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 | 1/6/14  6:25-9:05  **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 Exercise  Negotiate 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 style  Active Listening Exercise  Negotiate 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)