
NEGOTIATIONS SEMINAR SPRING 2025 SYLLABUS (as of 1/2/25)
U.C. BERKELEY LAW
LAW 245, SECTION 3

Professor: Christopher Hockett

[Berkeley Law Faculty Profile](#)

Email: chris.hockett@berkeley.edu

Phone: 415-509-6916

Office Hours: After class or on Zoom by appointment: <https://berkeley.zoom.us/j/6860377276>

Units: 2

Grading Designation: Graded

Mode of Instruction: In-Person

Meeting: M 6:25 PM - 9:05 PM

Location: Law 10

Course Start: January 13, 2025

Course End: April 7, 2025 (with a make-up class on April 11)

Overview

Negotiation is a crucial skill for lawyers across all fields, from commercial litigation and corporate law to public interest, government, and criminal practice. This seminar explores the fundamental role negotiation plays in these professional settings, as well as in the workplace and personal relationships. By integrating theory and practice, this course will equip you with the skills necessary to negotiate effectively. You'll explore a variety of negotiation techniques, strategies, and frameworks through weekly role-playing simulations, discussions, and reflections. These exercises will deepen your understanding of negotiation dynamics, including distributive and integrative bargaining, value creation, problem-solving, power dynamics, and ethical considerations.

The course is designed to offer an immersive and interactive learning experience. Through readings, hands-on negotiation simulations, debriefs, and writing assignments, you'll learn by doing, reflecting, and iterating. You'll gain analytical tools to prepare for negotiations, enhance your skills, and understand the broader legal and ethical contexts of negotiation, including special implications for lawyers. The course moves from negotiations with fewer factors to more complex scenarios, helping you appreciate first-hand the nuanced challenges that they

present. As the course progresses, you will learn how to refine your personal negotiation style and develop tools for self-awareness, adaptability, and ongoing self-improvement.

Learning Outcomes

Students in the course will be expected to achieve the following Berkeley Law Learning Outcomes:

- Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- Exercise of proper professional and ethical responsibilities to clients and the legal system;
- Other professional skills needed for competent and ethical participation as a member of the legal profession; and
- Using the law to solve real-world problems and to create a more just society.

Course-Specific Learning Outcomes

By the end of the semester, students should be able to:

- Systematically prepare for negotiations in a wide range of contexts
- Distinguish positions from interests in negotiations
- Distinguish between distributive and integrative bargaining
- Explain the functions of the best alternative to a negotiated agreement (BATNA); recognize and use BATNA in negotiations
- Build rapport and credibility with negotiation partners and know how to obtain relevant information about their interests and alternatives
- Identify the zone of possible agreement (ZOPA) in negotiations
- Understand the phases of a negotiation, and the actions typically taken in each
- Formulate, execute, and respond to a range of negotiation strategies and tactics
- Understand methods of dealing with emotions and conflict in negotiations
- Formulate and apply psychological principles of successful negotiations
- Ask high-quality questions of negotiation partners and listen carefully to the answers
- Communicate effectively in the negotiation context
- Engage in constructive reflection and self-assessment about their negotiation performance to keep improving

Attendance Policy

The course attendance policy is unusually strict, because much of our learning takes place during in-class simulated negotiation role-plays in pairs or small groups. Attendance for each class meeting is mandatory, because absences frustrate not only your own learning but the learning opportunities of the students you are partnered with in that day's simulation. **Students who cannot make the commitment to attend every class session on time should not enroll in the course.** If an unavoidable medical or family emergency arises, please notify me as soon as

possible so that we can strategize to salvage the simulation for the remaining students in your group. **Unexcused absences will affect your score.**

Readings

Course readings will be drawn from a variety of books, articles, and other sources, many oriented to a lay audience. The amount of assigned reading will reflect the two-credits of the course, but the material is generally easier to absorb (and potentially more interesting) than the typical casebook assignment. The required texts are:

- G. Richard Shell, *Bargaining for Advantage: Negotiation Strategies for Reasonable People*, 3rd Edition Penguin Books ISBN: 9780143036975
- Robert H. Mnookin, Scott R. Peppet, Andrew S. Tulumello, *Beyond Winning: Negotiating to Create Value in Deals and Disputes*, Edition: 2004, Belknap Press ISBN: 9780674012318
- Roger Fisher, William L. Ury, Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In*, Edition: 2011, Penguin ISBN: 9780143118756
- *Mandatory Role Play Case Files* (available from the Berkeley Law Bookstore)

I will distribute the role-play simulations to you electronically or in class. **But you must purchase a license for the required role-play materials from the Bookstore.** Any other required readings will be made available on the course website.

