Intensive Negotiations Seminar
Fall 2012
Meeting Location: Room TBD

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Introduction

This course will introduce you to a variety of approaches to negotiations, improve your negotiation skills, and help you reflect on your own negotiation style.

The structure of this course emphasizes both theoretical and experiential learning. Since negotiation is something you learn by *doing*, we will engage in hands-on negotiation simulations throughout the course. These simulations are designed to enhance your skills, demonstrate concepts, and provide you with opportunities to experiment with various negotiation techniques. In addition, we will discuss theories of negotiation and use them to analyze the simulated negotiations. As a result, we will move back and forth between theory and practice, applying lessons from theory to our negotiation practice, and drawing lessons from our experience to critique theory.

We will examine a variety of contexts and problems that create a need for negotiation and raise questions about what it means to negotiate well. We will explore a systematic approach to negotiation that we think constitutes good advice about what to do when your interests or beliefs are in tension with others' and you cannot act unilaterally. We will also situate this model in a broader field of intellectual inquiry and discuss its special implications for lawyers.

At a general level, we will move from negotiations that involve fewer factors to ones that are more complex. By the end of the course, however, we hope that you will appreciate the layered complexity that was involved in what at first appeared to be simple negotiations.

Assignments and Evaluation of Learning

Participation. You are expected to participate productively in class discussions. Productive participation means that you contribute to class discussions – that you neither dominate nor stay silent (to the extent possible in a class of this size) – and your **participation will determine 40% of your grade.**

Throughout the course, you will participate in role-playing negotiation exercises. You will be assigned a role, partnered with one or more other students, given a case with instructions and confidential information, and asked to prepare and negotiate. When cases are handed out ahead of time, you should come to class thoroughly prepared to negotiate, which will take approximately 30 – 60 minutes, depending on the particular simulation. **Anything less than careful preparation will negatively impact your learning and that of your negotiation partner.** Ill preparation will also impact your participation grade.

As a general rule, you should try to do as well for yourself as you can in these exercises. As you will see, what this means can be problematic, and therefore you will not be graded directly on the outcomes. In many of the exercises, you will receive confidential information. You may reveal as much or as little of this information (or any other information) as you wish in the negotiation. Under no circumstances should you show another party your confidential information before or during a negotiation. Other negotiators must believe you, not a piece of paper. This rule reflects that character of actual negotiation, since there is seldom an external authority that can exert the influence that your instructions do. It would be a rare case where you could convince someone about a preference or a constraint simply by showing them a piece of paper.

It's not hard to defeat the purpose of these exercises. You can consult others who have played an exercise, deviate from the rules, or collude with your counterpart against the game. However, such practices are self-defeating. They undercut the richness of experience, deaden discussion, and distort outcomes. Since you are not being directly graded on the outcomes of these cases but rather on the learning that you derive from them, we trust that you will avoid these practices.

Attendance. Because the format of the class will center on classroom discussion and participation in negotiation simulations, **full attendance is required**. Since many of the simulations will be conducted in pairs or small groups, your absence – even for an hour – would not only affect your own learning but also that of your classmates. Please note that this class takes place over the course of four full Saturdays. **If you anticipate any conflicts during those weekends, please do not sign up for this class.**

Papers. You will be required to work throughout the semester on a project involving a personal negotiation. We will ask you to identify an issue in your life (professional or personal) to be negotiated. This can be a current negotiation you are involved in (e.g. negotiating with a firm over your salary), an issue you'd like to address (e.g. changing housework responsibilities with a partner or roommate), or a negotiation experiment (e.g. negotiating with car dealers for a new or used car). The purpose is to integrate our in-class learning with a real-life situation. You will be required to hand in a preparation paper for this negotiation, as well as a short paper (4-6 pages) reviewing the results. **The preparation and review papers will determine 30% of your grade.**

Final Project. You will be asked to negotiate a final role play with your classmates. The negotiation will be videotaped, and you will meet with the professor afterwards to review

your performance. The purpose is to put your learning into practice, both for conducting the negotiation and reviewing it. You will not be expected to be a "perfect" negotiator, as if such a thing existed, but you will be expected to be able to identify your own strengths and areas for improvement. **Your review session will comprise 30% of your grade.**

Required Reading

- *Getting to Yes: Negotiating Agreement Without Giving In*
  Roger Fisher, William Ury, & Bruce Patton
  Publisher: New York : Penguin Books, rev. 2011.
  ISBN: 0143118757

- *Difficult Conversations: How to Discuss What Matters Most*
  Douglas Stone, Sheila Heen, & Bruce Patton
  Publisher: New York, NY : Penguin, rev. 2010.
  ISBN: 0143118447

- Additional articles and other readings will be available on bspace. Several optional articles are also listed on the syllabus and available on bspace.

- Simulations will be distributed in class. Please note that there will be a charge of approximately $30 per student per semester for the purchase of role plays.

- Note: readings and assignments are typically listed on the syllabus on the date that they are DUE.

Schedule of Classes

1. Saturday, August 25th

INTRODUCTION TO NEGOTIATION. What is a "negotiation?" What are the common dynamics? How can you predict and control those dynamics? We will begin our course with an examination of negotiating patterns and assumptions. Then we will introduce a framework for interest-based negotiation. Using this model, we will discuss how to measure success and prepare systematically for a negotiation.

