STUDENT SYLLABUS
NEGOTIATION - 2013

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Required Texts:

* Beyond Winning: Negotiating to Create Value in Deals and Disputes (Robert Mnookin, Scott Peppet and Andrew Tulumello, Belknap Press of Harvard University Press; 2004, Paperback)

Suggested Supplemental Reading:

On closed reserve at the Law School Library. Reading list is attached. You will enjoy a wide and discretionary choice among the reading options. See journal instructions at end of Week 1 for your incorporation of several of these readings into your Journal.

There will be a charge of $45.00 for case materials due 1/29. If paying by check, pay to the order of “Frost Brown Todd LLC.”

Preliminary Assignment: Begin reading Getting to Yes (Chapters 1-3). Read the instructions for Oil Pricing Exercise (included with this Syllabus) and consider what strategy you will recommend to the other members of your nation's Oil Pricing Board. Please do not discuss this case with other members of the class.

* Grading: 67% Journal; 33% class participation. There will be some grading of negotiations and negotiation memoranda which will be noted in advance. Please read the journal requirements at page 3 carefully. There will be no final examination.

* Because of teaming for all negotiations, class attendance is required. Absences will affect your grade.

* Irregular Class Schedules: No class on 3/12. Class on 3/26 extends to 8:10 p.m. Week of 4/2 – 4/9: 2-3 hours preparation for negotiation with your team outside class. Class on 4/9 may voluntarily extend to 9-10 p.m. for 2-4 hours of negotiation outside class usually starting after class on 4/9.
WEEK 1 – 1/22/13

4:40 - 5:20 COURSE PURPOSES AND STRUCTURE

5:25 - 7:35 Oil Pricing Exercise

7:35 - 7:40 Administrative Matters

* Select a journal partner (discretionary).

* Confidentiality of journals.

* Pick up confidential instructions for Sally Soprano (1-on-1).

* Pick up Post Hoc Analysis of a Negotiation Experience

* Pick up Reading List. Reading Nos. 2, 3, 7, 9, 12, 14, 16, 24, 25, 31, 32, 33, 36, 39, 43, 44, 48, 49 and 50 are relatively less valuable readings. [Shown as “Time Permitting” but, if selected, may be included in your Journal to meet the workshop obligation.]

Individual Preparation for Week 2:

Prepare to negotiate Sally Soprano.

Complete Post Hoc Analysis of a Negotiation Experience and turn in next week.

Finish reading Getting to Yes: Negotiating Agreement Without Giving In.


Journals:

Plan first meeting with your Journal partner.

Product of your Journal activity over 13 weeks:

1. Self – evaluative, introspective reflections on your negotiation experience during and outside the workshop (not just a summary or minutes of the lectures or the negotiations).

2. What worked . . . and why.

3. What didn't work . . . and why.

4. Obstacles you encountered . . . and how you overcame them.

5. What you may do differently next time.

6. Questions you have had . . . why they persist . . . and what you are doing to seek answers to them.

7. Progressive and cumulative self-examination of the lessons which you want to retain from your experience and analytic reflections from negotiations during and outside the workshop and which you would review before undertaking a similar negotiation in the future.

8. Weekly entries should be no more than 2-3 double-spaced typed pages. Pages shall be numbered consecutively.

9. In addition, include in your Journal reflections or critiques on at least six of the articles or books on the Reading List, and at least three readings from Professor Mnookin’s text. You may compare and contrast authors, articles and class discussions. Please do not write “book reports” and list the articles and text chosen in a bibliography showing the page in your Journal where the article or text is cited.
4:40 - 5:10  Introductions - (Entire Class)

5:10 - 5:25  Administrative Matters.

General instructions on all exercises:

1. The goal is not acting. The goal is to act on the basis of your best advice: Think of the best advice you would give to another and then follow that advice. However, in order to maximize the benefit of the exercises, think about how real people would act in these situations, and consider the full context of your role in the exercises.

2. You might not try a particular approach in the real world because you do not know how it might affect the negotiation, yet you think it might work; by all means try it.

3. Goal is not proving that you can reach agreement, but rather obtaining a good outcome. (For now, think about what a good outcome is.)

