

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

**LEGAL STUDIES SYLLABUS**

**Summer 2009**

**M/T/W 10:40-12:45**

**INSTRUCTOR: COLLEEN BAKER  
NEGOTIATION AND DISPUTE RESOLUTION**

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**Course Objectives:** Our time together in class, electronically and in small group/one-on-one coaching sessions, will be focused on enabling 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 must drop the course.

**Assigned Reading:** G. Richard Shell, Bargaining for Advantage: Negotiation Strategies for Reasonable People (2d. edition, Penguin); Roger Fisher, William Ury & Bruce Patton, Getting to Yes (Penguin 1991); Bulk pack of additional readings.

**Recommended Reading:** Max H. Bazerman & Margaret A. Neale, Negotiating Rationally (Free Press 1993). Kenneth L. Shropshire, Negotiate Like the Pros (McGraw-Hill 2008)

## GRADING FACTORS:

Missing 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, absent a written medical excuse (**not work related**) from a medical provider or a similar type of emergency situation, the instructor may give you **an F** in the course.

1. **Peer Evaluations** (10%): 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. This 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. Your evaluations will be submitted at the end of the term. 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.

2. **Class Participation** (5%):

3. **Journal Entries** (30%): Six journal entries are due during this course. Please see page 6 for the required format. The due date for these journal entries is:

Date	Negotiation Case	Readings for Question # 5	Additional Instructions
June 1	SUV	Bargaining for Advantage (BforA): Introduction and Chapter 1, BP #2,	
June 3	Opera Problem	BforA Ch.4 & 5	
June 9	Pheasant Egg	BforA Ch.6	
June 16	ACME Roofing	BforA Ch. 11	Q#5: Description and discussion of “Schools of Bargaining Ethics”
June 22	Alpha Beta	BforA Ch. 7; BP #8	
June 29	Federated Science Fund	Getting to Yes	Q#5: Speaker Take-aways

4. **Mid-term Exam** (25%): June 10th

5. **Analytical Paper** (30% of your grade: 8-10 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. 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.

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, 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. 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.**

The best papers, those at the “A” level, will include a wide range of citations; negotiations research from beyond the course readings; and, analysis beyond a couple of sittings. They will also include research on negotiations beyond the materials presented in class. The worst papers, those at the “C” level, will merely summarize the details of a high profile negotiation.

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

<u>Date</u>	<u>Class Topic</u>	<u>Class Activity</u>	<u>Assigned Readings</u>	<u>Suggested Readings</u>	<u>Assignments Due</u>
May 26	Distributive Bargaining: The “Zone of Agreement”	Cessna	Bulk Pack (BP) #1 & #9	<u>Negotiating Rationally</u> Chapter 1, 2 & 9; <u>Negotiate Like the Pros</u> Introduction	
May 27	Bargaining Styles and Expectations	SUV	Bargaining for Advantage ( <u>BforA</u> ): Introduction and Chapter 1; BP #2,	<u>Negotiating Rationally</u> Chapter 3, 4 & 7	Negotiation Style Analysis (BP#2)
June 1	Bargaining Styles and Expectations	New Recruit	<u>BforA</u> Ch. 2; BP #3, #4	<u>Negotiate Like the Pros</u> Chapters 1-3	Journal 1
June 2	Bargaining Style Relationships and Interests	Opera Problem	<u>BforA</u> Ch.4 & 5	<u>Negotiating Rationally</u> : Chapter 5; <u>Negotiate Like the Pros</u> : Chapter 5.	
June 3	Standards & Agents	House Sale	<u>BforA</u> Ch.3; BP #5 & #6	<u>Negotiating Rationally</u> Chapter 15; <u>Negotiate Like the Pros</u> : Chapter 7.	Journal 2
June 8	Leverage	Pheasant Egg	<u>BforA</u> Ch.6	<u>Negotiating Rationally</u> Chapter 8; <u>Negotiate Like the Pros</u> Chapter 4.	

June 9	Trust and Commitment	Carpet Wars	BP #7 & #8	<u>Negotiating Rationally</u> Chapters 13 – 14	Journal 3
June 10	<b>Midterm</b>				
June 15	Ethics	ACME Roofing	<u>BforA</u> Ch. 11		
June 16	Culture	Alpha Beta	<u>BforA</u> Ch. 7; BP #8		Journal 4, One-paragraph description of final paper
June 17	Preparation Review	Warranty Problem	Getting to Yes ( <u>GTY</u> ): 1-39		
June 22	Negotiations on Film	TBA	<u>GTY</u> : 40-80		Journal 5
June 23	Coalitions	Federated Science Fund	<u>GTY</u> : 81-128		
June 24	Practitioner Viewpoints	Guest Speakers	<u>GTY</u> : 129-148		
June 29	Review	Rare Book	<u>GTY</u> : 148-end		Journal 6
June 30	Multi-party Negotiations	Harborco	BP #12	Negotiate Like the Pros Chapter 9	
July 1	Class Wrap-up	Appleton v Baker	Complete Peer Evaluations		Final Paper

## 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. 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 4:** 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?

## 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 a Negotiations course.

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 \_\_\_\_\_