Class Schedule:

9:00 AM - 10:00 AM	Introduction and Purposes
10:00 AM - 11:00 AM	*Pepulator Pricing Exercise*
11:00 AM - 11:10 AM	Break
11:10 AM - 12:30 PM	*Pepulator Pricing Exercise* Debrief
12:30 PM - 1:30 PM	Lunch
1:30 PM - 2:15 PM	Measuring Negotiating Success Lecture
2:15 PM - 3:00 PM	Structured By-Side Preparation for *Alison's Art*
3:00 PM - 3:15 PM	Break
3:15 PM - 3:45 PM	*Sally Soprano* Role Play
3:45 PM - 4:15 PM	*Sally Soprano* Debrief
4:15 PM - 4:30 PM	Review and Close

Assignments for Class One:

- ✓ Read Fisher, Ury and Patton, *Getting to Yes*, all chapters
- ✓ Make a list of 3 upcoming or ongoing negotiations in your own life

2. Saturday, September 15th

CREATING AND DISTRIBUTING VALUE. Is the amount of value available in a negotiation predetermined? If not, how can we increase the size of the pie? We'll address the questions of how to grow, distribute and divide the value in a negotiation, and we will practice responding to difficult tactics.

Class Schedule:

9:00 AM - 10:00 AM	Guidelines for Conduct Lecture
10:00 AM - 11:00 AM	Negotiate *Discount Marketplace*
11:00 AM - 11:10 AM	Break
11:10 AM - 12:00 PM	Debrief *Discount Marketplace*
12:00 PM - 1:00 PM	Lunch
1:00 PM - 1:30 PM	Ultimatum Game
1:30 PM - 2:15 PM	Prepare for *67 Fishpond Lane*
2:15 PM - 3:00 PM	Negotiate *67 Fishpond Lane*
3:00 PM - 3:15 PM	Break
3:15 - 3:45 PM	Debrief *67 Fishpond Lane*

3:45 - 4:15 PM	Dealing with Difficult Tactics
4:15 - 4:30 PM	Review and Close

Assignments for Class Two:

- ✓ Hofstadter, "The Prisoner's Dilemma: Computer Tournaments and the Evolution of Cooperation"
- ✓ Goodpaster, "Competitive Negotiation"
- ✓ Read and prepare *Discount Marketplace* role play
- ✓ Optional: Malcolm Gladwell, "Talent Grab: Why Do We Pay Our Stars So Much Money?"

DUE by 5 PM on September 23rd: PREPARATION PAPER

3. Saturday, October 13th

LISTENING AND EMOTIONS. Why is listening a key aspect of negotiations? Why don't we listen effectively most of the time? How can we improve? How can we incentivize our counterparts to listen to us? How can we handle strong emotions that arise in a negotiation?

Class Schedule:

9:00 AM - 9:45 AM	Introduction to the Internal Voice
9:45 AM - 10:30 AM	The First Shift: Certainty to Curiosity
10:30 AM - 10:40 AM	Break
10:40 AM - 11:00 AM	Accuracy Exercise
11:00 AM - 11:40 AM	The Second and Third Shifts: Blame and Intent
11:40 AM -12:30 PM	Hot Buttons Exercise
12:30 PM - 1:30 PM	Lunch
1:30 PM - 2:30 PM	Structured By-Side Preparation Session for *Casino*
2:30 PM - 3:00 PM	Negotiate *Casino* Role Play
3:00 PM - 3:30 PM	Debrief *Casino* Role Play
3:30 PM - 3:40 PM	Break
3:40 PM - 4:15 PM	Dealing with Strong Emotions
4:15 PM - 4:30 PM	Review and Close

Assignments for Class Three:

- ✓ Read Stone, Heen, and Patton, *Difficult Conversations: How to Discuss What Matters Most*, all chapters
- ✓ Prepare a personal case dialogue (see worksheet)
- ✓ Read *Casino* role play

DUE by 5 PM on October 28th: REVIEW PAPER

Saturday, November 17th

MULTI-PARTY DYNAMICS. When should we hire agents as opposed to handling negotiations ourselves? When we hire an agent, how can we make sure they do a good job for us? How do negotiation dynamics change when there are multiple parties involved? What are the best ways to influence those dynamics?

Class Schedule:

9:00 AM - 9:30 AM	Introduction to the Principal-Agent Tension
9:30 AM - 10:00 AM	First Lawyer-Client Interview for *DONS* Role Play
10:00 AM - 10:45 AM	Lawyer-Lawyer Negotiation for *DONS* Role Play
10:45 AM - 11:00 AM	Break
11:00 AM - 11:15 AM	Client-Lawyer Debrief for *DONS* Role Play
11:15 AM - 12:15 PM	Guest Speaker: Bruce Budner
12:15 PM - 1:15 PM	Lunch
1:15 PM - 1:45 PM	*Harborco* By-Side Preparation
1:45 PM - 3:15 PM	*Harborco* Negotiation
3:15 PM - 3:25 PM	Break
3:25 PM - 4:00 PM	*Harborco* Debrief
4:00 PM - 4:30 PM	Review, Going Forward, and Evaluations

Assignments for Class Four:

- ✓ Mnookin, *Beyond Winning*, Chapters 3 and 12.
- ✓ Shell, "When Is It Legal to Lie in Negotiations?" 32 *Sloan Mgt. Rev.* 93-101 (1991).
- ✓ Read and prepare *DONS* role play
- ✓ Optional: Lizza, "As the World Burns: How the Senate and the White House Missed Their Best Chance to Deal with Climate Change"

DUE by November 26th: CONDUCT VIDEOTAPED NEGOTIATION EXERCISE
DUE by December 3rd : INDIVIDUAL REVIEW CONFERENCES