4. As for the facts of the case, you may not significantly alter the facts. You may embellish on the given facts in order to more naturally communicate with the other side. You may lie (if you think it will help!) and the lie does not alter the facts of the case. [You may wish to read No. 5: “When is it Legal to Lie in Negotiations?” by Richard Shell]

5. Do not physically hand over confidential information to prove you are telling the truth!

6. Do not compare results with others before the review in class.

5:25 – 5:55  Negotiate Sally Soprano (1-on-1)(30 min.). Record and turn in your outcome (one report for each pair of negotiators)

5:55 – 6:05  Break

6:05- 6:55  (W.G.) Review Sally Soprano

6:55 – 7:00  Prepare individually to negotiate Exercise II

7:00 – 7:20  Negotiate Exercise II

7:20 – 7:40  (W.G.) Review Exercise II
* Pick up **Sally Soprano** handouts: Criteria, Sample Preparation Memo, and Creative Options; and Notes for Observation and Review of a Negotiation

* Pick up confidential instructions to **The PowerScreen Problem** (1-on-1).

**Individual Preparation for Week 3:**

* Read **The PowerScreen Problem**.

* Meet with your journal partner.

* You may choose to read: 13 [Lax and Sebenius, "**Changing the Game: The Evolution of Negotiation**," 215-241] from the Reading List.

WEEK 3 – 2/5/13

4:40 - 5:40 Lecture: WHAT IS A GOOD OUTCOME: THE ELEMENTS OF NEGOTIATION.

5:50 - 6:25 View and Discuss The Carton Contract (Videotape)

6:25 - 6:35 View "The Fight" (first part of The HackerStar Negotiation videotape).

6:35 - 6:40 Review of Brainstorming.

6:40 - 7:40 Prepare by side to negotiate The PowerScreen Problem

* Pick up Seven Element Preparation Sheet

Individual Preparation for Week 4:

* Meet with your journal partner.

* As you re-evaluate The PowerScreen Problem, you may wish to use the Seven Element Preparation handout to organize your thinking.


WEEK 4 – 2/12/13

4:40 - 5:25  Negotiate The PowerScreen Problem (1-on-1) (45 min.)

5:35 – 6:30  (W.G.) Review The PowerScreen Problem.

6:30 - 6:45  A SYSTEMATIC APPROACH TO INFLUENCE.

6:45 - 7:40  View and discuss The HackerStar Negotiation. Part I.

Individual Preparation for Week 5:

* Meet with your journal partner.


* Time permitting, read 48 [Charles Craver, Negotiation Styles: The Impact on Bargaining Transactions, 58 Dispute Resolution Journal No. 1 at p. 49 (February/April 2003) from the Reading List.

* For discretionary reading on the Currently Perceived Choice tool and other charting tools, see 36 [Beyond Machiavelli: Tools for Coping With Conflict, Fisher, Kopelman and Schneider, Harvard University Press, 1994.].
WEEK 5 – 2/19/13

4:40 - 5:25  Lecture and Discussion: MANAGING FOUR TENSIONS IN NEGOTIATION


6:30 – 6:40  Break

6:40 - 7:40  Lecture and Discussion: SYSTEMS OF NEGOTIATION

*  Pick up confidential instructions for Bullard Houses (1-on-1).

Individual Preparation for Week 6:

*  Read text/Mnookin, 9-43; 69-92; 117-18.

*  Read and prepare to negotiate Bullard Houses.

*  Meet with your journal partner.


WEEK 6 – 2/26/13

4:40 – 5:40 Lecture and Discussion: BUILDING A GOOD WORKING RELATIONSHIP and DEALING WITH DIFFICULT PEOPLE

5:40 – 6:25 Negotiate Bullard Houses (1-on-1) (45 min.). Record and turn in your outcome (one report for each pair of negotiators).

6:25 – 6:35 Break

6:35 – 7:40 (W.G. by side) Review Bullard Houses

* Pick up confidential instructions for Teflex Products (5 parties; 6 roles)

Individual Preparation for Week 7:

* Read and prepare to negotiate Teflex Products.

* Read text/Mnookin 44-68, 274-298; 156-172. Re-read 70-74.

* Meet with your journal partner.


WEEK 7 – 3/5/13

4:40 - 5:15  Lecture: DEALING WITH AN ANGRY PUBLIC and MAKING GROUP MEETINGS EFFECTIVE

5:15 – 5:25  Break

5:25 - 5:30  Preparation by role for negotiation of Teflex Products (5 parties).

