

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

**LEGAL STUDIES 206-407 SYLLABUS**

Spring 2013

Tuesday 3 – 6 pm, JMHH G86

M. TAHERIPOUR

**NEGOTIATION AND DISPUTE RESOLUTION (Undergraduate)**

**REVISED 10/31/2012**

**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 experiences.

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**

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, absent a written medical (**not work related**) excuse from a medical provider, the instructor may give you **an F** in the 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.

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**. At the end of the semester, 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. 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 for them.

2. **Negotiation Performance:** At the instructor's discretion, your course grade may be increased by one half of a grade for outstanding class participation and negotiation performance.

3. **Journal Entries** (30%): Six journal entries are due during this course. Please see page 6 for the required format that must be followed for each journal. Please write no more than a one-page analysis (grade will automatically be lowered if this limit is exceeded). The table below provides details regarding each journal entry. Reference all readings assigned for each journal entry for full credit. For journal entries about negotiation exercises that involve more than one counterpart, it is your prerogative to address either one or all of your counterparts' most important mistakes. We recommend quality over quantity, however, and suggest addressing the single mistake you learned the most from. Please submit all journal entries in hard copy form.

Journal entries will be graded on the following scale:

- 1) Check (✓): all required points addressed in sufficient detail
- 2) Check minus (✓ -): most important points addressed, but lacking in one or more areas
- 3) Cross (X): all required points not addressed / points mentioned not expressed in sufficient detail
- \* Check plus (✓ +): journal entry exceeds expectations — these are rare and given only at graders' discretion

4. **Mid-term Exam** (30%): Class 7. There will be 30 questions on the midterm, which you will be given 90 minutes to complete. The format of the midterm will be multiple choice and short answer questions. Readings for the midterm will include all assigned (required) reading for the class and journal entries prior to the exam (B for A Chapters 1-6 and Bulk Pack readings 1-9). The midterm exam will not be graded on a curve.

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. 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.**

## JOURNAL ENTRIES

| Date Due | Journal Entry | Negotiation Exercise | Assigned Readings Relevant for Question # 5   | Suggested Readings   |
|----------|---------------|----------------------|---|--|
| Jan. 22  | 1             | Cessna or SUV        | Bulk Pack (BP) Item #1 and # 9  | Negotiating Rationally Chapter 1, 2 & 9; Negotiate Like the Pros Intro.  |
| Feb 5    | 2             | Opera Problem        | B for A Ch.4 & 5  | Negotiating Rationally Chapter. 3, 4 & 7   |
| Feb 12   | 3             | House Sale           | B for A Chapter 3; BP # 5 and # 6   | Negotiate Like the Pros Chapter 1-3  |
| Feb 19   | 4             | Pheasant Egg         | BP #7 - 8   | Negotiating Rationally Chapter 8   |
| Mar 19   | 5             | ACME Roofing         | B for A Ch. 11<br><br><b>Special Instruction:</b> Replace normal Q#5 with a description of the three "Schools of Bargaining Ethics" (B for A Chapter 11) and a discussion of which approach you think is best. Questions #1-4 and #6 as normal. Usual one-page limit still applies. | Negotiating Rationally Chapter 15; Negotiate Like the Pros: Chapter7.  |
| Apr 2    | 6             | Federated Science    | Getting to Yes (ALL)<br>B for A Ch. 7; (Optional) BP #8   | Negotiating Rationally Chapter 8;<br>Negotiate Like the Pros:<br>Chapter4.<br>** See below – Speaker Insights also due |

## ADDITIONAL ASSIGNMENTS

| Date Due | Assignment                     | Description   |
|----------|--------------------------------|---|
| Feb. 12  | <b>Paper topic description</b> | One paragraph description of paper due. This is an important step, as it will ensure that you start thinking about the paper, and don't get overwhelmed later on. The more effort you put into it, the better feedback you can get, and the easier it will be to write your paper. This topic will serve as a starting point, and if you receive feedback that it is not recommended, or find it hard to find information, you can change your topic. |
| April 2  | <b>Speaker Reflections</b>     | Submit a write-up on the two mandatory guest lectures. Discuss <u>at least</u> two insights from each of the speakers. Please write no more than one page double-spaced for the additional guest speaker assignment.  |
| April 12 | <b>Paper</b>                   | See Section on Paper for more information. Well thought out, and well researched papers receive the best grades.  |
| April 23 | <b>Peer Evaluations</b>        | Don't let these intimidate you, as they are not meant to dissuade you from exploring your negotiation style, but to encourage you to use the skills talked about in class and help you get comfortable with your negotiation style. Though this is due at the end of the semester, keep track of your partners as you go along.   |

## **DETAILED DESCRIPTION of ANALYTICAL PAPER**

**SUBMIT A PARAGRAPH DESCRIBING YOUR TOPIC IN CLASS 5, FEBRUARY 12<sup>th</sup>.**

**THE PAPER IS DUE AT NOON ON FRIDAY, APRIL 12 BEFORE NOON.**

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. Personal topics are 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), and 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.

