Syllabus – Negotiation
Summer 2008

Dispute Resolution Institute
Hamline University School of Law

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NOTE: Please take the time to read the entire syllabus NOW. Do not wait to read it until the start of class.

Class Schedule:
Thursday, June 12 ~ 4:30 - 9:15 p.m.
Saturday, June 14 ~ 9:00 a.m. - 5:00 p.m.
Monday, June 16 ~ 4:30 - 9:15 p.m.
Tuesday, June 17 ~ 4:30 - 9:15 p.m.
Thursday, June 19 ~ 4:30 - 9:15 p.m.

Preliminary Reading Assignments:

Thursday June 12:
Bargaining for Advantage, Introduction & chapters 1, 2, 3, 7, 8 & Appendix “A”
In this supplemental reader:
Please do the exercise: How Do I Respond to Conflict?, p. 8
Goodpaster, A Primer on Competitive Bargaining, p. 26
Korobkin, A Positive Theory of Legal Bargaining, p. 28
Meltsner & Shrag, Negotiation, p. 30

Saturday June 14:
Bargaining for Advantage, chapters 5, 6, 9, 10, 12 & Appendix “B”
In this supplemental reader:
Menkel-Meadow, Toward Another View, p. 34

Reminder of class – to be handed out at beginning of class

Materials. The materials for this course are:


3. Materials in this supplemental reader, and

4. Various materials handed out in class.

**Written Assignments.** The written assignments for the course are:

1. **Paper:** This paper should be between 10 – 12 pages, double spaced, Times New Roman 12 pt. font with one inch margins all around. This is not a term paper or legal brief. It is your critical exploration of one to three ideas related to negotiation. It is intended to be an exercise in critical thinking and creativity. You may deeply explore one topic of interest to you, or you may relate two or three closely related topics. Think about your subject matter. Broad generalities or vague notions will not go far when it comes time to grade. You may use any of the materials for class or any outside reading you choose. Cite the materials that you use. I am not picky about citation format, just be consistent and use a format that I can follow. Please understand, I have read all of these materials several times and am familiar with their contents. So, I will be able to relate what you are saying to the materials for this course. If you relate some instance from class to illustrate your work, I don’t want the entire hook-line-and-sinker for details. Only relate the absolute minimum necessary for me to understand what you are trying to say. Also, you are free to discuss this paper with me at any time. After I leave St. Paul, you may reach me at the phone number or email above.

**Due Date and Time:** Due Thursday, July 3, 2008 at 4:30 p.m. to the Registrar in the Law School. You must keep a copy of both papers and obtain a time-stamped receipt for each. Students not residing in the Twin Cities may mail their papers to Debra Berghoff, Dispute Resolution Institute, 1536 Hewitt Avenue, St. Paul, MN 55104. If you choose to mail your papers, they must be postmarked no later than July 3 and sent via 2-day priority mail. I suggest you obtain a receipt from the post office in case you need to verify that the paper was mailed on time. As these papers will be graded anonymously, only your exam number should appear on your papers.

2. **Negotiation Preparation:** You will be given a negotiation exercise in class that you are to prepare to negotiate. You are to go about preparing for this negotiation as if you were going to actually conduct the negotiation. I want copies of your preparation. It may be handwritten or typewritten, which ever is best for you. I do not need a report, only your working notes that you would do for a preparation.

**Due Date and Time:** Due before we start the final class, Thursday, June 19, 2008 at 4:30 p.m. to the Registrar in the Law School. Do not bring to class. Take to the Registrar on your way to class.
Grading. Grades will be assigned on the following: % of grade

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<tr>
<td>Paper:</td>
<td>75%</td>
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<td>Negotiation Preparation:</td>
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Note on Grading of the Paper. The Paper and Negotiation Preparation will be graded for substance first. However, grammar, punctuation, and spelling will also be factored in. This is especially so, if I cannot understand your writing. Remember that good writing is 10% inspiration and 90% perspiration. PROOFREAD & EDIT your papers. Handing in the paper or negotiation preparation late will reduce your grade by one letter for each day late.

