

Hamline University School of Law
NEGOTIATION SYLLABUS

Fall 2009
Fridays: 5pm – 7pm
Law 04

Prof. Bobbi McAdoo
Office: Room 204 East
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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. 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 and theory-building through your own and classmates' presentations (more information on the presentations will be forthcoming on TWEN). Finally, you will practice your presentation skills.

Class Materials

Required:

Russell Korobkin, *Negotiation Theory and Strategy* (2nd ed., 2002)
G. Richard Shell, *Bargaining for Advantage* (1999)
Roger Fisher, William Ury & Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (1991) (If you have not read this, it is required.)

Supplemental materials and class exercises

The following are optional materials in no particular order. Some of them are “classics” in the field:

William Ury, *Getting Past No: Negotiating Your Way from Confrontation to Cooperation* (1993)

Douglas Stone, Bruce Patton & Sheila Heen, *Difficult Conversations: How to Discuss What Matters Most* (1999)

Robert Cialdini, *Influence: The Psychology of Persuasion* (1984)

David Lax & James Sebenius, *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain* (1986)

Robert Mnookin, Scott Peppet & Andrew S. Tulumello, *Beyond Winning: Negotiating to Create Value in Deals and Disputes* (2000)

Howard Raiffa, *The Art and Science of Negotiation* (1982)

Robert Axelrod, *The Evolution of Cooperation*, (1984)

Deborah Kolb & Judith Williams, *The Shadow Negotiation* (2000)

Office Hours

Regular office hours will be before and after class since that is when I assume most of you will be on campus. Other times can be easily scheduled by appointment. You can reach me at (651)523-2340, or bmcadoo@hamline.edu.

Attendance Policy

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. 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.

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

You can add to your participation score by bringing to class newspaper articles and/or video clips and/or your review of a movie or television scene illustrating some aspect of negotiation we are studying.

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)

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 to the TWEN site.

1. Two (2) short papers are required, listed below. These papers are designed to help you reflect on what we are learning and to integrate the readings, simulations and class discussions.

1A. Due: 9/16/09 by 5pm at the TWEN site (three to five pages) (15%)

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

- What have I learned that I didn't know before (about myself, about others' behavior, about negotiation theory and practice)?
- How will I use this in future negotiations?
- Will these insights help me to be a better lawyer? In what way(s)?

You must reference class readings in this paper.

1B. Due: 10/7/09 by 5pm at the TWEN site (two to four pages) (15%)

Complete a preparation form prior to the negotiation on 10/2 and write a two to four page reflection about the preparation and your performance in the negotiation. Answer questions such as:

- **How did I prepare?**
- **Was it helpful to the negotiation?**
- **Did I anticipate the other side's performance?**
- **Was I able to keep to my "game plan" in the negotiation? (why or why not?)**
- **What have I learned about negotiation preparation?**

Hand in your preparation forms at class on 10/9/09. (And again, reference class readings.)

2. Due: 11/13/09 (25%) Student Presentations

Detailed instructions will be given in class and put on TWEN. Choice of topic in writing due no later than 10/23/09 in class. Presentations will be made in class on 11/13/09 and 11/20/09. PowerPoint slides required.

3. Final Exam (35%)

There will be a take home final exam for this course with two questions: one on a comparison of two of the final three class negotiations; and one on preparation for a negotiation.

Evaluation:

1. Short papers: 30%
2. Presentation: 25%
3. Class Participation: 10%
4. Final Exam: 35%

Detailed Reading Assignments and Due Dates:

8/14	Introduction to Negotiation Study; Estimating the Bargaining Zone	Korobkin, Chapters 1 & 2 Shell, Intro. & Chapter 2
8/21	Psychological Factors in Evaluating Alternatives	Korobkin, Chapter 3 Shell, Chapter 4
8/28	Using Integrative Bargaining to Expand the Bargaining Zone	Korobkin, Chapter 4 Shell, Chapter 5 Getting to Yes
9/11	Integrative Bargaining	Shell, Chapters 7, 8, 9, & 10 Finish Getting to Yes
9/18	Using Communication, Rapport Building and Creativity to Expand the Bargaining Zone	Readings TBA (TWEN) Short paper (1A) due Wednesday, 9/16/09
9/25	Using Power, Influence and Competitive Negotiation Tactics to Change the Bargaining Zone	Korobkin, Chapter 5 Shell, Chapter 6
10/2	The Influence of Fairness and Other Related Social Norms on Surplus Allocation	Korobkin, Chapter 6 Shell, Chapter 3 Complete preparation form for 10/2 class
10/9	The Negotiator's Dilemma; Conflict Style	Korobkin, Chapters 7 & 8 Shell. Chapters 1, 12 & App. A Short paper (1B) due Wednesday, 10/7/09
10/23	Group Membership	Korobkin, Chapter 9 Topic choices for presentations due in writing at 10/23 class
10/30	The Principal-Agent Relationship	Korobkin, Chapter 10
11/6	Misrepresentation and Other Contract Defenses	Korobkin, Chapter 13 Shell, Chapter 11
11/13	Student Presentations	
11/20	Student Presentations	