Assignments and Evaluation of Learning

Preparation and Participation. You are expected to prepare for and participate productively in class discussions. Productive participation means that you contribute to class discussions – that you neither dominate nor stay silent. **Your preparation/participation will determine 50% 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 for your side only, and asked to prepare and negotiate. A few simulations will take place between class meetings. I will assign you a role in each simulation, and provide all the information you will need to use for the exercise.

When cases are handed out ahead of time, you should come to class thoroughly prepared to negotiate. Each negotiation will take from 30 – 90 minutes, depending on the particular simulation. **Anything less than careful preparation will negatively affect your learning and that of your negotiation partner. It will also affect your preparation/participation grade. Starting with Class #3, you will be expected to come to class with a written negotiation preparation plan (which we will cover how to do in Class #2).**

In many of the exercises, you will receive confidential information. You may reveal as much or as little of this information as you wish in the negotiation. **However, under no circumstances should you show another party your confidential information before or during a negotiation.**

One more note about how to approach these exercises. If you tried, it would be pretty easy to defeat their purpose. You could ask others who have played the exercise for advice, stray from the rules, or team up with your negotiating counterparty to game the process. But those actions would only hold you back from learning what the course has to offer. They take away from the depth of your experience, stifle meaningful discussion, and skew the results. Remember, it's not the outcomes of these simulations that are graded, but the insights and understanding you gain from them. I have faith that you will engage with integrity.

Paper. You will use the tools from this course to write a preparation paper for a real-life negotiation. You can choose a current negotiation you are involved in (e.g., negotiating over the terms of a job), 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, and that **preparation paper will determine 20% of your grade.**

Final Project. You will be assigned a final role play negotiation with your classmates outside of class. The negotiation will be videotaped on Zoom, and afterwards you will meet with me individually 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.**

Laptops, Note Taking, and Use of Electronic Devices

You may use a laptop or other device to access assignments during class. However, I strongly encourage you to take hand-written notes, as research shows that students absorb information better this way. I suspect that effect is even stronger in an experiential learning class like this one. Except for class-related activities, you may not use the internet, text or use apps during class.

Deadlines

Timely submission of assignments is an important part of professionalism. Accordingly, I will expect you to submit your mid-semester preparation paper by the due date. I understand, though, that extenuating circumstances might prevent you from doing so. If you need to submit an assignment late for a valid reason (e.g., illness or family emergency), please email me before the due date or as soon as possible in light of the circumstances. I will be happy to provide you with an extension if necessary. However, if you fail to communicate with me, unexcused late or incomplete submissions will result in reduced points.

School Policies

- 1) A “credit hour” at Berkeley Law is an amount of work that reasonably approximates three to four hours of work per week for 15 weeks, including a) classroom time, b) time spent preparing for class, c) time spent studying for, and taking, final exams, d) time spent researching, writing, and revising papers and other written work, and e) time spent preparing for and completing any other final project, presentation, or performance. For the purposes of these calculations, 50 minutes of classroom instruction counts as one hour, and the 15 weeks includes the exam period. You can expect to spend this amount of time per unit per week on in-class and out-of-class course-related work as described above. This class is **two credit hours**, and our class meetings will account for roughly **32 hours** of “classroom instruction.” Doing the Berkeley Law credit hour math from there means that **you should reasonably expect to spend 6 to 9 hours preparing for each class**. Please note that this preparation time may not be evenly spread out throughout the semester.
- 2) Students who need classroom accommodations or want to discuss implementation of their accommodations in this class are advised to contact Kyle Valenti, Director of Student Services (kvalenti@law.berkeley.edu) as soon as possible.
- 3) The Academic Honor Code [[Academic Honor Code](#)] governs the conduct of all students during examinations and in all other academic and pre-professional activities at Berkeley Law.
- 4) If you are in need of economic, food, or housing support, you can find help at basicneeds.berkeley.edu. You may be eligible for money to buy groceries via calfresh.berkeley.edu or our [Food Assistance Program](#). If you are in need of food immediately, please visit our UC Berkeley Food Pantry at pantry.berkeley.edu

The University of California is committed to creating and maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the community should be aware that the University prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior (“Prohibited Conduct”) that violates law and/or University policy. The University will respond promptly and effectively to reports of Prohibited Conduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy. For the complete UC Policy, definitions, compliance and procedures, please access the full text: <http://policy.ucop.edu/doc/4000385/SVSH>.