5:30 – 5:45  Caucuses

5:45 - 6:45  Negotiate Teflex Products (1 hr.)

6:45 - 7:40  Review Teflex Products.

*  Pick up the Role Reversal Exercise.

*  Pick The Dons Negotiation (2-on-2)

Individual Preparation for Week 9:

*  Prepare for the Role Reversal Exercise. Chose a partner for this exercise. One of you will volunteer to lead and choose an upcoming or former negotiation experience for help; the other will be the helper.

*  Read and prepare with your partner (attorney/client) to negotiate The Dons Negotiation. Attorney-Client Conference should be conducted before class for approximately 30 min.

*  Meet with your journal partner.

*  You may choose to read 6 [S. Heen and D. Stone, I am Blind and it is Spring: Some Thoughts on Framing and Negotiation (unpublished, 1995] and 45 [D. Stone, On Listening (unpublished, 1994)] from the Reading List.

*  Time permitting, read 14 [Doug Stone, Sheila Heen and Bruce Patton, Difficult Conversations (Viking Penguin, 1999)] from the Reading List.

Week 8 – 3/12/13 – No Class
Spring Break- 3/19/13 – No Class
WEEK 9 – 3/26/13

4:40 – 4:55  Discussion:  **ROLE REVERSAL EXERCISE**

4:55 – 5:05  Lead #1 is interviewed by Helper #1 to understand Lead #1's problem.

5:05 – 5:15  Lead #1 takes chair of the "absent party" and is interviewed by Helper #1 so that Helper #1 will learn the "absent party's" viewpoint.

5:15 – 5:30  Helper #1 takes chair and role of the Lead #1; Lead #1 doesn't move and takes the role of "absent party" and negotiation commences in **Role Reversal**

5:30 – 5:35  De-brief of Lead #1 and the process

5:35 – 5:50  Review of **Role Reversal Exercise**

5:50 – 6:00  Break

6:00 – 6:30  Lecture and Discussion:  **THE ROLE OF APOLOGY IN NEGOTIATION**

6:30 - 7:15  Negotiate **The Dons Negotiation** (2-on-2) (45 min.)

7:15 - 7:20  Record and turn in your outcome (One report for each pair of negotiators)

7:20 – 8:10  (W.G.) Review **The Dons Negotiation**.

* Pick up confidential instructions for **Chestnut Village**.

* Pick up "Congruent Negotiation"

**Individual Preparation for Week 10:**

* Read text/Mnookin, 295-314.


* Read and prepare to negotiate **Chestnut Village** (7 on 4).

* Meet with your journal partner.
* Time permitting, Michael Doyle & David Straus, How to Make Meetings Work (Berkley Books, 1993) [as a follow-up to the earlier discussion on making group meetings effective].

* If the subject of dealing with emotions in negotiation sparked your interest, read 50 [Roger Fisher and Daniel Shapiro, Beyond Reason: Using Emotions as You Negotiate (Viking, 2005)] from the Reading List. Books are on Reserve.


* Having negotiated The DONS Negotiation, you may wish to explore negotiating ethics beyond questions of lying, bluffing, material misrepresentation and other forms of deception. Are you tempted to peer into the morality of negotiation: bargaining with evil persons, for instance, the Nazis in the 1940’s seeking to save Jewish lives, or the Taliban in 2001 seeking to curb terrorism? An introduction to this subject is found in 54, G. Richard Shell, The Morality of Bargaining: Identity versus Interests in Negotiations with Evil, 26 Negotiation Journal 453 (October 2010) in which Professor Shell reviews Bargaining with the Devil: When to Negotiate, When to Fight, by Robert Mnookin (Simon & Schuster, New York, 2010) from the Reading List.
WEEK 10 – 4/2/13

4:40 - 5:40 Prepare to negotiate Chestnut Village by team. (60 min.)

5:50 - 7:00 Negotiate Chestnut Village (7-on-4) (70 min.)

7:00 - 7:40 Review Chestnut Village by negotiation group.

* Pick up suggestions for preparation for Chestnut Village.

* Pick up confidential instructions for MAPO - Administration Negotiation.

* Receive MAPO or City team assignment.

