

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

SYLLABUS
Revised 1/6/15

LEGAL STUDIES 206-407: NEGOTIATION AND DISPUTE RESOLUTION SPRING 2015
TUESDAY 3 – 6PM, JMHH F94

Instructor

M. TAHERIPOUR
Office: JMHH 666

Office Hours: Tuesdays 1:00 – 2:30pm, Appointment Required

Teaching Assistant

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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 negotiation 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 alternative means of settling 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 on 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 a conceptual framework to both 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); Max H. Bazerman & Margaret A. Neale, Negotiating Rationally (Free Press 1993); Bulk Pack of additional readings.

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 care provider, the instructor may give you **an F** in the course.

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 for and commitment to the exercises and contributions to class discussions; 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. **AT THE END OF THE COURSE**, there will be a peer evaluation tool posted on Canvas through which you will submit your evaluations. It is your responsibility to keep track of your evaluations of your fellow students during the semester. 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 overall evaluation. If you do not negotiate with an individual, do not submit an evaluation for them.

2. **Journal Entries** (25%): Six journal entries are due during this course. Please see page 6 for the **required format** for each entry. Please write no more than a one-page analysis (grade will automatically be lowered if this limit is exceeded – i.e. from B to B- or A- to B+). The table below provides details regarding each journal entry. You must reference all readings assigned for each journal entry to earn full credit. For journal entries about negotiation exercises that involve more than one counterpart, you may 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
- 4) Check plus (✓+): journal entry exceeds expectations— these are rare and given only at graders' discretion

3. **Midterm Exam** (25%): In Class 7, there will be a 30-question 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 required reading for the class and journal entries assigned prior to the exam. The midterm will not be graded on a curve.

4. **Analytical Paper** (30%): This paper should be 6-8 pages (double-spaced) and should focus on a 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.**

5. **Personal Negotiation Assignment** (10%): You will conduct a negotiation of personal significance and write a two-page analysis of your application of negotiation theory in your preparation, negotiation performance, and the outcome. Your analysis must reference at least five (5) course readings.

6. **Negotiation Performance:** At the instructor's discretion, your course grade may be increased for outstanding class participation and negotiation performance.

JOURNAL ENTRIES

Date Due	Journal Entry	Negotiation Exercise	Assigned Readings Relevant for Question # 5	Suggested Readings
Jan. 27	1	Cessna	Bulk Pack (BP) #1; Negotiating Rationally (NR) Ch. 1, 9	
Feb. 3	2	New Recruit	BFA Intro, Ch. 1-2; NR Ch. 3, 4, 11; BP #2-3	
Feb. 17	3	House Sale	BFA Ch. 3, BP #4-5	NR Ch. 15
Feb. 24	4	Opera	BFA Ch. 4-5, 7; BP #6	NR Ch. 5, 11
March 3	5	Pheasant Egg	BFA Ch. 6, 8, 9; NR Ch. 8, 16; BP #7-8	
March 24	6	ACME Roofing	BFA Ch. 11; NR Ch. 13; BP #9 Special Instruction: Replace normal Q#5 with a description of the three "Schools of Bargaining Ethics" (BFA 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.	

ADDITIONAL ASSIGNMENTS

Date Due	Assignment	Description
Feb. 17	Analytical Paper Topic Description	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 24	Analytical Paper	See above section on Analytical Paper for more information. Well thought out and well researched papers receive the best grades.
April 28	Personal Negotiation Reflection	Conduct a negotiation outside of class of personal importance. Write a two-page analysis of your application of negotiation theory in your preparation, negotiation performance, and the outcome. Cite at least five (5) readings from the course to ground your analysis.
April 29	Peer Evaluations	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. Keep track of your partners as you go along.

DETAILED DESCRIPTION of ANALYTICAL PAPER

SUBMIT A PARAGRAPH DESCRIBING YOUR TOPIC IN CLASS 5, FEBRUARY 17th

THE PAPER IS DUE BY 3PM ON FRIDAY, APRIL 24th

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 materials presented in class, and analysis beyond a couple of references. 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).

