

**UNIVERSITY OF PENNSYLVANIA
THE WHARTON SCHOOL
DEPARTMENT OF LEGAL STUDIES**

**LGST 206-408
OPIM 291-408
MGMT 291-408**

**Spring 2006
Wednesday 3:00 PM – 6:00 PM**

NEGOTIATION AND DISPUTE RESOLUTION

INSTRUCTOR: Steven G. Blum
Telephone: (215) 898-1222
Office hours: Thursday 12:30–1:30 PM and by
appointment.
Office: 653 JMHH

ROOM: The course will meet in Room SHDH 209.
Other rooms may be employed for negotiating exercises. There will be
several mandatory Practitioner Lectures. The times and places
of those lectures will be announced.

READINGS:

- Fisher, Ury & Patton, *Getting To Yes*, Penguin, 1991.
(Required)
- Fisher & Brown, *Getting Together: Building Relationships As We Negotiate*, Viking Penguin, 1988.
(Required)
 - Shell, *Bargaining for Advantage*, 1999 (Required)
 - Bulk Pack of readings to be purchased at Wharton
Reprographics. (Required)

RECOMMENDED (but beyond the scope of our course):

- Lax and Sebenius, *The Manager as Negotiator*, The Free Press, New York, 1986.
- Goleman, Daniel, *Emotional Intelligence*, Bantam Books, New York, 1997.
- Gilligan, Carol, *In a Different Voice*, Harvard University Press, Cambridge, Mass., 1982.
- Carnegie, Dale, *How to Win Friends and Influence People*, Pocket Books, New York, 1982.

COURSE FORMAT

The course will include lectures, class and case discussions. However, a series of simulated negotiation exercises is central to the course. Students will meet with other students outside class to conduct many of the negotiations. Other exercises will require students to meet in teams between classes in preparation for negotiations that will take place in class.

Students should consider carefully whether they can make a commitment to attend class. You are expected to participate in all negotiation exercises and class discussions. Unlike some classes, each student's ability to gain value from this course depends on every other student's active contribution and commitment. Moreover, in-class negotiations obviously will not work if one or more of the key parties are not there. To make sure that this course works well for everyone, **MISSING MORE THAN TWO CLASSES OR LECTURES DURING THE SEMESTER WILL RESULT IN YOUR GRADE BEING LOWERED ONE FULL LEVEL.** If you must miss a class, advance notice to the professor is essential to ease the disruption that will be caused by your absence. In addition, a student arriving after the class has begun will be recorded as late and be charged one half of a missed class.

Students are expected to complete all assignments by the date stated in this syllabus. Many (although not all) of the readings correlate with a particular class. It is important that each reading be studied on time and discussed at the appropriate place in the journal.

COURSE REQUIREMENTS

1. Graded Negotiations: You will be graded relative to like-situated students on various negotiation exercises during the semester. Those exercises which are graded will account for a total of 20% of the final grade in the course.
2. Journal: Each student will keep a journal that analyzes and discusses each negotiation, explores what learning occurred in each simulation, reflects thoughtfully on the assigned readings, discusses class discussions and lectures, and chronicles your learning and thinking as the course progresses. A handout labeled "Journal Guidelines" (attached) further discusses the journal requirement. Journal submissions must be turned in to the Instructor in a timely manner, as indicated in this syllabus. The journal will account for a total of 25% of the final grade in the course.
3. Quizzes: There will be two quizzes in the course of the semester. They will not be announced in advance. (They will be "surprise quizzes.") Each of them will account for 10% of the final grade in the course.
4. Class Participation: The Instructor's evaluation of your class participation – evidence of thought, effort and involvement in the enterprise of learning in this course – will account for a total of 35% of the final grade in the course. Among the factors used to make that evaluation will be your attendance and involvement in all course requirements – including lectures, discussions and negotiation exercises.

LGST 206 JOURNAL GUIDELINES

Students should use the journal to explore their feelings about the negotiation process and note any experiences that take place during the semester outside of class that put the lessons learned in the course to use. The first entry in the journal should be a statement of why you enrolled in the course and what you hope to gain from it. This includes setting some goals for yourself for our work together this Semester. The final entry should be a summary of what you feel you have learned and what needs more practice or further study.

Regarding each exercise, ask yourself:

PRE-NEGOTIATION ENTRY

- What kind of situation am I facing? What are my goals and expectations for this negotiation? What uncertainties do I confront?
- What would be good preparation? Have I done it?
- What strategy should I adopt?
- What skill(s) will I try to exhibit or test?
- What would be a "good outcome" of this negotiation?

