

LEGAL STUDIES 806: NEGOTIATION AND DISPUTE RESOLUTION Syllabus

PROFESSOR ANDREW BRANDT

TA : TBD

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 25 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 understanding that you should not change and be something you are not; simply use tools effectively as who you are;
- The creativity to execute deals that others might overlook;
- Knowing when to walk away;
- The insight to recognize ethical traps – and the wisdom to avoid them;
- Understanding the importance of relationships and trust in all you do;
- 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 science. 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 professional to your personal life.

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); The National Football Post (nationalfootballpost.com) web site ☺; 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); Kenneth L. Shropshire, Negotiate Like the Pros (McGraw Hill, 2008).

GRADING FACTORS:

Missing class or turning assignments in late will disrupt the learning environment in this course. Attendance includes attending either live or via the Wharton Video Network presentations by two guest speakers. Unexcused absence may cause your grade to be lowered. *If you anticipate that you will have any attendance problems please do not take this course.*

FOOTBALL DISCLAIMER:

This class should be as interactive as possible. I will lecture and use many stories as illustration of the techniques we are discussing. Most of the stories will involve my experiences in sports, especially professional football. In the event you are not interested in hearing stories/examples of negotiation experiences from that genre, feel free to take another section of Negotiations. I will not take it personally☺

Negotiation Performance

Along with my TA, I will be assessing the student's negotiation performance on a weekly basis throughout the semester. 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.

Your performance in the negotiation sessions will not be based solely on the results of the exercise. It will be based on your understanding of the issues, preparation, presentation and application of the principles that we are discussing.

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.

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. It is your responsibility to keep track of your evaluations of your fellow students. There will be a peer evaluation tool posted on webCafé for one week following the end of classes during the exam period and will be due during that week-long period.

Analytical Paper (6-8 pages, double-spaced)

The 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. 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.

The topic should be of interest to you and have enough information available where you can do an in-depth analysis of the negotiation. I allow a lot of latitude on paper topics, as long as the subject is worthy of this type of analysis. 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. Papers will be due at a designated date during the exam period.

The following is an outline of the class week-by-week. Due to the possibility of personal obligations that may keep me away and/or potential guest speakers, this outline is flexible and subject to change.

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 and discuss “**Cessna**” and 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 and discuss “**SUV**” and “**New Recruit**” if time allows.

***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 “**Appleton v. Baker**”

Class 4: Foundation #3: Standards & Agents.

Read: B for A, Chapter 3; BP #5 and #6;
Suggested: Pros, Chapter 7
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 5:** Foundation #6: Leverage. (Agents begin negotiating at 3:00 at whatever locations you have predetermined. Class begins at 4:15)

Read: B for A, Chapter 6
Suggested: Pros, Chapter 4
Class Activity: Negotiate and discuss “**House Sale**”

Class 6: Trust and Commitment and Conflict Resolution

Read: BP #7-8
Class Activity: “**Pheasant Egg**”
(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 600 Huntsman Hall at 15 minute intervals to discuss personal negotiations. Come 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 Activity: Negotiate and discuss “**Carpet Wars**”

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 and discuss “**Alpha Beta**”

Class 10 Coalitions

Read: (to be distributed)

Class Activity: Negotiate and discuss “**Federated Science Fund**”

***Class 11** Preparation Review

Read: (to be distributed)

Class Activity: Negotiate and discuss “**Warranty Problem**”

Class 12: Multi-Party Negotiations

Read: BP #12, Pros, Chapter 9

Class activity: Negotiate and discuss “**Harborco**”

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: 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)	February 15, 2010	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 ESPN'S NFL Business Analyst and president of a football insider internet site – *nationalfootballpost.com* --Andrew Brandt is an accomplished sports executive with over 20 years experience in professional sports, 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 also served as a consultant to the Philadelphia Eagles, handling the Eagles' player contract negotiations, Salary Cap management and advising on collective bargaining and other league issues.

Brandt is also a Full Time Lecturer at the University of Pennsylvania's Wharton School of Business, teaching Negotiations and Sports Law. He is a regular columnist for the Forbes Sports Money Blog, the Sports Business Journal and the Huffington Post as well a sought-after speaker on the Business of Sports.

Brandt was hired by ESPN in February 2011 to provide insight and analysis on the business of football and eventually other sports. Brandt became a respected and credible voice on the issues and interests of both NFL Owners and Players in their labor dispute and eventual resolution. Brandt also provides analysis of the NBA labor dispute for ESPN in addition to his NFL duties.

Brandt founded and writes regularly for The National Football Post, which has received 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 plays jazz piano and enjoys competing in 5k races and triathlons. Born in Washington, D.C., Andrew and his wife, Lisa, have two sons.