CLASS SCHEDULE – Page 1

	Date	Before class, it is REQUIRED that you...	Before class, it is OPTIONAL for you to...	Class Agenda	To be brought/ Turned in during this class:
Class # 1	Distributive Bargaining: The “Zone of Agreement”				
	Jan. 20	Read: - Bulk Pack (BP) #1 - Negotiating Rationally (NR) Ch. 1, 9		- “Cessna” Negotiation Exercise	- Printed Copy of Syllabus
Class # 2	Foundations #1 and #2: Bargaining Styles and Expectations				
	Jan. 27	Read: - Bargaining for Advantage (BFA) Introduction and Ch. 1-2 - NR: Ch. 3, 4, 11 - BP #2, 3 Journal Entry 1		- Negotiating Style Analysis - “New Recruit” Negotiation Exercise	- Signed Non-disclosure Agreement - Journal Entry 1 a) Exercises: Cessna b) Required References: BP #1; NR Ch. 1, 9 - Results from Negotiation Style Analysis
Class # 3	Foundation #3: Standards and Agents				
	Feb. 3	Read: - BFA Ch. 3 - BP # 4-5 Journal Entry 2	Read NR Ch. 15	- “House Sale” Negotiation Exercise	- Journal Entry 2 a) Exercise: New Recruit b) Required References: BFA Intro, Ch. 1-2; NR Ch. 3, 4, 11; BP #2-3
Class # 4	Standards, Agents and Interests				
	Feb. 10	Read NR 2, 7		- Debrief “House Sale” Exercise - “Luxury SUV” Negotiation Exercise	

CLASS SCHEDULE—Page 2

	Date	Before class, it is <u>REQUIRED</u> that you...	Before class, it is <u>OPTIONAL</u> for you to...	Class Agenda	To be brought/ Turned in during this class:
Class # 5	Foundations #4 and #5: Relationships and Interests				
	Feb. 17	Read: - BFA Ch. 4-5, 7 - BP #6 Journal Entry 3	Read NR Ch. 5, 11	- “Opera Problem” Negotiation Exercise	- One paragraph description of your paper due in class - Journal Entry 3 a) Exercise: House Sale b) Required References: BFA Ch. 3, BP #4-5 c) Optional References: NR Ch. 15
Class # 6	Foundation #6: Leverage				
	Feb. 24	Read: - BFA Ch. 6, 8, 9 - NR Ch. 8, 16 - BP #7-8 Journal Entry 4		- “Pheasant Egg” Negotiation Exercise	- Journal Entry 4 a) Exercise: Opera Problem b) Required References: BFA Ch. 4-5, 7; BP #6 c) Optional References: NR Ch. 5, 11
MID-TERM EXAM					
Class # 7					
	March 3	Review material for Midterm Journal Entry 5			- Journal Entry 5 a) Exercise: Pheasant Egg b) Required References: BFA Ch. 6, 8, 9; NR Ch. 8, 16; BP #7-8
NO CLASS ON MARCH 10 (SPRING BREAK)					
	March 10				

CLASS SCHEDULE—Page 3

	Date	Before class, it is <u>REQUIRED</u> that you...	Before class, it is <u>OPTIONAL</u> for you to...	Class Agenda	To be brought/ Turned in during this class:
Ethics					
CLASS # 8	March 17	Read: - BFA Ch. 11 - NR Ch. 13 - BP #9		- “ACME Roofing” Negotiation Exercise	
Coalitions					
Class # 9	March 24	Read: - BFA Ch. 10 - BP #10-11 - NR Ch. 12 Journal Entry 6	Read BP #12	- “Federated Science Fund” Negotiation Exercise	- Journal Entry 6 a) Exercise: ACME Roofing b) Required References: BFA Ch. 11, NR Ch. 13, BP #9
Cross-Cultural Negotiations					
Class # 10	March 31	Read BP #13-14	Read NR Ch. 8	- “Alpha Beta” Negotiating Exercise	
Paperclip Activity					
Class # 11	April 7	Read BP #15-16			
Trust, Communication, and Conflict Resolution					
Class # 12	April 14	Read <i>Getting to Yes</i> (entire book)		- “OPEC” Negotiation Exercise	
*** Final Papers are due by 3pm Friday, April 24th and must be submitted to the Legal Studies and Business Ethics Department – 6th Floor, JMHH***					
Multi-Party Negotiations					
Class #13	April 21	Review readings from prior class		- “Harborco” Negotiation Exercise	Reminder: Final Papers due by 3pm Friday, April 24th
Reflections, Closing					
Class #14	April 28	Read BP #17 Personal Negotiation Analysis			Reminder: Peer Evaluations due by 3pm Wednesday, April 29th

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 REALIZED 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 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) that 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 than stick to a topic on which you cannot find enough material or are not interested in.

- 5) Q: Is it possible to get an extension?
A: No.