

**UNIVERSITY OF PENNSYLVANIA
THE WHARTON SCHOOL
DEPARTMENT OF LEGAL STUDIES AND BUSINESS ETHICS**

LEGAL STUDIES 806 SYLLABUS

Spring 2009

Wednesdays 3:00-6:00

Class Room: JMHH F70

PROFESSOR ANDREW BRANDT

NEGOTIATION AND DISPUTE RESOLUTION

Office Hours: By appointment

Course Objectives: The aim of the course is, using case study and my practical background in negotiating in the sports world for over twenty years, to educate, assist and, through practice, enable you to become a more effective negotiator and conflict resolver. This effectiveness in negotiating and conflict resolution 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 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;
- The ability to resolve conflicts; and
- The capacity to reflect and learn from your experience.

This course links both the science and art of negotiation and conflict resolution, but it is more “art” than “art appreciation.” 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 organization to your home.

Non-disclosure Agreement: You must sign and submit the attached agreement before we get underway. If you would prefer not to sign, you may drop the course.

Assigned Reading: G. Richard Shell, Bargaining for Advantage: Negotiation Strategies for Reasonable People (2d. edition, Penguin); Kenneth L. Shropshire, Negotiate Like the Pros (McGraw Hill, 2008); Bulk Pack of additional readings. Also, a complete recommended readings list will be distributed later in the course.

Recommended Reading: Roger Fisher, William Ury, Getting to Yes (2nd Edition, Houghton Mifflin)

GRADING FACTORS:

Nothing is accepted late. Missing a single class will disrupt the learning environment in this course. Attendance includes attending either live or via the Wharton Video Network presentations by two guest speakers. At a minimum, each unexcused absence will cause your grade to be lowered one full step (A to B, B- to C- etc.) *If you anticipate that you will have any attendance problems please do not take this course.*

Peer Evaluations

You will rate your classmates on three dimensions using a 1-10 scale – 1 being poor and 10 being excellent: 1) overall preparation and commitment to the exercises and contributions to the course, 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 evaluations will be submitted at the end of the course. There will be a peer evaluation tool posted on webCafé.

It is your responsibility to keep track of your evaluations of your fellow students. The final results will be distributed once calculated. There is no need to indicate the class in which you negotiated with the peer. If you negotiate with someone more than once, submit only your single overall evaluation, not two or three. If you do not negotiate with an individual, do not submit a peer evaluation on them.

Negotiation Performance

I will be assessing the student's negotiation performance. This performance assessment will be based upon a combination of the outcomes of the student's individual negotiations and the student's class participation. At my option course grade may be increased by one half of a grade for outstanding class participation and negotiation performance.

Journal Entries

Six journal entries are due. An asterisk marks classes in which a journal entry is due. Please write no more than a one-page analysis of a negotiation from the previous week's class by answering the questions given in the end of this syllabus. You will be given additional instructions for the other types of journal entries.

Analytical Paper (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. By Class 7, you should turn in a paragraph describing the topic of your paper, which will be due on May 1st. The paper will allow you 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.

Viable topics may be found in sports – from which most of my practical experiences will come from – history, business or any other number of topics. The topic should be of interest to you and have enough information available where you can do an in-depth analysis of the negotiation. 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. You need 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.**

All papers should include appropriate references and citations to relevant books and articles.

Do not exceed the page limit. Again, late papers will receive an F and there will be no exceptions!

CLASS TOPICS AND ASSIGNMENTS

Class 1: Distributive Bargaining: The “Zone of Agreement.”

Read: Bulk Pack (“BP”) Item #1 and #9 (on recruiting negotiations);
Suggested: Negotiate Like the Pros (Pros) Introduction
Class activity: Negotiate “Cessna” and “SUV.” Complete NDAs.

***Class 2:** Foundations #1 and 2: Bargaining Styles and Expectations.

Read: Bargaining for Advantage (B for A), Introduction and Chapters 1-2; BP #2, 3, 4.
Suggested: Pros, Chapters 1-3
Class activities: Negotiation Style Analysis. Negotiate “New Recruit” and “Appleton v. Baker.”

Class 3: Foundations #1, #4 and #5: Bargaining Style Relationships and Interests.

Read: B for A, Chapters 4 and 5.
Suggested: Pros, Chapter 5
Class activity: Negotiate and discuss “Opera Problem”

Distribute “House Sale”

Principal and Agent must negotiate their arrangements prior to the start of the next class.

Class 4: Foundation #3: Standards & Agents. (Agents begin negotiating at 3:00 at whatever locations you have predetermined. Class begins at 4:15)

Read: B for A, Chapter 3; BP #5 and #6;
Suggested: Pros, Chapter 7
Class Activity: Negotiate and discuss “House Sale.”

***Class 5:** Foundation #6: Leverage.

Read: B for A, Chapter 6
Suggested: Pros, Chapter 4
Class Activity: “Pheasant Egg”

***Class 6:** Trust and Commitment and Conflict Resolution

Read: BP #7-8
Class Activity: “Carpet Wars.”

(One paragraph description of your paper topic is due today)

Class 7

Scheduled Coaching Sessions: During the scheduled class time, beginning at 3:00pm, the 4 person teams that negotiated Pheasant Egg together will come to my office in 660 Huntsman Hall at 15 minute intervals to discuss personal negotiations. Schedule will be announced. The agenda is flexible. At a minimum, come in prepared to discuss an individual real world negotiation. Specifically: 1) Describe a current or upcoming negotiation and, 2) the current status of that negotiation and your strategy. You will be able to get feedback from the professor and the assistance of the small group in attendance.