Attendance: Be on time (and be considerate or your fellow classmates). Class will start promptly at the assigned time. Class attendance is required for all sessions.

A Note on Learning Styles: Although you have probably read or heard about different learning styles, in that some learn primarily by visual means, others aurally, and some kinesetically. This does not mean that we learn only in one style or another, but our preference is to learn in that manner. A close friend of mine, who believes he is a visual learner, took biochemistry in college and flunked it twice, but on the third try got an “A.” Even though part of his eventual success may be attributed to having taken the class twice before, he attributes it to the fact that the last professor wrote everything on the board or used overhead slides.

Most of us in law are visual learners. Thus, I will make an effort to use the board, flip charts, power point presentations, and other visual means as regularly as possible to appeal to that learning style. Few of us are kinesetic, but we will try to do some manipulation of materials for those of us who learn in this manner. Although I know of no research to support this, I believe that the act of writing represents a kinesetic learning process. Therefore, the act of note taking and writing about what you are trying to learn will help cement the materials.

Learning Styles and Class Scheduling: Some students learn best with a more rigid schedule and syllabus, while others are more “go with the flow.” The first need to know what will be covered and when and may get nervous and antsy if the class deviates from the program. The latter group tends to be more relaxed and easy going about deviations from a syllabus and take things in stride. Unfortunately, the real-time, lived learning experience can sometimes make a shambles of even the best planning. This problem creates a tension between the schedule and what is actually happening in the classroom. If I believe that there is really intense learning going on in the class, I may allow discussions to continue in a way that puts us off of the normal schedule. For those of you who need more structure, I hope you can understand that I will move the class along at a later time.
Joint Fiduciary Duty: As the instructor, I owe a fiduciary duty to each of you to try and make this class as enriching as possible and to create a safe and engaging learning environment that facilitates a broad array of learning styles. As part of this duty, my personal style does not lend itself to the lecture method, although there will be times when I will make presentations to provide an introduction to certain materials. In any case, lectures will be the minority. Mostly, I will start a class by posing questions (either broad-ranging or narrowly focused) and then will facilitate a discussion based upon the assigned materials and the accumulated wisdom of the class.

As students, you each owe a duty to all of the other students to aid in the construction of a learning community that engages and enriches every student. This duty includes the timely reading of the assigned materials, preparing for and attending class, and participating in the class discussions. Buried deeply within each of these sub-duties is the requirement that you think critically at all times. You learn best by becoming a fully participating member of the learning community. You do not learn by becoming a passive receptacle into which I pour information.

Your learning will be based not upon the substantive materials you conquer as much as it will on your ability to question and interrogate the assumptions made by the authors, by me, and by your fellow students. The learning that you accomplish will not be achieved by what comes out of my mouth or off the pages of the materials you read, but by the meaning that you construct after respectful, creative, challenging, and, sometimes, courageous inquiry.

Finally, this class will not provide the answers to the questions, but will mostly point out and help each of you to explore the issues, questions, problems, tensions, dichotomies, and, indeed, the conflicts within modern conflict resolution. It is from these that you must build your own answers. However, your learning and your subsequent professional abilities will not be based just upon your own answers, but on your ability to question anyone’s answers. The power in learning is not the answers, but the ability to live in the question.

Office Hours: I will be at Hamline School of Law a great deal of the time during the brief eight days that we are in session. You can always reach me at the email address or cell phone number listed above.
**Expectations:** I have very high expectations for each and every one of you. These are not high expectations about reading a pile of material, but expectations that you will take the readings seriously and think deeply about the issues each raises for you. Further, I expect each of you to come to class having read all of the assigned materials and be prepared to engage in discussions and exercises that will expand the horizons of all students. I will seldom lecture, but will often facilitate a discussion after asking two or three overarching questions. You each owe a duty to your classmates to advance the class discussion and to make this community work.

“Education is not the filling of a pail, but the lighting of a fire.”

- William Butler Yeats