

UNIVERSITY OF PENNSYLVANIA
THE WHARTON SCHOOL
DEPARTMENT OF LEGAL STUDIES

LEGAL STUDIES 206 SYLLABUS
Spring 2006
MORI TAHERIPOUR

NEGOTIATION AND DISPUTE RESOLUTION

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Course Objectives: Our time together, both in class and electronically, will be focused on enabling you to become a more effective negotiator. This effectiveness in negotiating requires many things, including:

- The creativity to execute deals that others might overlook;
- Knowing when to walk away;
- The patience and insight to understand the expense of litigation and other alternatives and to settle costly disputes;
- The strategic skill to get your fair share of what is negotiated;
- The insight to recognize ethical traps – and the wisdom to avoid them;
- Understanding the importance of relationships;
- The ability to work with people whose backgrounds, expectations, culture, and values differ from your own; and
- The capacity to reflect and learn from your experience

This course links both the science and art of negotiation. It will give you the opportunity to identify your strengths as a negotiator and to work on your relative weaknesses. More fundamentally, the course will provide both a conceptual framework to diagnose problems and promote agreement in a range of settings from your workplace to your home.

Assigned Reading: G. Richard Shell, Bargaining for Advantage: Negotiation Strategies for Reasonable People (Penguin 1999); Roger Fisher, William Ury & Bruce Patton, Getting to Yes (Penguin 1991). Bulk Pack of additional readings. Also, a complete recommended readings list will be distributed later in the course.

Recommended Reading: Max H. Bazerman & Margaret A. Neale, Negotiating Rationally (Free Press 1993).

Guest Speakers: A number of guest speakers will be scheduled outside of class time. You are required to attend or view two (2) of these lectures via the Wharton Video Network. A JOURNAL ENTRY MUST BE DELIVERED UPON SEEING THESE TWO SPEAKERS.

GRADING FACTORS

Note well. Nothing is accepted late. **Late assignments may receive a failing grade.** Missing even a single class will disrupt the learning environment in this course. **If you miss two classes you are doing a tremendous disservice to the learning environment and the instructor may give you a failing grade** in the course absent medical excuses.

1. **Personal Experience Journal** (15% of your grade). See the “Guidelines” attached to this syllabus for a description of what the journal requires and how it is graded. Journals are due via Web Café prior to the classes indicated in the syllabus.

Journals grades are based on the following criteria: **C** for having an entry on each classroom exercise and doing the additional essay on ethics; **B** for doing the “C” level and, in addition, showing a serious, explicit attempt to grapple with personal experiences as well as classroom exercises and accurately referencing the conceptual materials, readings, and lectures as they apply; **A** for achieving the “B” level and, in addition, regularly weaving in personal insights, real-world examples and negotiation concepts from the readings -- including specific citations -- together in a compelling way. At the margin, the grades will depend on overall effort, including personal frankness and reflection. Authenticity is what counts.

2. **Peer Evaluations** (20%): You will rate your classmates on three categories using a 1-10 scale (with 1 being poor and 10 being excellent). The categories are as follow: 1) Overall preparation and commitment to the exercises, 2) skill in one-time negotiations where the future relationship does not matter much, and 3) skill in negotiations where the future relationship matters significantly. The peer evaluations will be completed using an evaluation tool **AT THE END OF THE COURSE** on Web Café. It is your responsibility to keep track of your evaluations of your fellow students after each negotiation exercise until you are able to access the tool at the end of the semester. The summary of the results of the evaluation will be posted at the end of the semester, showing the top performers in each category.

3. **Negotiation Performance** (10%): Discretionary points based on professor’s evaluation on negotiation performance and class participation will be incorporated here as well. This will include the ranked grading of individual performances on negotiations to be designated after each negotiation occurs. **NON-PARTICIPANTS RECEIVE AN “F”.**

4. **Analytical Paper** (30% of your grade: 6-8 pages, double-spaced). This paper should focus on some high profile negotiation of the past or present. The paper should display the facts of the negotiation, related negotiation research, as well as your analysis. **Turn in your topic in Class 8.** The paper is due in the final class. This is your chance to demonstrate your ability to analyze negotiations as a consultant, advisor, or strategist for others – something we will do throughout the course. **DO NOT USE THE PAPER TO WRITE ABOUT A PERSONAL NEGOTIATION YOU FACE OR HAVE FACED IN THE PAST.** This topic is best suited for your journal entries. **LATE PAPERS WILL RECEIVE AN “F”. THERE WILL BE NO EXCEPTIONS.**

Viable topics may be found in Sports and entertainment (NHL, salary negotiations, stadium financing

deals), history (end of the Korean War, Cuban missile crisis), business (AOL-Time Warner, Disney/Pixar, RJR Nabisco merger). The topic should be of interest to you and have enough information available where you can do an in-depth analysis of the negotiation. If you choose to do a topic that is not well documented - you may be doing yourself a disservice as this will require more work on your part. However, if it is a topic that truly interests you, you can look into the history of the various parties involved in the negotiation, where you may find richer documentation or find alternative ways of getting undocumented information, such as interviews with insiders. Adequate research will require that you have more than just a few newspaper articles. You must be able to tie your analysis to topics that we discuss in class or those that you have seen in the readings; your analysis must reflect what you have taken away from this course.

