

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

LEGAL STUDIES 206 SYLLABUS  
Fall 2009

Wednesdays 3:00-6:00, JMHH F38

PROF. KENNETH L. SHROPSHIRE  
NEGOTIATION AND DISPUTE RESOLUTION (Undergraduate)

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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 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. 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). Kenneth L. Shropshire, Negotiate Like the Pros (McGraw-Hill 2009).

**GRADING FACTORS:**

Nothing is accepted late. Late assignments receive an F. 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 the instructor may give you **an F** in the course absent a written medical (**not work related**) excuse from a medical provider. 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.**

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. **Negotiation Performance** : At the professor’s option, your course grade may be increased by one half of a grade for outstanding class participation and negotiation performance.

<p><b>3. Journal Entries</b> (30%): Six journal entries are due. Page 8 provides the format that must be followed for each journal. Please write no more than a one-page analysis. The table below provides details regarding each</p>	<p>Journal</p>	<p>Negotiation Exercise</p>	<p>Assigned readings relevant to question #5</p>
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journal entry. Date due			
September 16	1	Cessna or SUV	Bulk Pack (“BP”) Item #1 and #9
September 30	2	Opera Problem	<u>B for A</u> , Chapters 4 and 5.
October 7	3	House Sale	<u>B for A</u> , Chapter 3; BP #5 and #6
November 4	4	OPEQ	BP #7-8
November 11	5	ACME Roofing	Special Instruction: explain the three schools of bargaining ethics discussed in <u>B for A</u> Chapter 11 and which approach you think best.
November 18	6	Alpha Beta	Special Instruction: discuss a minimum of two insights from each of at least two guest lectures.

4. **Mid-term Exam** (30%): Class 7

5. **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 A PARAGRAPH DESCRIBING YOUR TOPIC IN CLASS 6. THE PAPER IS DUE AT NOON ON THE THURSDAY – DECEMBER 3.** 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. **LATE PAPERS WILL RECEIVE AN F. THERE WILL BE ABSOLUTELY 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, 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.

***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: Sept 9**, Distributive Bargaining: The “Zone of Agreement.”

Read: Bulk Pack (“BP”) Item #1 and #9 (on recruiting negotiations);  
Suggested: Negotiating Rationally Chapter 1, 2 & 9.  
Class activity: Negotiate “Cessna” and “SUV.”

**\*Class 2: Sept 16**, 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: Negotiating Rationally Chapter 3, 4 & 7  
Class activities: Negotiation Style Analysis. Negotiate “New Recruit” and “Appleton v. Baker.”

Video: “*Man in the Gray Flannel Suit*”

**Class 3: Sept 23**, Foundations #1, #4 and #5: Bargaining Style Relationships and Interests.

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

Distribute “House Sale”

Video: “*Ray*”

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

**\*Class 4: Sept 30**, 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: Negotiating Rationally Chapter 15  
Class Activity: Negotiate and discuss “House Sale.”

**\*Class 5: Oct 7**, Foundation #6: Leverage.

Read: B for A, Chapter 6; Suggested: Negotiating Rationally Chapter 8  
Class Activity: “Pheasant Egg”

Video: “*Mommie Dearest*”

**Class 6: Oct 14**, Trust and Commitment and Conflict Resolution

Read: BP #7-8; Suggested: Negotiating Rationally Chapters 13 – 14.  
Class Activity: “OPEQ.”

Video: *“Erin Brockovich”*

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

**October 21: No Class**

**Class 7: Oct 28, Mid-term Exam (class will end early, no exercises)**

**\*Class 8: Nov 4, Ethics**

Read: B for A, Chapter 11.

Class activity: “ACME Roofing.”

**\*Class 9: Nov 11, Culture.**

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

Class Activity: Negotiate “Alpha Beta”

**\*Class 10: Nov 18, Coalitions**

Read: (to be distributed)

Class Activity: “Federated Science Fund”

**Nov 25: No Class/ Thanksgiving Break**

**Class 11: Dec 2: Preparation Review**

Read: (to be distributed)

Class Activity: “Warranty Problem”

**\*\*\*FINAL PAPERS ARE DUE THURSDAY, DECEMBER 3 BEFORE NOON**

**Class 12: Dec 9, Multi-Party Negotiations**

Read: BP #12.

Class activity: “Harborco.”

Video: *“Bad Santa”*

**FINAL PAPERS ARE DUE THURSDAY, DECEMBER 3 BEFORE NOON**

**PEER EVALUATIONS MUST BE SUBMITTED BY 5:00PM THURSDAY, DECEMBER 10**



## **JOURNAL ENTRY QUESTIONS**

Your Name:

Counterparts' Name(s):

Date:

Name of Negotiation Exercise:

1. RESULT OF THE NEGOTIATION AND A VERY BRIEF DESCRIPTION OF THE BEST EXPLANATION OF THIS RESULT.
2. MY MOST IMPORTANT NEGOTIATION MISTAKE
3. MY COUNTERPART'S MOST IMPORTANT NEGOTIATION MISTAKE
4. MOST IMPORTANT TAKEAWAY FROM NEGOTIATION DEBRIEFING.
5. TWO EXAMPLES OF HOW I TRIED TO APPLY THE NEGOTIATION THEORY FROM THE RELATED ASSIGNED READINGS TO THE ACTUAL NEGOTIATION
6. PERSONAL NEGOTIATION SKILL TO DEVELOP AND PROGRESS OF PREVIOUS WEEK'S DEVELOPMENTAL FOCUS.

**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 \_\_\_\_\_