NEGOTIATION SEMINAR

Berkeley Law School – Spring 2014

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Class Topics and Assignment Schedule

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| Class # | Date | Class Topic and Simulation | Assignments Due Today |
| 1 | 1/6/146:25-9:05**Room 111** | Introduction to the Course, to Negotiation, and to Conflict Resolution* Dispute Resolution Spectrum
* Understand Spectrum of Legal Dispute Resolution Options
* Shell’s Six Foundations

Opening ExerciseNegotiate and Debrief – *Pat & Eugene* |  |
| 2 | 1/13/14 | **The Prisoner’s Dilemma*** Strategy for negotiation in context of repeat interactions
* Strategy for contexts that are not repeat
* How can you recover from a breach of trust?

Negotiate and Debrief: *Oil Pricing* | Read[[1]](#footnote-1): Shell: *Bargaining for Advantage*, Chapters 1-6. |
|  | 1/20/14 | **Martin Luther King Day** (Class does not meet – see make up day) |  |
| 3 | 1/27/14 | **Representing Clients & Yourself*** Understand point of view and fundamental attribution error
* Culture, context as often invisible information
* Tendency to make conclusion based on “biases”

*Representation Exercise*  | **Journal #1 Due**Ross &Ward, Naïve Realism |
| 4 | 2/3/14 | **Distributive Bargaining*** Legal Context for Bargaining/representing clients
* Anchoring and Framing
* Planning concession patterns
* Define BATNA, WATNA, ZOPA
* Give/Get/Guard

Prepare, Negotiate and Debrief: *Salt Harbor* | **Read**: Shell, *Bargaining for Advantage,* Ch. 7-10 |
| 5 | 2/10/14 | **The Art/Skill of Listening*** Benefits of listening
* Feelings are “facts”
* What to do with “Noise
* Active Listening
* Role of paraphrasing/reframing

MODE – Understanding your negotiation style; dealing with your opponent’s styleActive Listening ExerciseNegotiate and Debrief: *Landsale* | **Read**: Stone, *Difficult Conversations*, Shell, *Bargaining for Advantage, Appendix A***Prepare**: Assessment of your negotiation style |
|  |  | **President’s Day, no class** |  |
| 6 | 2/24/14 | **Elements of Integrative Bargaining*** Interests & positions defined
* Differences between intent and message
* How do you identify interests?
* Identifying yours and your client’s priorities
* Reciprocity

Negotiate and debrief: *Boll Weevil* | **Negotiation Journal #2 Due****Prepare for:** *Boll Weevil* negotiation |
| 7 | 3/3/14 | **Relationships, Power & Culture in Negotiations*** Possible trade-offs between relationship and negotiation
* Effect of cultural differences on negotiating style/outcome

Prepare and negotiate first portion of: *Mesquite Valley* | Shell: *Bargaining for Advantage*, Ch. 12 |
| 8 | 3/10/14 | **Relationships, Power & Culture in Negotiations, continued**Complete negotiation of and debrief: *Mesquite Valley* | Email negotiation to be completed by 3/17.**Negotiation Journal #3 Due** |
| 9 | 3/17/14 | **Negotiating Text of Documents*** Use of single text
* Addressing uncertainty in underlying facts

Prepare, negotiate and debrief: *Mercury*  | **Preparation memo** for *Mercury* |
|  | 3/24/14 | **Spring Break, no class** |  |
| 10 | 3/31/14 | **Multi-Party Negotiations*** Coalition Building
* Negotiating in Teams
* Multi-Party Negotiation Principles and Guidelines

Negotiate and Debrief: *climate change negotiation*  | **Read**: Handouts |
| 11/12 | 4/5(?)**Saturday Lab – meet from 9-1** | Class Make-Up Day (MLK and President’s Day)**Negotiate and Debrief Multi-Party Negotiation** |  |
| 13 | 4/7/14 | **Facilitated Negotiations and Consensus Building*** Guidelines for facilitation
* When facilitated Negotiations are typically used
* What to expect from a facilitator

Negotiate and Debrief: Menehune Bay | **Preparation Memo**: Menehune Bay Negotiation**Read**: Handouts |
| 14 | 4/14/14 | Short Class Presentations**Semester Review** | **Final Paper Due** |

1. The texts for this course are G. Richard Shell, Bargaining for Advantage (2006) and Stone, Patton & Heen, *Difficult Conversations* (2010). You should also read Fisher, Wry & Patton, *Getting to Yes*. Supplemental readings will be included in your course materials. [↑](#footnote-ref-1)