Negotiation Syllabus
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Fall Term, 2018
Tues., 5:30pm-8:30pm
Room TBD

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:

Available on the class WISE site or, in some cases, on closed reserve at the Law School Library. 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.

Preliminary Assignment:

* Begin reading Getting to Yes (Chapters 1-3).

* Grading: 60% Journal; 40% class participation. Please read the journal requirements on the assignment sheet 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.

- 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.

**Feedback:**

* I am available for individualized feedback before and after class. See Doug Stone and Sheila Heen, Thanks For The Feedback: The Science and Art of Receiving Feedback Well (2014).
Week One:

Preliminary Assignment for Week One:

* Begin reading Getting to Yes (Chapters 1-3).

Class:

5:30-7:00pm: Course and class introductions

* Pick up instructions for Oil Pricing Exercise.

7:10-8:20pm: Oil Pricing Exercise
8:20-8:30pm: 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.

(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.

* Select a journal partner (discretionary).
* Confidentiality of journals.
* Pick up confidential instructions for Sally Soprano (1-on-1).
**Week Two:**

**Individual Preparation for Week Two:**

* Prepare to negotiate **Sally Soprano**
* Finish reading Getting to Yes: Negotiating Agreement Without Giving In.


**Journals:**

Plan first meeting with your Journal partner.

Product of your Journal activity over 6 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 should be approximately 1.5 to 2 double-spaced typed pages. Thus, your final journal will comprise 21-28 pages, plus attachments. A weekly entry may be longer or shorter than the average length depending upon the value of the class sessions 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 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.
10. **Journal entries are due by 5 pm on Mondays.**
Class:

5:30-6:00pm: Prepare to negotiate Sally Soprano.
6:00pm-6:30pm: Negotiate Sally Soprano (1-on-1) (30 min.). Record and turn in your outcome (one report for each pair of negotiators)
6:30pm-7:00pm: Review Sally Soprano

* Pick up confidential instructions to Exercise II & The PowerScreen Problem.

7:10pm – 7:20pm: Prepare individually to negotiate Exercise II.
7:20pm – 7:40pm: Negotiate Exercise II.
7:40pm – 7:50pm: Review Exercise II.
7:50pm – 8:30pm: Prepare by side to negotiate The PowerScreen Problem.
Week Three:

Individual Preparation for Week Three:

* Prepare for The Powerscreen Problem.
* Meet with your journal partner.
* Read Mnookin on four tensions in negotiations, 9-92; 117-18; 262-64.


Class:

5:30pm – 6:00pm: Prepare by team to negotiate The PowerScreen Problem.
6:00pm – 7:00pm: Negotiate The PowerScreen Problem.

7:10pm – 8:30pm: Review The PowerScreen Problem.

* Pick up confidential instructions for Bullard Houses.
Week Four:

Individual Preparation for Week Four:

* Prepare to negotiate Bullard Houses.
* Meet with your journal partner.


Class:

5:30pm – 7:00pm: Negotiate Bullard Houses. Record and turn in your outcome (one report for each pair of negotiators).

7:10pm – 8:30pm: Review Bullard Houses.

* Pick up confidential instructions for John & Mary.
Week Five:

NB: Cancelled for observance of Yom Kippur
**Week Six:**

**Individual Preparation for Week Six:**

* Read *John & Mary* and meet with your attorney or client to prepare for the negotiation.
* Meet with your journal partner.


**Class:**

5:30pm – 7:00pm: Negotiate *John & Mary*.

7:10pm – 8:30pm: Review *John & Mary*.

* Pick up confidential instructions for Weathers & Evans (1-on-1 plus observers).
* Pick up the Role Reversal Exercise.
Week Seven:

Individual Preparation for Week Six:

* Prepare to negotiate Weathers & Evans.
* Prepare for the Role Reversal Exercise.
* Meet with your journal partner.