While the papers will not be graded on a hard curve, it is in your best interest to choose a unique topic. Choosing a generic topic (i.e. one suggested here) may put you at a disadvantage as there is bound to be an element of comparison/relative grading between multiple papers submitted addressing the same topic.

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 references. 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.

You have flexibility in terms of the way you structure your paper.

**Do not exceed page limit. 6 – 8 pages maximum – double-spaced - (does not include bibliography).**

|           | Date   | Before Class It is Required that you...   | Before class, it is Optional for you to...        | During Class   | To Be Brought/ Turned in during this class   |
|-----------|--|---|---|--|--|
| Class # 1 | Distributive Bargaining: The “Zone of Agreement”                       |   |   |  |  |
|           | 15-Jan   | • Read Bulk Pack (BP) items #1 and #9   | • Read Negotiating Rationally ( NR) Ch. 1, 2, & 9 | • “Cessna” Negotiating Exercise<br>• “SUV” Negotiation Exercise  | 1) Printed Copy of Syllabus  |
| Class # 2 | Foundations #1 and #2: Bargaining Styles and Expectations              |   |   |  |  |
|           | 22-Jan   | • Read Bargaining for Advantage (B of A)<br>Introduction and Chapters 1-2<br>• Read BP #2,3,4<br>• Do Journal Entry 1 | • Read NR Ch. 3,4, & 7                            | • Negotiating Style Analysis<br>• New Recruit Negotiating Exercise<br>• “Man in the Gray Flannel Suit” Video                                       | 1) Signed Non-disclosure Agreement<br>2) <b>Journal Entry 1</b><br>a) Exercise: Cessna, SUV<br>b) Required References: BP #1, #9<br>c) Optional References: NR Ch. 1,2, 9<br>3) Results from Style Questionnaire(BP#2) |
| Class # 3 | Foundations #1,#4 and #5: Bargaining Style Relationships and Interests |   |   |  |  |
|           | 29-Jan   | • Read B of A Chapters 4 and 5  | • Read NR Ch. 5                                   | • Opera Problem Negotiating Exercise<br>• “Ray” Video  |  |
| Class # 4 | Foundations #3: Standards & Agents                                     |   |   |  |  |
|           | 5-Feb  | • Read B of A Chapter 3<br>• Read BP #5,6<br>• Buyer/Seller-Agent discussions (prior to 3:00)<br>• Do Journal Entry 2 | • Read NR Ch. 15                                  | • “House Sale” Negotiating Exercise<br>• Agents begin negotiation at 3:00<br>• Class begins at 4:15 (at which point negotiations must be complete) | 1) House Sale Negotiation Result<br>2) <b>Journal Entry 2</b><br>a) Exercise: Opera Problem<br>b) Required References: B of A Ch. 4 and 5<br>c) Optional References: NR Ch. 3,4, 7                                     |

February 12<sup>th</sup>: NO CLASS

#### CLASS SCHEDULE—Page 1

## CLASS SCHEDULE—Page 2

|  | Date                     | Before Class It is <b>Required</b> that you...   | Before class, it is <b>Optional</b> for you to...                 | During Class   | To Be Brought/ Turned in during this class   |
|--|--------------------------|--|---|--|--|
| Class # 5                                      | Foundations #6: Leverage |  |   |  |  |
|  | 12-Feb                   | <ul style="list-style-type: none"> <li>• Read B of A Chapters 6</li> <li>• Do Journal Entry 3</li> </ul> | <ul style="list-style-type: none"> <li>• Read NR Ch. 8</li> </ul> | <ul style="list-style-type: none"> <li>• “Pheasant Egg” Negotiating Exercise</li> <li>• “Mommie Dearest” Video</li> </ul>  | 1) One Paragraph description of your paper<br>2) <b>Journal Entry 3</b><br>a) Exercise: House Sale<br>b) Required References: B of A Ch. 3, BP #5,6<br>c) Optional References: Negotiate Like the Pros (NLP) Ch. 1-3 |
| Class # 6                                      | Paperclip Activity       |  |   |  |  |
|  | 19-Feb                   | <ul style="list-style-type: none"> <li>• Watch PaperClip Video</li> <li>• Do Journal Entry 4</li> </ul>  |   | <ul style="list-style-type: none"> <li>• Paperclip Exercise</li> </ul>   | 1) <b>Journal Entry 4</b><br>a) Exercise: Pheasant Egg<br>b) Required References: BP # 7, 8<br>c) Optional References: NR Ch. 8  |
| Class # 7                                      | <b>Mid-Term Exam</b>     |  |   |  |  |
|  | 26-Feb                   | <ul style="list-style-type: none"> <li>• Review material for Midterm</li> </ul>                          | <ul style="list-style-type: none"> <li>• Read NR Ch. 5</li> </ul> | <ul style="list-style-type: none"> <li>• Mid-Term Exam</li> </ul>  |  |
| March 5 <sup>th</sup> : NO CLASS, Spring Break |                          |  |   |  |  |
|  | Ethics                   |  |   |  |  |
|  | 12-Mar                   | <ul style="list-style-type: none"> <li>•Read B of A Chapter 11</li> </ul>                                |   | <ul style="list-style-type: none"> <li>• “ACME Roofing” Negotiating Exercise</li> <li>• Discussion on ethical frameworks</li> <li>• Discussion on Paper Clip Exercise</li> </ul> |  |

