STUDENT SYLLABUS
NEGOTIATION – Fall Term 2015

JAMES K. L. LAWRENCE
651-6822
jlawrence@fbtlaw.com

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 these readings into your Journal.

There will be a charge of $45.00 for case materials from PON at Harvard Law School due 9/1. If paying by check, pay to the order of “James K.L. Lawrence.”

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.

Class Participation:
As a guide to the importance of class participation in developing negotiation skills and good adaptability and judgment, note the following grading criteria:

+ Questions, observations or insights which develop, connect, or clarify themes or new learning.

+ Creative or innovative efforts observed during your negotiation whether planned or spontaneous. These efforts encompass substantive as well as relationship building matters.

+ Ability to purposively guide (as distinguished from control) your negotiation.
Mistakes, perceived errors in judgment, and static questions or comments are not recorded.

– Lack of conscientious preparation or disinterest in the exercise which may affect your classmate’s learning opportunity is recorded.

**Attendance:**

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

* Irregular Class Schedules: Class on 10/27 extends to 8:10 p.m. Week of 11/4 – 11/10: 2-3 hours preparation for negotiation with your team outside class. Class on 11/10 may voluntarily extend to 9-10 p.m. for 2-3 hours to finish the MAPO negotiation. Otherwise, the MAPO negotiation must be finished outside class during the following week.

**Feedback:**

* We are available for individualized feedback before and after class. See Reading 42, Doug Stone and Sheila Heen, *Thanks For The Feedback: The Science and Art of Receiving Feedback Well* (2014).
WEEK 1 – 8/25/15

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, 37, 39, 42, 43, 48, 49, 50, 54, and 56 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 the first part 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 14 weeks:

1. Self – evaluative, introspective and analytical 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. Be precise by reference to specific events and, where possible, illustrative dialogue. Avoid general assertions such as, “I’m not very assertive,” or “My opponent wasn’t open to new ideas.”

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 – which we strongly suggest - should be no more than 2-3 double-spaced typed pages. Thus, your Journal will comprise 28-42 pages, plus attachments. A weekly entry may be longer or shorter than the average length depending upon the value of that class session in your estimation. Pages shall be numbered consecutively.

9. Integrate into your Journal reflections or critiques on at least six of the articles or excerpts from books on the Reading List, and at least three readings from Professor Mnookin’s text. You may compare, contrast or criticize authors, articles and class discussions. Do not write "book reports." Selecting only short excerpts from 59 choices on the Reading List does not demonstrate intellectual curiosity or good judgment. If you select a book, you may read only the excerpts or chapters that interest you. List the articles and texts chosen in a bibliography showing the page in your Journal where the article or text is discussed.
WEEK 2 – 9/1/15

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?” 32 Sloan Mgt. Rev. 93-101 (1991) 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  Review Sally Soprano

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

7:00 – 7:20  Negotiate Exercise II

7:20 – 7:40  Review Exercise II

* Pick up Sally Soprano handouts: Criteria, Sample Preparation Memo, and Creative Options; and Notes for Observation and Review of a Negotiation
Individual Preparation for Week 3:

* Read The PowerScreen Problem.

* Meet with your journal partner.


WEEK 3 – 9/8/15

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 Work 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.

* Read text/Mnookin on four tensions in negotiations, 9-92; 117-18; 262-64.


WEEK 4 – 9/15/15

4:40 - 5:30 Negotiate **The PowerScreen Problem** (1-on-1) (45 min.)

5:40 – 6:20 Review **The PowerScreen Problem**.

6:20 – 6:40 A SYSTEMATIC APPROACH TO INFLUENCE.

6:40 – 7:40 View and discuss **The HackerStar Negotiation.** Part II.

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

**Individual Preparation for Week 5:**

* Read and prepare to negotiate **Bullard Houses**.

* Meet with your journal partner.


* 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 – 9/22/15

4:40 - 5:30 Lecture and Discussion: MANAGING THE FIVE TENSIONS IN NEGOTIATION

5:30 – 6:00 Consensus Exercise – Partisan Perceptions

6:00 - 6:10 Break

6:10 – 6:55 Negotiate Bullard Houses (1-on-1) (45 min.). Record and turn in your outcome (one report for each pair of negotiators).

6:55 – 7:40 (W.G. by side) Review Bullard Houses

* Pick up confidential instructions for John & Mary (2-on-2).

Individual Preparation for Week 6:

* Read and meet with your attorney or client to prepare to negotiate John & Mary.

* Meet with your journal partner.


* You may find useful reading 17 “Six Basic Interpersonal Skills For A Negotiator’s Repertoire” by Roger Fisher and Wayne H. Davis 3 Neg. J. 117 (1987) from the Reading List.