Class:

5:30 – 6:15pm: Negotiate Weathers & Evans (1-on-1 plus observers). 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 – 6:25pm: 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.
6:25 – 7:00pm: Review Weathers & Evans

7:10 – 7:25: Discussion: Role Reversal Exercise.
7:25 – 7:35: Lead #1 is interviewed by Helper #1 to understand Lead #1’s problem.
7:35 – 7:45: 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.
7:45 – 8:00: 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.
8:00 – 8:15: De-brief of Lead #1 and the process.
8:15 – 8:30: Review of Role Reversal Exercise.

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

**Individual Preparation for Week Seven:**

* Prepare to negotiate Teflex Products.
* Meet with your journal partner.


**Class:**

5:30 – 5:50pm: Preparation by role for negotiation of Teflex Products (5 parties).
5:50 – 6:20pm: Caucuses
6:20 – 7:20pm: Negotiate Teflex Products.

7:30 – 8:30pm: Review Teflex Products.

* Pick up The DONS Negotiation (2-on-2).
Week Nine:

Individual Preparation for Week Eight:

* Prepare to negotiate The DONS Negotiation.
* Meet with your journal partner.
* Read Mnookin on professional and ethical dilemmas, and psychological and cultural barriers, 274-294; 156-172.

* You may choose to read 17 [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.

Class:

5:30 – 6:45pm: Negotiate The DONS Negotiation.
6:45 – 7:00pm: Record and turn in your outcome (One report for each pair of negotiators).

7:10 – 8:30pm: Review The DONS Negotiation.

* Pick up confidential instructions for Chestnut Village.
Week Ten:

Individual Preparation for Week Nine:

* Prepare to negotiate Chestnut Village.
* Meet with your journal partner.
* Read Mnookin on organizations and multiple parties, 295-314.

* You may choose to read 18 [W. McCarthy, The Role of Power and Principle in Getting to YES and R. Fisher, Beyond YES, 1 Neg. J. 59, 67 (1985) from the reading list.

Class:

5:30 – 6:00pm: Prepare to negotiate Chestnut Village by role.
6:00 – 6:30pm: Prepare to negotiate Chestnut Village by team.
6:30 – 7:30pm: Negotiate Chestnut Village.

7:40pm – 8:30pm: Review Chestnut Village.

* Pick up confidential instructions for MAPO - Administration Negotiation.
Week Eleven:

Individual Preparation for Week Eleven:

* Prepare to negotiate **MAPO - Administration Negotiation**.
* Meet with your journal partner.


Class:

5:30 – 5:45pm: MAPO – Administration Negotiation – Preparation by team.
5:45 – 6:00pm: 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.
6:00 – 6:15pm: Preparation by team.
6:15 – 7:30pm: Negotiate MAPO - Administration Negotiation

7:40 – 8:30pm: Review MAPO – Administration Negotiation.

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

Individual preparation for Week Twelve:

* Read and prepare to negotiate Harborco.
* Meet with your journal partner.
* Read Mnookin on hard-bargaining tactics, 24-25; 211-223; 147-48.

* You may choose to read 24 [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 25 [L. Susskind and J. Cruikshank, Breaking the Impasse: Consensual Approaches to Resolving Public Disputes, 152-162] from the Reading List.

Class:

5:30 – 7:00pm: Negotiate Harborco (6 parties).

7:10 – 8:30pm: Review Harborco.

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

Individual preparation for Week Thirteen:

* Read and prepare to negotiate WTC.
* Meet with your journal partner.

Class:

5:30 – 7:00pm: Negotiate/Facilitate Rebuilding the World Trade Center Site (5 parties and the facilitator).

7:10 – 8:30pm: Review Rebuilding the World Trade Center Site.

* Pick up confidential negotiations for the Bankruptcy Negotiation.
Week Fourteen:

Individual preparation for Week Fourteen:

* Read and prepare to negotiate the Bankruptcy Negotiation.
* Final meeting with your journal partner.

Class:

5:30 – 7:00pm: Negotiate the Bankruptcy Negotiation.
7:10 – 8:30pm: Review the Bankruptcy Negotiation & Course.