Resources: If you have further questions or concerns about reporting behavior related to sexual harassment, sexual violence, and/or protected category discrimination, please contact the Office for the Prevention of Harassment and Discrimination (OPHD) by phone 510-643-7985 or email ask_ophd@berkeley.edu.

Path to Care Center Confidential Advocates provide affirming, empowering, and confidential support for those that have experienced gendered violence, including: sexual harassment, emotional abuse, dating and intimate partner violence, sexual assault, stalking, and sexual exploitation. Advocates bring a non-judgmental, caring approach to exploring all options, rights, and resources. They can be reached by phone (510) 642-1988 or email <http://sa.berkeley.edu/dean/confidential-care-advocate>.

Syllabus

This syllabus sets forth my best expectation of how the course will unfold. But there may be changes along the way! I will make sure to inform you of any changes in class or by bCourse announcements.

Class	Topics	Reading/Activity Before Class
Class #1 Jan. 13	<ul style="list-style-type: none"> • Introduction and course overview • Negotiation fundamentals • Feedback guidelines 	<ul style="list-style-type: none"> • Syllabus • <i>Getting to Yes</i> ("GTY"), Chapters 1-2 • <i>Bargaining For Advantage</i> ("BFA"), Intro and Chapters 1-2; ignore Appx. A for now
No Class – MLK Day Holiday Jan. 20		One simple and short out-of-class negotiation during this 2-week period
Class #2 Jan. 27	<ul style="list-style-type: none"> • Debrief out-of-class negotiation • How to prepare for a negotiation • Structured by-side prep for in-class role play 	<ul style="list-style-type: none"> • Email results of out-of-class negotiation • BFA, Chapters 3-7 • Preparation form (will be posted on bCourse site) • Review and prepare for role play
Class #3 Feb. 3	<ul style="list-style-type: none"> • Assessing your negotiating style • Distributive negotiations and claiming value 	<ul style="list-style-type: none"> • Bargaining Styles Assessment (BFA, Appx. A) • <i>Beyond Winning</i> ("BW"), Chapters 1-2 • Prep for role play (written plan)

No Classes Feb. 10 and Feb. 17		One out-of-class negotiation during this 3-week period
Class #4 Feb. 24	<ul style="list-style-type: none"> • Debrief out-of-class negotiation • Integrative negotiation: creating value • Interests versus positions 	<ul style="list-style-type: none"> • GTY, Chapters 3-4 • Goodpastor, "A Primer on Competitive Bargaining", required reading only pp. 341-49 and 370-77 • Prep for role play (written plan)
Class #5 March 3	<ul style="list-style-type: none"> • Mechanics of the bargaining process, part one • Information gathering: asking good questions, listening, and building rapport 	<ul style="list-style-type: none"> • BFA, Chapter 8 • Podcast (to be assigned) • Prep for role play (written plan)
Class #6 March 10	<ul style="list-style-type: none"> • Mechanics of the bargaining process, part two • First offers, "anchoring," idea generation, objective criteria, concessions, impasses, obtaining commitment 	<ul style="list-style-type: none"> • BFA, Chapters 9-11 • GTY, Chapter 5 • Prep for role play (written plan)
Class #7 March 17	<ul style="list-style-type: none"> • Principal-agent relationships • Settlement of legal disputes • Working with clients 	<ul style="list-style-type: none"> • BW, Chapters 3-4 • Prep for role play (written plan)
No Class – Berkeley Spring Break March 24		One out-of-class negotiation during this 2-week period
Class #8 March 31	<ul style="list-style-type: none"> • Debrief out-of-class negotiation • Ethics of negotiations: bluffing, lying and hiding information 	<ul style="list-style-type: none"> • BFA, Chapter 12 and Appendix B • BW, Chapter 11 • CA Ethics Opinion No. 2015-194 • CA Ethics Opinion No. 2013-189 • Prep for role play (written plan)

Class #9 April 7	<ul style="list-style-type: none"> Emotions, motivations, power, leverage, and conflict 	<ul style="list-style-type: none"> GTU, Chapters 6-8 BW, Chapter 8 Prep for role play (written plan)
Class #10 April 11 at 2:30 pm(Friday make up class)	<ul style="list-style-type: none"> Multi-party negotiations 	<ul style="list-style-type: none"> BW, Chapter 12 Prep for role play (written plan)