

Negotiation

Hamline University School of Law

Professor Giuseppe De Palo

651 523 2946 (c/o Debra Berghoff)

giuseppe.depalo@adrcenter.it (preferred)

gdepalo01@hamline.edu

Course Syllabus

January 8-9-10-12, 2009

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 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* (Penguin 1999, second edition revised and updated)
- Fisher, Ury & Patton, *GETTING TO YES* (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

Thursday, January 8

(9:00 a.m. – 4:30 p.m., including breaks)

Class Topics:

Class introduction and logistics
Your negotiating style
Negotiation: a preparatory framework
Competitive bargaining (simulation and debriefing)

Reading Assignment:

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

Friday, January 9

(9:00 a.m. – 4:30 p.m., 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)

Saturday, January 10

(9:00 a.m. – 4:30 p.m., including breaks)

Class Topics:

Barriers to negotiation
Negotiation simulation and debriefing

Reading Assignment:

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

Monday, January 12

(9:00 a.m. – 4:30 p.m., 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).
- 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 must be turned in by 4:30 p.m., Monday, January 26, 2009 to the Law School Registrar's office. You must keep a copy of your paper and obtain a time-stamped receipt. Students not residing in the Twin Cities may mail their paper to Debra Berghoff, Dispute Resolution Institute, 1536 Hewitt Avenue, St. Paul, MN 55104. Submissions must be sent via two-day mail and postmarked no later than January 26, 2009. I suggest you obtain a receipt from the post office in case you need to verify that the paper was mailed on time. Only degree-seeking students must complete this written assignment. Non-degree-seeking students have the option to submit the paper for comments and feedback.