POST-NEGOTIATION ENTRY

- What did I learn about negotiation from this exercise?
- What did I learn about myself in this exercise? About others?
- What surprised me about my behavior? About the behavior of others?
- What would I do differently if I had it to do over again?
- What readings from the course apply to this exercise? Were they useful? Why? In what ways do these readings help me to understand what happened? Do the readings suggest how I might have done better in this negotiation situation.
- Which in-class presentations or discussions help me understand what occurred. Do they suggest other approaches I might have tried?
- Was the result a "good outcome?" Can I think of ways that it might have been a "better outcome?"

For each negotiation exercise and real world experience you have during the semester, record the insight gained and the application of negotiation principles you learned from the classes and the readings.

Use your journal to explore real feelings about the negotiation process and your developing sense of competence, comfort (or discomfort), and technique. Be candid about yourself and others. Ask the questions: "what

were the most important things I learned about myself and about the negotiation process from each exercise? What mistakes did I make that I can avoid in the future?"

What negotiation concepts and principles applied to this exercise? Show me that you understand the concepts from the readings and lectures by applying them to your discussion of exercises and experiences. (And use some basic form of citation to let me know where the ideas came from.) Did they offer you help in reaching a better outcome? How?

AVOID ENTRIES THAT SIMPLY RELATE THE SEQUENCE OF OFFERS AND RESPONSES AND REPORT A FINAL RESULT.

The journal is intended to be a place to explore and document all the learning that you are doing in the course. As a result, you should try to be as specific as possible in explaining your thinking. In addition, it may be valuable to include any work you do in preparation for, or during, a negotiation that helps your reader understand your thinking or actions.

Students in this section will be reading and commenting upon each other's journals. Please keep that in mind as you write. (If a particular entry in your journal seems inappropriate for sharing with other students, please see the Professor about it.)

REMEMBER: This journal is a written record of your personal learning. It should begin with goal setting, and end with a section on how you have done in reaching for those goals, what else you have learned, and what you should continue to work on.

I hope you enjoy the process of reflection and writing which this Journal asks of you. For some of your colleagues, it has become a lifelong project to improve their ability to negotiate and get "good outcomes" for themselves in life. Perhaps it can become that for you, as well.

Class 1 (1/11) Introduction and Course Overview

In Class: What is this course about?

Negotiate Case 1.

Readings: Begin to read Getting to Yes.

Assignment: Hand out Case 2 (to be completed before next class)

Class 2 (1/18) Distributive Bargaining

In Class: Discuss Case 2 (hand in result sheets)

In class lecture on BATNA

Readings: Getting to Yes, Chapters 1, 2 and 3 and 6.

Assignment: Hand out Case 3
(to be completed before next class)

Class 3 (1/25) Elements of Negotiation

In Class: Discuss Case 3
(hand in results sheets).

Presentation and discussion of Elements of Negotiation

Readings: Getting to Yes, Finish the book.

Assignment: ---

Class 4 (2/1) Trust

In Class: Negotiate Case 4 in class.

Readings: If you have not finished Getting to Yes, this is your time to do it.

Assignment: 1. Hand in Case 4 result sheets at the end of class.

2. Case 5 will be handed out and negotiated outside of class on videotape.

Sign up for a time to negotiate Case 5 with your negotiating partner on videotape. Videotape should be no longer than 1/2 hour and should be clearly identified with your names. Negotiations need not be completed during the tape; negotiators may continue bargaining off-camera beyond the 1/2 hour if more time is needed to reach agreement. The negotiation must be completed before the class discussion of Case 5 in Class 7. You must review your videotape with your partner and two other tapes (can be viewed alone) and write a journal entry about what you observe about your own and others' styles.

Class 5 (2/8) Issues Surrounding Trust

In Class: Finish discussion of Case 4.

Finish Discussion of Case 3.

Reading: Bulk Pack #1: "The Problem of Cooperation"

Getting Together, Chapters 1 through 5.

Assignment: 1. Finding "real world examples."

2. Hand out Case 6 (to be completed before class 7.)

Class 6 (2/15) NO CLASS

Class 7 (2/22) Creating Value

In Class: Presentation and discussion of theoretically optimal outcomes and real world strategies for creating joint gains. Where does value come from?

Discussion of Case 5.

Debrief Case 6.

