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;
- understand when a particular negotiation approach is appropriate;
- employ effective distributive and integrative negotiation techniques;
- understand 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 on topics from The Negotiator’s Fieldbook (on reserve in the library). Finally, you will practice your presentation skills.

Class Materials

Required:


Supplemental materials and class exercises

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

Roger Fisher, William Ury & Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (1991) (If you have not read this one, it is required.)
Office Hours

Regular office hours will be Wednesdays after class and Thursdays, 2 p.m. to 5 p.m. Generally, however, I am in my office every day from 10:00 a.m. to 5:00 p.m. (when I am not teaching or in meetings), and I am happy to meet when it is convenient for you. If you have difficulty finding me, please schedule an appointment time. 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).

Assignments:

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. They will be graded on the basis of your analysis (of course!), and also on the strength of your writing. All papers should be grammatically correct and must be proofread, or they will be marked down. Papers are due by 5 P.M. in the registrar’s office on the due dates. No extensions, and no e-mail submissions accepted, although week end students will be accommodated so that they do not have to come to HUSL just to hand in papers.

   The two short paper assignments and due dates for them are as follows: (Dates could change slightly depending on the progress of class.)

   1A. Due: 2/11/08 (3-5 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? How? (You must reference class readings in this paper!)

   1B. Due: 3/3/08 (2-4 pages) (15%)

   Complete a preparation form prior to the negotiation on 2/27 and write a 2-4 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? Please attach your preparation form to your paper.

2. Due: 4/9 (25%)

Student presentation: Detailed instructions will be given in class and put on TWEN; choice of topic in writing due 3/12/08 in class; presentations will be made in class on 4/9 and 4/16; powerpoint slides required.

3. Final Exam (30%)

There will be a final exam for this course with 2 questions: 1 on a comparison of 2 of the final 3 class negotiations; and 1 on preparation for a negotiation.

Evaluation:

1. Short papers: 30%
2. Presentation: 25%
3. Class Participation: 15%
4. Final Exam: 30%

Detailed Reading Assignments and Due Dates:

<table>
<thead>
<tr>
<th>Date</th>
<th>Assignment</th>
<th>Korobkin, Chapters</th>
<th>Shell, Chapters</th>
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<tr>
<td>1/16</td>
<td>Introduction to Negotiation Study; Estimating the Bargaining Zone</td>
<td>1 &amp; 2</td>
<td>Intro. &amp; 2</td>
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<td>1/23</td>
<td>Psychological Factors in Evaluating Alternatives</td>
<td>Chapter 3</td>
<td>Chapter 4</td>
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<tr>
<td>1/30</td>
<td>Using Integrative Bargaining to Expand the Bargaining Zone</td>
<td>Chapter 4</td>
<td>Chapter 5</td>
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<td>2/6</td>
<td>Integrative Bargaining</td>
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<td>Chapters 7, 8, 9, &amp; 10</td>
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<tr>
<td>Date</td>
<td>Topic</td>
<td>Readings</td>
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| 2/13  | Using Communication, Rapport Building and Creativity to Expand the Bargaining Zone | Readings TBA  
Short paper (1A) due 2/11/08  
Readings TBA  
Short paper (1A) due 2/11/08 |
| 2/20  | Using Power, Influence and Competitive Negotiation Tactics to Change the Bargaining Zone | Korobkin, Chapter 5  
Shell, Chapter 6 |
| 2/27  | The Influence of Fairness and Other Related Social Norms on Surplus Allocation | Korobkin, Chapter 6  
Shell, Chapter 3  
Complete preparation form for 2/27 class; short paper (1B) due 3/3/08 |
| 3/5   | The Negotiator’s Dilemma; Conflict Style | Korobkin, Chapters 7 & 8  
Shell. Chapters 1, 12 & App. A |
| 3/12  | Group Membership | Korobkin, Chapter 9  
Topic choices for presentations due at 3/12 class in writing |
| 3/26  | The Principal-Agent Relationship | Korobkin, Chapter 10  |
| 4/2   | Misrepresentation and Other Contract Defenses | Korobkin, Chapter 13  
Shell, Chapter 11 |
| 4/9   | Student Presentations |  |
| 4/16  | Student Presentations |  |
| 4/23  | TBA |  |