5. Personal Negotiation Description and Strategy “Real World Negotiation”: (15%) In week 4 (on 2/6/06), you are required to submit, in class, a hard copy of a current or past negotiations experience, of a personal, business or academic nature. Also include an application of course principles which could be used to resolve the negotiation. This document should be no longer than one page. **PLEASE SUBMIT ONLY A HARD COPY IN CLASS 4 (on 2/6/06).**

6. Personal Ethics School (10%) A **half page** description of your personal ethics school, based upon the readings, specifically three schools of ethics described in *B for A*. **PLEASE SUBMIT ONLY A HARD COPY IN CLASS 8 (on 3/27/06).**

CLASS TOPICS AND ASSIGNMENTS

Class 1: Monday, January 9, 2006

Distributive Bargaining: The “Zone of Agreement.”

Read: Bulk Pack (“BP”) Item #1 and #9 (on recruiting negotiations)

Recommended: Negotiating Rationally Chapter 1, 2 & 9.

Class activity: Negotiate “Cessna” and “SUV.”

No Class: Monday, January 16, 2006

*Class 2: Monday, January 23, 2006

Foundations #1 and 2: Bargaining Styles and Expectations.

Read: Bargaining for Advantage (B for A) Introduction and Chapters 1-2; BP #2, 3, 4

Recommended: Negotiating Rationally Chapter 3, 4 & 7

Class activities: Negotiation Style Analysis. Negotiate “New Recruit” and “Appleton.”

Distribute “House Sale” **Principal and Agent must negotiate their arrangements prior to the start of the next class.**

(Submit your first journal entries on your course goals and either “Cessna” or” SUV”.)

Class 3: Monday, January 30, 2006

Foundations #1, #4 and #5: Bargaining Style Relationships and Interests.

Read: B for A, Chapters 4 and 5

Recommended: Negotiating Rationally: Chapter 5

Class activity: Negotiate and discuss “Opera Problem.”

*Class 4: Monday, February 6, 2006

For this session only, report to the class room, with your “House Sale” results, at 4:15. You should negotiate the case from 3:00-4:15.

Foundation #3: Standards & Agents.

Read: B for A, Chapter 3; BP #5 and #6

Recommended: Negotiating Rationally Chapter 15

Class Activity: Negotiate and discuss “House Sale.”

(Submit a one page, hard copy of a real world negotiation you are or were involved in.)

Class 5: Monday, February 13, 2006

Foundation #6: Leverage.

Read: B for A, Chapter 6; Negotiating Rationally Chapter 8

Class Activity: “Pheasant Egg”

No Class: Monday, February 20, 2006

Class 6: Monday, February 27, 2006

Trust and Commitment

Read: BP #7-8

Recommended: Negotiating Rationally Chapters 13 – 14

Class Activity: “Carpet Wars.”

No Class Spring Break, March 4 - March 12, 2006

***Class 7: Monday, March 13, 2006**

Ethics

Read: B for A, Chapter 11

Class activity: “ACME Roofing.”

(Submit a journal entry on Pheasant Egg or Carpet Wars.)

No Class: Monday, March 20, 2006

***Class 8: Monday, March 27, 2006**

Negotiation Analysis, Preparation, and Coalitions.

Read: Getting To Yes (ALL); B for A, Chapter 7, and (optional) BP #8.

Class Activity: Negotiate “Federated Science Fund.”

(Submit a half-page paper on your personal approach to ethics, using discussed framework and B for A Chapter 11. A one paragraph description of your paper topic is due today as well.)

Class 9: Monday, April 3, 2006

The Four Stages of Negotiation in Multi-Issue Situations and Cross Cultural Negotiations

Read: B for A, Chapters 7, 8, 9, 10; BP #10-11, 14-15

Class Activity: "Alpha Beta"

***Class 10: Monday, April 10, 2006**

Multi-Party Negotiations

Prepare: BP #12.

Class activity: "Harborco."

(Journal entry on Acme or Federated Science Fund due before class.)

***Class 11: Monday, April 17, 2006**

TBD

Prepare: Work on final paper and journal entries.

Class activity: TBD

(Final journal entries (focusing on how well you accomplished your goals and on what you will be doing to prepare negotiations going forward) and papers are due.)

** Indicates a journal entry or other assignment is due prior to this class.*

LGST 206 JOURNAL

DUE VIA WEBCAFE PRIOR TO CLASSES INDICATED ON SYLLABUS

GUIDELINES

Journal entries should be transmitted any time before the class indicated. Journal entries should be made on the cases indicated in the syllabus. The journal is a confidential, written record of your personal learning. It can become the beginning of a lifelong project to improve your ability to negotiate. The instructor will provide comments and advice on timely journal submissions.