Class 8 Ethics

Read: B for A, Chapter 11.
Class activity: "ACME Roofing."

*Class 9 Culture.

Read: Getting To Yes (ALL); B for A, Chapter 7, and (optional) BP #8.
Class Activity: Negotiate "Alpha Beta"

Class 10 Coalitions

Read: (to be distributed)
Class Activity: "Federated Science Fund"

Class 11 Preparation Review

Read: (to be distributed)
Class Activity: "Warranty Problem"

Class 12: Multi-Party Negotiations

Read: BP #12, Pros, Chapter 9
Class activity: "Harborco."

Final Papers and Peer Evaluations are due May 1st.

PERSONAL JOURNAL ESSAY QUESTIONS

Your Name:

Counterparts' Name(s):

Date:

Name of Negotiation Exercise:

1. What was the outcome of the negotiation and what factors best explain this result?
2. What was your most important mistake in the negotiation?
3. What was your counterpart's most important mistake?
4. What was the most important takeaway from this negotiation exercise?
5. For journals 1-4: Please provide two examples of how you integrated and applied the negotiation theory from the readings assigned for the day on which the negotiation you are analyzing occurred. Each example must cite to the specific reading and each example must come from a different reading (unless there is only one assigned reading for the week).

For journal 5: Provide an explanation of the three schools of bargaining ethics discussed by Richard Shell in B for A. Discuss which "ethical school" most closely approximates your approach to negotiation ethics.

For journal 6: Write one paragraph on each guest speaker discussing what you thought were the most helpful "take-aways" from each lecture.

6. What is the negotiation skill you would most like to develop further and how have you progressed in this area?

7. PAPERCLIP NEGOTIATION LOG:

Item (Include Monetary Value)	Date of Trade	First Name of Person You Traded With	Your Relationship to the Person You Traded With
0. Marker (\$1)	October 4, 2008	John Brown	Co-Worker
Comments About the Trade: (Example)	I thought that I needed to get an item for the paperclip that was not as insignificant as the paperclip and that I could trade up more easily. When I saw John walk in with a box of markers, I asked him if he would give me one for my paperclip. He laughed and agreed to the trade. I guess having a specific goal for my trade helped.		
1.			

Comments About the Trade:			
2.			
Comments About the Trade:			
3.			
Comments About the Trade:			
4.			
Comments About the Trade:			
5.			
Comments About the Trade:			

NEGOTIATION AND DISPUTE RESOLUTION NON-DISCLOSURE AGREEMENT

Some of the role-playing negotiation exercises used in the various sections of this course and others are very similar. The sections do not necessarily encounter/debrief these exercises at the same times during the semester.

In order to make the course work and the grading fair for this and future sections of these courses, it is essential that participants:

- Keep role-specific, confidential information to themselves except as they may choose to disclose it in the actual negotiation exercises
- Make no efforts, other than in the course of negotiations, to discover the contents of the private information given to their counterparts
- Refrain from discussing the exercises and results of negotiations with other students until they are *certain* that the person with whom they are speaking has completed the exercise and discussed it in class. *Under no circumstances should students discuss the exercises with students who are not currently enrolled in negotiation.*

The professors teaching these courses consider intentional violations of these rules to constitute violations of the ethics guidelines of this institution. By signing this form, you agree to abide by the aforementioned requirements and rules.

Signed _____

Print Name _____

Date _____

ANDREW BRANDT

Now the President of a unique and successful internet site entitled The National Football Post – *nationalfootballpost.com* --Andrew Brandt is an accomplished sports executive with over 20 years experience in professional football, divided evenly between management and player representation.

After attending Stanford University and Georgetown University Law School, Brandt worked for ProServ, Inc., representing top athletes such as Michael Jordan, Patrick Ewing, Boomer Esiason James Lofton and Arthur Ashe.

Brandt left ProServ to become General Manager of the Barcelona Dragons in the NFL's World League, at that time the youngest general manager in professional sports. Brandt was responsible for all operations of the franchise as the Dragons reached the league's inaugural World Bowl while introducing the sport of American football to Spain.

Following the World League, Brandt returned to player representation and worked for Woolf Associates in Boston, representing NFL players including quarterback Matt Hasselbeck, Hall of Fame kicker Adam Vinatieri and Heisman Trophy-winning running back Ricky Williams.

Brandt left Woolf to join the Green Bay Packers in 1999. As Vice President with the Packers, Brandt negotiated all player contracts, managed the NFL Salary Cap and handled many other football operations for one of the most successful franchises in professional sports over that time frame, where his skillful management of the Cap and handling of player contracts was noticed throughout the NFL. Brandt left the Packers in 2008 following their hosting of the NFC Championship Game to pursue other opportunities.

Brandt has now launched The National Football Post to much acclaim from the football industry, as it has become a “must read” for NFL owners, executives, coaches, players and millions of football fans around the nation.

Brandt is also now a Lecturer at the University of Pennsylvania’s Wharton School of Business and an Adjunct Professor at Georgetown University Law School. He teaches Negotiations, Sports Law, Sports Business, and Sports Marketing. He is a regular columnist for the Sports Business Journal and the Huffington Post; a regular contributor to the NFL Network, Fox Business News, ESPN Radio and Sporting News Radio; and a sought-after speaker on the Business of Sports.

Brandt plays jazz piano and enjoys competing in 5k races and triathlons. Born in Washington, D.C., Andrew and his wife, Lisa, have two sons.