Negotiation
Hamline University School of Law
Professor Giuseppe De Palo
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Course Syllabus

August 10 – 11– 17 – 18 –24 – 25, 2007 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.
As you know, this course is very condensed. So, feel free to read ahead in the assigned book.

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.

Class Materials
- Fisher, Ury & Patton, Getting to Yes (Penguin, 1991) (to be read in advance of class)
- Negotiation exercises (handed out in class)

Recommended Reading
- 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

Friday, August 10
(6:00 p.m. – 9:00 p.m., including breaks)

Class Topics:
Class introduction and logistics
Introduction to negotiation theory and practice: your negotiating style

Reading Assignment:
- Bargaining for Advantage; Chapter 1 - 2 (pages 1 to 39).

Saturday, August 11
(1:15 p.m. – 7:00 p.m., including breaks)

Class Topics
Negotiation: a preparatory framework
Competitive bargaining

Reading Assignment:
- Bargaining for Advantage; Chapters 3 - 5 (pages 40 to 88)

Friday, August 17
(6:00 p.m. – 9:00 p.m., including breaks)

Class Topics:
Cooperative bargaining in action
“Give, get guard”: the three rules of information exchange in negotiation

Reading Assignment:
- Bargaining for Advantage; Chapter 7 - 9 (pages 118 to 174)
Saturday, August 18  
(1:15 p.m. – 7:00 p.m., including breaks)

*Class Topics*
Negotiation and power  
A tri-lateral exercise

*Reading Assignment:*
- Bargaining for Advantage; Chapter 6 (pages 89 to 113)

Friday, August 24  
(6:00 p.m. – 9:00 p.m., including breaks)

*Class Topic:*
Negotiation ethics

*Reading Assignment:*
- Bargaining for Advantage; Chapter 11 (pages 196 to 228)

Saturday, August 25  
(1:15 p.m. – 7:00 p.m., including breaks)

*Class Topic:*
How to close deals effectively  
Course conclusion: Q&A

*Reading Assignment:*
- Bargaining for Advantage; Chapter 10 (pages 175 to 195)  
- Bargaining for Advantage; Chapter 12 (pages 235 to 246)

**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 exam: 75%**. There will be a two-hour, closed book exam.