoing management of a negotiation process, and the identification and achievement of optimal agreements. Legal and ethical constraints of negotiation also are considered. Course content is drawn from the fields of law, psychology, business, government, communication and international transactions.

Purpose: Lawyers represent clients on a regular basis as advocates, advisors or counselors. The course is designed to help you be a better advocate. It is a practical course grounded in theory and enhanced by interdisciplinary knowledge and information. Personal experience in class simulations and exercises will be especially useful in the professional growth of each student. The course should serve as a reference for specific information, and understanding of negotiation techniques and methods and skills enhancement. Negotiation experience is essential for today’s lawyers and should reflect the need for attorneys to recognize the importance of interpersonal nature of disputes and conflicts. The course will prepare to address various styles of negotiation and to integrate ethical considerations and practices into one’s professional standards. Students will learn by doing, discussing and evaluating their negotiation experiences, particularly in the negotiation couch will improve ones bargaining skills, reduce the time in conflict resolution and will streamline the litigation when on is so engaged.

Coverage: The course will cover all standards strategies and techniques usually used in bargaining and dispute settlement discussions. It will introduce, describe and evaluate alternative negotiation styles. It will also provide students with basic guidelines and checklist to use when engaged in the negotiation process. The course will include time for planning, setting objectives responding to negotiation positions, negotiation fundamentals such as communication skills, standard strategies techniques and tactics. The negotiation process will be examined and various ploys and responses will be discussed. Time will also be devoted to culture, race and gender issues, ethics and pertinent legal issues. Finally the course will cover complex negotiation processes international issues and facilitated negotiations.
**Class Format:** Lectures, analysis, questions and answers, exercises and simulations, problem discussions and videos.

**Computer Policy:** You may use laptop computers or other electronic devices in class to take notes and access course related materials. You should not use your laptop or electronic devices for other purposes.

In addition to the usual courtesies due to your classmates, refrain from text-messaging and email, using cell phones, pagers, or any other communication device. Refrain also from displaying wallpaper, screen savers, or other material on your computer screen that can reasonably be expected to distract your classmates.

**Grading Policy:** The final grade will be based upon a self assessment/evaluation journal 15% a class presentation 10%, and a final exam 75%. Student grades may be increased by ½ grade for positive and regular class participation. In addition, students may increase their grade by ½ grade if they submit an optional paper. The journal will be due April 30, 2009

**Final Exam:** Two essay questions.

**Optional Paper:** Students may submit a research paper for a portion of their final grade. The paper must be of C+ quality or better. If accepted the final course grade will be raised (1/2) one half grade. Instructor must approve paper topics. Two page description must be submitted to the instructor by March 5, 2009. The paper should be typed, double-spaced, and 12-15 pages in length. The text should be in a 12-point font, margins should be 1” on the right side and top, bottom and left side should be 1 ¼ “. The paper should include a table of contents, footnotes and a separate two page executive summary. The optional paper is due the April 30, 2009. The final copy will not be returned

**Attendance:** Students are expected to attend class and be prepared each day. Students may miss six hours of class (three (3) class sessions). When students miss a fourth class session, they are required to submit a ten-page paper must be submitted to the instructor and if a fifth class session is missed, a second ten-page typed paper will be turned in. Finally, if a sixth class session is missed, the name of the student will be submitted to the Dean’s office and the student will be dropped from the class. Remember each session is two hours long.

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<td>Conflict Theory: Concepts of Conflict &amp; Negotiation</td>
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Limits – BATNA and Reservation Point
Criteria and Fairness
Talking Persuasively

Integrative Negotiation: Expanding the Pie and Solving the Problem
Theory

Feb. 5 3
Strategy
Concerns
Skill Building for Creative Problem Solving
Distributive Bargaining: Dividing the Pie and Mixed Models

Feb 12 4
Adversarial Approaches
Theory
Strategy
Concerns
Accommodating
Theory and Strategies
Concerns

Mixed Models and Prisoner’s Dilemma
Negotiator’s Dilemma
Choosing Among Negotiation Approaches

Skills For Negotiation
Working with Your Client: Interviewing, Counseling, & Representing
Interviewing and Counseling
Learning Your Client’s Needs

Feb. 19 5
Interviewing Skills
Counseling Skills
Attorney-Client Issues
Relating to Your Counterpart: Reputation, Trust, Rapport, and Power
Reputation
Trust

Feb. 26 6
Rapport
Power
Working with Your Counterpart: Understanding, Listening, Emotions, and Apology
Understanding Your Counterpart
Listening
Mar. 5    7
Emotions and Mood
Apology
Recognizing and Responding to Barriers in Negotiation
Psychological Factors in Negotiation
Status Quo Barriers
Informational Barriers
Gamesmanship Barriers
Plea Bargaining

Mar. 12    8
Strategies for Recognizing and Responding to Negotiation Barriers and Dilemmas
Dealing with Differences: Culture, Gender & Race
Culture
Culture and Negotiation
Cultural Differences
Gender

Mar. 19    9
Gender Con’t
Race
Law and Ethics In Negotiation
Ethics in Negotiation
How Lawyers (Should) Behave in Negotiations
Ethical Rules and Legal Obligations
The Law of Misrepresentation and Fraud
Misrepresentation
Omissions
Material Facts
Recovery
Ethical Rules

Mar. 26    10
Spring Break

Apr. 2    11
Ethical Rules and Legal Obligations Con’t.
Civility
The Law of Negotiation
Negotiated Settlements as Contracts
Legal Authority to Negotiate: Lawyer-Client/Agent-Principal
Duty to Bargain
Rules with Incentives to Bargain: Fees and Costs of Negotiating
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