Individual Preparation for Week 11:

* Read and prepare to negotiate MAPO - Administration Negotiation, including a preparation for negotiation memo to be included in your Journal and graded. Meet with your team to prepare for negotiation for 2-3 hours outside of class.

* Meet with your journal partner.

WEEK 11 – 4/9/13

4:40 – 5:00  MAPO – Administration Negotiation – Preparation by team

5:00 - 5:30 In preparation for negotiation of MAPO - Administration Negotiation, each side may ask for clarification, on its instructions, respectively, from the Mayor of Metropolis or the Union’s President, L. Hand.

5:30 – 5:40 Preparation by team

5:40 - 7:40 Negotiate MAPO - Administration Negotiation
By agreement, your negotiation may extend beyond 7:40.

Individual preparation for Week 12:

* Finalize negotiation of MAPO - Administration Negotiation, if necessary. Prepare a draft of a written agreement on the Form attached to the exercise (where an agreement has been reached) or an impasse statement (where no agreement was reached) to be signed by all parties before closing the negotiation and include the draft agreement or impasse statement with your Journal. 
(Estimate: 4-5 hours)

* Meet with your journal partner.


* Time permitting, 32 [C. Gilligan, In a Different Voice, (Harvard University Press, 1982).]
WEEK 12 – 4/16/13

4:40 - 5:20 Consensus Exercise

5:20 – 6:00 Lecture: GENDER AND CULTURAL DYNAMICS.

6:15 – 7:00 (W.G. by side) Review MAPO - Administration Negotiation. – Process Matters - during the preparation for negotiation

7:00 – 7:40 (Class) Review MAPO – Administration Negotiation – Process Matters – during the negotiation itself

* Pick up confidential instructions for Harborco (6 parties).

* Pick up special problems associated with multi-party, multi-issue negotiation.

Individual Preparation for Week 13:

* Read text/Mnookin 211-223; 147-48.

* Read and prepare to negotiate Harborco.

* Meet with your journal partner.

* You may choose to read 20 [B. Patton, Reassessing Getting to YES and Principled Negotiation, Prog. on Neg. Working Paper 85-6 (1983)] from the Reading List.

* You may wish to review, especially if you are assigned as a facilitator or volunteer to facilitate, a summary on facilitation skills in preparation for Harborco and Rebuilding the World Trade Center Site 7 [L. Susskind and J. Cruikshank, Breaking the Impasse: Consensual Approaches to Resolving Public Disputes, 152-162 (Supplement pages 55-58g)] from the Reading List.

* Time permitting, 24 [Edward deBono, deBono’s Thinking Course, 53-70 (Facts on File, 1982, 1985), and 25 [A. Sharp and B.B. Smith, Manager and Team Development: Ideas and Principles Underlying Coverdale Training. 74-91 (Heineman, 1990)].
WEEK 13 – 4/23/13

4:40 - 6:40 Negotiate Harborco (6 parties) (120 minutes)

6:50 - 7:40 (W.G.) Review Harborco

* Pick up confidential instructions for Rebuilding the World Trade Center Site.

Individual Preparation for Week 14:

* Read and prepare to negotiate Rebuilding the World Trade Center Site (5 parties and a facilitator)

* Draft a Preparation For Negotiation plan for Rebuilding the World Trade Center Site for inclusion in your Journal. One or two pages is appropriate.

* You may choose to read: 52 [James K. L. Lawrence, Mediation Advocacy: Partnering With the Mediator, 15 Ohio St. J. on Disp. Resol. 425 (2000)] from the reading list.

* Final meeting with your journal partner.
WEEK 14 – 4/30/13

4:45 – 5:10 Lecture: INTRODUCTION TO MANAGING PUBLIC DISPUTES

5:10 – 6:40 Negotiate/Facilitate Rebuilding the World Trade Center Site (5 parties and the facilitator) (1½ hours)

6:40 – 7:40 Review Rebuilding the World Trade Center Site, video comparison and final thoughts.

Administrative Matters:

1. Journals are finalized and e-mailed to jlawrence@fbtlaw.com or mailed to Jim Lawrence at Frost Brown Todd LLC, 3300 Great American Tower, Cincinnati, Ohio 45202, in either case postmarked by Monday, May 13, 2013.

2. Please return Course Evaluation Form at close of class.