|  | Date   | Before Class It is Required that you...   | Before class, it is Optional for you to...                            | During Class   | To Be Brought/ Turned in during this class  |
|--|--|---|---|--|---|
|  | Coalitions   |   |   |  |   |
| Class # 9  | 19-Mar   | <ul style="list-style-type: none"> <li>• Read B of A Chapters 6</li> <li>• Do Journal Entry 5</li> </ul>          |   | <ul style="list-style-type: none"> <li>• “Federated Science Fund” Negotiating Exercise</li> </ul>                  | 1) <b>Journal Entry 5</b> <ul style="list-style-type: none"> <li>a) Exercise: ACME Roofing</li> <li>b) Required References: B of A Ch. 11 **special: must describe and discuss each of the schools of Bargaining Ethics and your style/ the best style for Q #5.</li> <li>c) Optional References: NR Ch. 15, NLP Ch. 7</li> </ul>   |
| Trust, Communication, and Conflict Resolution  |  |   |   |  |   |
| Class # 10   | 2-Apr  | <ul style="list-style-type: none"> <li>• Read BP #7,8</li> <li>• Do Journal Entry 6</li> </ul>                    | <ul style="list-style-type: none"> <li>• Read NR Ch. 13,14</li> </ul> | <ul style="list-style-type: none"> <li>• “OPEC” Negotiating Exercise</li> <li>• “Erin Brockovich” Video</li> </ul> | 1) <b>Journal Entry 6</b> <ul style="list-style-type: none"> <li>a) Exercise: Federated Science Fund</li> <li>b) Required References: Getting to Yes, B of A Ch.7</li> <li>c) Optional References: BP #8, NR Ch. 8, NLP Ch. 4</li> </ul> 2) 1 page paper discussing two insights from each of two guest speakers (4 insights total) |
| Culture  |  |   |   |  |   |
| Class # 11   | 9-Apr  | <ul style="list-style-type: none"> <li>• Getting to Yes (entire book)</li> <li>• Read B of A Chapter 7</li> </ul> | <ul style="list-style-type: none"> <li>• Read BP #8</li> </ul>        | <ul style="list-style-type: none"> <li>• “Alpha Beta” Negotiating Exercise</li> </ul>                              | ** Note: Final papers are due before next class... no extensions!   |
|  | <b>*** Final Papers are Due on April 12<sup>th</sup> and must be Submitted before 12 pm to the Legal Studies and Business Ethics Department – 6<sup>th</sup> Floor - JMHH***</b> |   |   |  |   |
| Multi-Party Negotiations   |  |   |   |  |   |
| Class # 12   | 16-Apr   | <ul style="list-style-type: none"> <li>•Read BP #12</li> </ul>  |   | <ul style="list-style-type: none"> <li>• “Harboro” Negotiating Exercise</li> <li>• “Bad Santa” Video</li> </ul>    | ** Note: Peer Evaluations due Wednesday   |
| <b>***Peer Evaluations Must Be Submitted by Tuesday, April 23<sup>rd</sup> at 3pm***</b> |  |   |   |  |   |

### CLASS SCHEDULE—Page 3

## **PERSONAL JOURNAL ESSAY 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 FOR THIS RESULT.
2. MY MOST IMPORTANT MISTAKE IN THE NEGOTIATION.
3. MY COUNTERPART'S MOST IMPORTANT MISTAKE IN THE NEGOTIATION.
4. MY MOST IMPORTANT TAKE-AWAY FROM THE 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 IMPROVEMENT FROM PREVIOUS WEEK'S NEGOTIATION EXPERIENCE.

**You can complete your journal entries in any form (with response to each question separate, or as one cohesive piece) as long as all of the points are clearly addressed.**

## **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 \_\_\_\_\_

## FINAL PAPER FAQ

- 1) Q: Are there a certain number of sources that are required?  
A: No, there is no set number, however better papers tend to use more sources. Good papers typically have a mix of sources as well between those that support the analysis, and those that provide information on the topic. Don't fall into the trap of discussing the events that happened as opposed to analyzing the negotiation. The average paper has **5-10** sources.
- 2) Q: Is it ok to cover/focus a negotiation topic (like game theory) which was not discussed in detail during class?  
A: Yes, these are fair game. These can turn out to be some of the best papers, if the subject area is well researched.
- 3) Q: How much of the paper should be factual, and how much should be our analysis?  
A: You should not have more than 2 pages of factual material, a good paper has a rough percentage of 20% factual, **80%** analytical.
- 4) Q: Can we change topics after we turn in our topic paper without telling Professor Taheripour or the TA?  
A: Yes, you can. However, often people who change topics very late into the semester, have to scramble to finish the paper, and as was noted several times, no extensions will be given. So, take the time to research and think out your topic, and then get feedback. This will help you pace yourself. That being said, it is better to change topics and have a good paper, then stick to a topic on which you cannot find enough material/ are not interested in.
- 5) Q: Is it possible to get an extension?  
A: No.