WEEK 6 – 9/29/15

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

5:40 – 5:50 Break

5:50 – 6:50 Negotiate John & Mary (2-on-2) (1 hr.)

6:50 – 7:40 Review John & Mary

* Pick up confidential instructions for Weathers & Evans (1-on-1 plus observers).
* Pick up peer and self-evaluation forms.

Individual Preparation for Week 7:

* Read and prepare to negotiate Weathers & Evans.

* Review peer and self-evaluation forms and Notes for Observation and Review of a Negotiation (handed out in Week 2).

* Meet with your journal partner.


* For those interested in dealing effectively with the media, read 37 [Jeff Ansell, When the Headline is You: An Insider’s Guide to Handling the Media, (Jossey-Bass, 2010)] from the Reading List.
WEEK 7 – 10/6/15

4:40 – 5:20  Lecture and Discussion: SYSTEMS OF NEGOTIATION

5:20 – 5:30  Lecture: OBSERVATION AND SELF-EVALUATION GUIDELINES

5:30 – 6:15  Negotiate Weathers & Evans (1-on-1 plus observers) (45 min.) Observers to observe and give feedback on process matters only. Each negotiator or his/her observer may interrupt the negotiation no more than twice (maximum two minutes each) to provide process feedback privately to his/her partner.

6:15 – 6:25  Fill out the peer and self-evaluation forms. After class, de-brief each other by negotiation pairs and observers, using the peer and self-evaluation forms. (Approximately 15 minutes.)

6:25 – 6:35  Break

6:35 – 7:40  (W.G.) Review Weathers & Evans

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

Individual Preparation for Week 8:

* Read and prepare to negotiate Teflex Products.

* Meet with your journal partner.


* Another system of negotiation is collaborative lawyering when the attorneys by a written understanding agree not to represent their clients in litigation. In an interest based context, the attorneys have agreed not to participate in their clients’ BATNA of litigation. If your curiosity is cat-like, read 56 [James Lawrence, Collaborative Lawyering: A New Development in Conflict Resolution, 17 Ohio St. J. on Disp. Resol 431 (2002)]

Fall Break – 10/13/15 – No Class.
WEEK 8 – 10/20/15

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 - 6:40 Negotiate Teflex Products (1 hr.)

6:45 - 7:40 Review Teflex Products.

* Pick up the Role Reversal Exercise.

* Pick up 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 attorney or client to negotiate The DONS Negotiation. Attorney-Client Conference will be conducted before class for approximately 30 min.

* Meet with your journal partner.

* Read text/Mnookin on professional and ethical dilemmas, and psychological and cultural barriers, 274-294; 156-172.

* 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], 45 [D. Stone, On Listening (unpublished, 1994)] and 35 [James K.L. Lawrence, Lying, Misrepresenting, Puffing and Bluffing: Legal, Ethical and Professional Standards for Negotiators and Mediation Advocates, 29 Ohio St. J. on Disp. Resol. 35 (2014)] from the Reading List.

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


* For those interested in the value of feedback from fellow students and colleagues, read 42 [Doug Stone and Sheila Heen, Thanks For the Feedback: The Science and Art of Receiving Feedback Well, (Viking, The Penguin Group, 2014) from the Reading List. Book is on Reserve.
WEEK 9 – 10/27/15

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 on organizations and multiple parties, 295-314.


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

* Meet with your journal partner.

* You may find useful reading 58, Michael Doyle & David Straus, How to Make Meetings Work (Berkley Books, 1993) and/or 59, Lawrence Susskind and Jeffrey Cruikshank, Breaking Robert’s Rules: The New Way to Run Your Meeting, Build Consensus, and Get Results (Oxford University Press, 2006) [as a follow-up to our earlier discussion in Week 8 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. Book is 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 55, Bargaining with the Devil: When to Negotiate, When to Fight, by Robert Mnookin (Simon & Schuster, 2010) from the Reading List.
WEEK 10 – 11/3/15

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 – 11/10/15

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 – 11/17/15

4:40 - 5:20  Consensus Exercise

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

6:10 – 6:30  (W.G. by side) Review MAPO - Administration Negotiation. – Process Matters - during the preparation for negotiation

6:30 – 7:10  (Class) Review MAPO – Administration Negotiation – Process Matters – during the negotiation itself

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

Individual Preparation for Week 13:

*  Read text/Mnookin on hard-bargaining tactics, 24-25; 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 – 11/24/15

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

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 – 12/1/15

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)

6:45 – 7:40 Review Rebuilding the World Trade Center Site, video comparison and final thoughts.

Administrative Matters:

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 Tuesday, December 8, 2015.