KEY! The first entry in the journal should be a statement of your specific goals for the course. The last entry should be a review of these goals, a summary of what you feel you accomplished during the semester, and a survey of what you still need to work on.

Record the insight gained and the application of negotiation principles you learn from lectures and readings. The important lesson here is to bring your practice under your conscious control and attention.

Use the journal to explore your real feelings about the negotiation process and your developing sense of competence, incompetence, comfort, or discomfort. **BE AS CANDID AS POSSIBLE ABOUT YOURSELF AND OTHERS.** Note that the best journals spend more time exploring what the author can do to improve and less time blaming others for having various faults, defects, and failures.

Any breach of this confidential communication between each student and the professor/TA by another student will be considered a serious violation of the Code of Academic Responsibility. Therefore, you should be as specific as possible in identifying others and relating your reactions to their behavior.

Model Negotiations Journal Form: LGST 206

(Try to keep each entry on each case or real world event to one page – see next page for a sample to use in submitting your journal).

START A NEW FILE FOR EACH NEW ENTRY.

Journal Entry #:

Your Name:

Counterparts' Name(s) (if in class):

Date:

Name of Negotiation Exercise (or Real World Event):

1. **Facts.** What interesting or surprising things happened? BE AS BRIEF AS POSSIBLE – NO NEED TO REPEAT THE ENTIRE SEQUENCE OF MOVES!!
2. **Mistakes.** What did you do that you should not have done (i.e. opened too soon; trusted too much, gave away a concession too easily) and/or what did you NOT do that you should have done (i.e. probed better, closed with more clarity, etc.)?
3. **Insights into your personal style/habits/instincts.** What personal insights did you take away from this experience that can help you gain more confidence and control as a negotiator next time?
4. **Tools/concepts/models.** How, if at all, did this experience relate to the negotiation tools (use of standards, relationships, interests, leverage, etc.), readings (on style, gender, emotion, teams, coalitions, interest-based negotiations, etc.) or conceptual models (distributive versus integrative bargaining, scarcity effects, audience effects, etc.) you are learning about?

SAMPLE JOURNAL ENTRY FOR A REAL-LIFE HAGGLE EXPERIENCE

Journal Entry #: 4

Your Name: Jane Doe

Counterparts' Name(s): Jim (Fitness Club Supervisor)

Date: October 3, 2001

Name of Negotiation Exercise (or Real World Event): "My Hagggle with a Fitness Club"

1. **FACTS.** Fitness Club replaced the type of weight lifting equipment I like two weeks after I joined. Asked the person at the desk for refund so I could join another club that had the right equipment. Desk person: "The club does not give refunds as a matter of policy." I asked to see a supervisor; made the same request; got the same answer. Took a break, went to the bathroom and thought it over. I realized that the reason I needed the particular equipment was to follow a physical therapy routine given me by a physician. Several pieces of equipment removed did not have equivalents in the new type. I returned to the supervisor and laid out my reasons for not being satisfied with the new equipment; offered to show the supervisor my medical records. He said it was still the policy not to grant refunds. "I understand the policy. Have you ever made an exception to that rule for medical or hardship reasons?" I asked. He looked at me a moment and offered to refund the balance of the fee, after taking out first month. I accepted!

2. **MISTAKES.** Should have been better prepared and had my reasons and even a copy of my physical therapy regime with me when I opened. This would give me credibility. I should also have gone to the supervisor in the first place. Find the decision-maker! Finally, I should have pushed a little at the end and asked what the problem was with getting a refund for the full time I was foregoing the Club. I gave up as soon as he said "yes." I could also have offered to bring in a new customer as a way to replace my membership (did not think of that until later).

3. **INSIGHTS.** I was proud to have bolstered my credibility with the medical record offer and to have pushed past the club standard by asking about exceptions. This shows I can think on my feet better than I realized. But I tend to "wing it" a lot and just see what happens. I am lazy! And I do not want to think about possible confrontations, which make me uneasy. This will take some effort. I am persuasive when I have a very good reason justifying something I am asking for. My tactful and polite M.O. can be an asset -- helped me in this. The supervisor had no reason to get impatient with me.

4. **TOOLS/CONCEPTS.** 1. Target Decision-makers (Chap. 5 BfA). 2. Standards (Chap. 3 BfA): When arguing against a standard or policy, look for a standardized exception to the policy. This gets over the consistency principle problem for the decision-maker.

Negotiations Journal Template: LGST 206

(Try to keep each entry equivalent to one page on webcafé)

Journal Entry #:

Name of Negotiation Exercise (or Type of Real World Event):

Your Name:

Counterparts' Name(s):

Date:

1. Facts.

2. Mistakes.

3. Personal insights.

4. Tools/concepts/models.