Readings: Bulk Pack #2: "Creating Value or Where Do Joint Gains Really Come From?"

Getting Together, Chapters 6 through 9.

Assignment: Gathering "real world examples."

Class 8 (3/1) Measures of Fairness

In Class: Finish discussion of Case 6 (hand in results sheets).

Readings: Re-read Getting to Yes, Chapter 5.

Getting Together, Chapter 10 and finish the book.

- Assignment:
1. Hand out Case 7(to be completed before next class)
 2. Write a separate Journal entry entitled "Deception in Negotiation" and discuss your views on this subject.
 3. Hand out Thomas-Kilman Instrument (to be completed and a copy turned in next class – keep a copy of the last page for yourself.)

First Journal Submission Due (Among the topics you discuss should be: Opening Journal Entry; "Case 1;" "Case 2;" "Case 3;" "Case 4"; Elements of Negotiation; "Case 5"; videotapes of negotiations (including your own); Getting to Yes; Getting Together, other readings; and our class discussions.)

Journals distributed to First Reader. (Please bring 2 copies of your Journal to class.)

Class 9 (3/8) NO CLASS - Enjoy your Spring Break!

Class 10 (3/15) Deception and Fairness in Negotiation

In Class: Discussion about lying and deception. (How do we balance a need to gain information from others with our own desire to withhold information ?)

Debrief Case 7 and hand in Result Sheets.

Readings: -Shell, Chapter 11;
-Bulk Pack #3: "Ethics in Negotiation" (several articles);
-Bulk Pack #4: "When Is It Legal to Lie in Negotiations?"
-Bulk Pack #5: "Six Habits of Merely Effective Negotiators."

(If you did not yet complete your reading of Getting Together... do it now.)

- Assignment:
1. Write a separate Journal entry entitled "Deception in Negotiation - Part 2" and critique the Readings, the class discussion, and your previous journal entry on this topic.
 2. Hand out Case 8 and team assignments - to be completed before Class 12. (Note: Principals may not meet with the other side.)
 3. Prepare "ROLE REVERSAL EXERCISE" for next class.
 4. Journals returned by First Readers with comments; Journals distributed to Second Readers.

Class 11 (3/22) Some Negotiating Tools

In Class: Presentation and discussion of some tools the negotiator can use.

"ROLE REVERSAL EXERCISE"

Discussion of Individual Bargaining Styles.

Readings: Bulk Pack #6: "Role Reversal Exercise"

Shell, Chapters 1 - 6;

Assignment: Continue your work on negotiating Case 8.

Journals returned by Second Readers with comments (authors now take Journals for one week to study comments - you must bring it back next week for Professor to grade.)

Class 12 (3/29) Agents

In Class: Discuss Case 8 (Hand in result sheets)

Readings: Bulk Pack #7: "When Should We Use Agents"

Shell, Chapters 7 and 8.

Assignment: Hand out Case 9 General Instructions. Study them before next class.

Authors return Journals to Professor.

Class 13 (4/5) Complex, Multi-Issue Bargaining

In Class: Hand out Case 9, study roles and Negotiate.

Readings: Shell, Chapters 9 and 10.

Assignment: Hand out Case 10 (to be completed before next class)

Class 14 (4/12) Setting Expectations High

In Class: Finish discussing Case 9

Debrief Case 10 and hand in your Result Sheets.

Readings: Shell, Chapter 12 through finishing the book

Re-read Shell's Chapter 2.

Optional Readings (or for the summer):

Bulk Pack #8: "Dispute Resolution Chapter 1: Disputing Procedures";

Bulk Pack #9: "Getting Disputes Resolved, Chapter 1: Three Approaches to Resolving Disputes".

Assignment: Prepare Final Journal Entry

Class 15 (4/19) Summary and Wrap-Up

In Class: What have we learned? What needs more work or further consideration?

What is a Good Outcome?

Final Remarks

Readings: ----

Assignment: **Final Journal Submission Due** (Among the topics you discuss should be: Practitioner Lectures, Deception; Negotiating Tools; Role Reversal Exercise; Your Personal Negotiating Style; Case 5; Case 6; Case 7; use of agents; Case 8; Case 9; Case 10; Getting Together, Bargaining for Advantage, and other course readings; our class discussions and Final Journal Submission.)

Class 16 (4/26) Extra Class Day

In Class: Please keep this date open, between 3 pm – 6 pm, in the event that we need one more class meeting.