

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); my columns (espn.com) ©. I will be assigning different readings throughout the semester as well.

Suggested Reading: Roger Fisher, William Ury, Getting to Yes (2nd Edition, Houghton Mifflin); Kenneth L. Shropshire, Negotiate Like the Pros (McGraw Hill, 2008).

Absences

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 the business of 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. Your 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 willingness and ability to go outside of your comfort zone, your understanding of the issues 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: Introduction, Negotiation Themes and Principles

Discussion of my background, style and your background, style

Class activity: Negotiate and discuss “**Cessna**”, “**SUV**” and Complete NDAs.

Class 2: Bargaining Styles and Expectations.

Read: Bargaining for Advantage (B for A), Introduction and Chapters 1-2;

Suggested: Negotiate like the Pros, Chapters 1-3

Class activities: Negotiation Style Analysis. Negotiate and discuss “**New Recruit**”

***Class 3:** Bargaining Style Relationships and Interests.

Read: B for A, Chapters 4 and 5, suggested readings

Class activity: Negotiate and discuss “**Appleton v. Baker**”

Class 4: Standards & Agents.

Read: B for A, Chapter 3; suggested readings

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:** 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: TBD

Class Activity: “**Pheasant Egg**”

***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**”

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

***Class 9** Culture

Read: Getting To Yes (ALL); B for A, Chapter 7

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: TBD

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

Class 12: Multi-Party Negotiations

Read: 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

Andrew Brandt is an accomplished sports executive now bringing his credibility, insight and perspective to the media and education.

Brandt is the NFL Business Analyst for ESPN, analyzing business, legal and policy sports issues on programs such as “*Outside the Lines*”, “*SportsCenter*” and “*NFL Live*” as well as multiple appearances on ESPN radio programs every week.

Brandt also is a featured columnist for ESPN.com, providing readers perspective and viewpoints from his unique vantage point as a former player agent and team executive.

Brandt is also a full-time Lecturer at the University of Pennsylvania’s Wharton School, teaching classes in Negotiations and Sports Law. His classes are among the most popular at Wharton, bringing his practical perspective from both the labor and management side of the sports business.

Brandt also contributes to the website he founded, The National Football Post, and is a regular columnist for the *Huffington Post*, *Forbes*, and the *Sports Business Journal*. Brandt’s columns have become a “must read” for sports industry executives and fans alike. Also, Brand is a sought-after speaker on business issues in sports, having lectured at several universities and corporate gatherings.

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

Brandt then became General Manager of the Barcelona Dragons in the NFL’s World League, introducing American football to Spain. Following the suspension of the World League, Brandt returned to player representation for Woolf Associates, representing NFL players including Matt Hasselbeck, Adam Vinatieri and Ricky Williams.

Brandt joined the Green Bay Packers in 1999. As Vice President, Brandt negotiated all player contracts, managed the NFL Salary Cap and handled football operations. Brandt left the Packers in 2008 following their hosting of the NFC Championship Game.

In addition to Brandt’s several roles, he has consulted and negotiated contracts for the Philadelphia Eagles.

Brandt and his wife, Lisa, live outside of Philadelphia and have two sons. His interests also include competitive running and jazz piano.