

SYLLABUS

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

LECTURER: ERIC MAX, Esq.

SPRING 2016

LGST 806-408 1:30pm-3:00pm, MW

LGST 806-409 3:00pm-4:30pm, MW

I. INSTRUCTOR

Lecturer: Eric Max, Esq.

Email: Emax3@wharton.upenn.edu (best method of contact)

Office Phone: 215-898-7689

Office: Huntsman Hall, 6th Floor

Office Hours: Before class and by appointment

II. CLASS MEETING TIMES AND LOCATION

Section 408, MW 1:30-3:00pm

Section 409, MW 3:00-4:30pm

Location: JMHHF50

III. COURSE OBJECTIVES

Negotiation is an art and a science. We negotiate every day in both our personal and professional lives. Effective negotiation can be a cornerstone of successful business and personal relationships. There is no “right way” to negotiate. Different approaches and styles may be more effective in particular situations. This course will give you the tools necessary to be able to analyze a negotiation and apply the appropriate skills to make it as productive as possible. This course is designed to help you:

- Determine your own strengths and weaknesses as a negotiator
- Improve your ability to negotiate effectively
- Analyze negotiation situations
- Develop a strategic plan for effective negotiation
- Gain an intellectual understanding of negotiator behavior
- Gain confidence as a negotiator

IV. COURSE FORMAT

This class will consist of:

- Interactive negotiation simulations every week
- In class debrief of all negotiations
- Video review of several of your negotiations
- Guest speakers
- Joint law school-business school negotiation
- Mediation simulations involving actors
- Observations of actual state and federal court mediations (optional)

V. TEXT AND READINGS

There are three assigned texts in this class:

Getting to Yes: Negotiating Agreement Without Giving In, by Roger Fisher, Bill Ury and Bruce Patton, (3d ed. Penguin 2011) ["GTY"].

Bargaining for Advantage, by G. Richard Shell (Penguin, 2d ed. 2006) ["Shell"].

Coursepack: Available on Study.net ["Coursepack"].

VI. CLASSROOM EXPECTATIONS

- We will start and end class on time
- You will display your name tent
- You must turn off all phones, laptops and other electronic devices

Attendance and Preparation. This class is very interactive and relies on the preparation and participation of all students in the class. Thus, it is extremely important for you to attend class and to be prepared to participate in a meaningful way. The more you put into this class the more you will get out of it! Excused absences include: Family or personal medical emergencies and religious holidays. Job interviews are *not* excused absences. If you miss two classes there is no penalty. If you miss more than two classes (for reasons that are not excused absences) you will lose half a letter grade for each class missed (from an A- to a B+; B+ to B etc.).

Confidentiality. In the first class, you will be asked to sign a Non-Disclosure Agreement regarding the information you learn in connection with the simulated negotiations. The bottom line is that unless I specifically direct you otherwise, you may not share confidential information you receive in connection with a negotiation simulation with anyone, including classmates who are playing the same role. Your honesty, integrity and ethical conduct in this regard will count in

your grade and will affect your reputation with your peers and your instructor. If you have any questions about the confidentiality of any facts, please ask me.

Do not assume that the negotiation is over when you think it is over. When you have completed a negotiation, please do not reveal your confidential information to your counterparts, or to members of another team, before returning to the classroom for the formal debrief session with me. The simulations do not always end when you sign an agreement in a break-out room. After we debrief the simulations you are free to discuss the case further with members of our class.

Ethics and Use of Prior Materials. Finally, please do not discuss cases with or borrow notes from people outside of class. Please do not share any information about these simulations with students who have not taken this class. It is a violation of the University Code of Academic Integrity to post anything about the negotiation simulations on a public website, or to conduct internet/Google searches about simulations.

VII. GRADING

Your grade will be determined as follows:

A. Class Participation (30%)

Participation includes timely attendance and high-quality participation in class exercises, discussion, and peer feedback. An unexcused absence results in no class participation points for that day. Cases and exercises require advance preparation (reading, preparation of negotiation strategy, sometimes written materials). Participation points for simulations will be based on the quality of your preparation for these assignments, and the quality of your participation in class during these exercises and the debriefing sessions afterward. The grading for discussion will be based on such factors as the use of the assigned readings for a particular class, relevance of comments to the topic covered, ability to effectively articulate personal experience relevant to the discussion topic and addition of new information or insights – quality is more important than quantity of comments.

B. Six short papers (30%)

During the term, you will write six short 2 page papers, double spaced, in 12-point font, times new roman lettering with 1 inch standard margins. *All papers are due before class and must be submitted via Canvas in word (not pdf) format.*

The topics for the short papers are:

1. Personal negotiation strengths, weaknesses and individual learning agenda for the class (due at the start of Class #4 and may be only one page)
2. Negotiation planning form (due at the start of Class #8)
3. Negotiation reflection paper and video review (due at the start of Class #12)
4. Ethics and Lying in negotiation reflection paper (due at the start of Class # 16)
5. Personal negotiation reflection paper analyzing a past or future negotiation (due at the start of Class # 20)
6. Questions to ask your attorney prior to entering into a negotiation (due at start of class #24)

In the first paper, you should reflect on your perceived strengths and weakness as a negotiator as you begin the course, and on your aspirations and goals for yourself during the term.

In the second paper you will be asked to complete a negotiation planning form. The planning forms will be graded based on their substance and clarity as well as how well they reflect your ability to prepare for and/or analyze a particular negotiation.

In the third paper you will be reviewing key learning moments in the video of a negotiation you conducted as well as those in one other group. You will be asked to identify the key moments in these negotiations and to be prepared to identify them in the next class. A good example would be, "In the negotiation, I attempted to gather information to understand the other parties' interests by asking questions (video time stamp 1:03), but then remained committed to my own position and left unclaimed value on the table." (video time stamp 1:10)

For the fourth paper, you will reflect on the topic of ethics and lying, using the reading and concepts we have discussed in class. The strongest papers go beyond merely describing what occurred during a particular simulation, and instead synthesize and reflect upon the topic and the readings.

In the fifth paper, you must report on an actual negotiation in which you took part. The negotiation may have already occurred or be occurring in the near future. You can write about a failed past negotiation and how you would have conducted it differently now that you are taking this course or you can write about a future negotiation that you will be entering into and how you are planning to approach it.

For the sixth paper, you will be writing a list of questions that you will be asking your attorney prior to entering into a negotiation.

C. Paper Clip Negotiation (10%)

The paper clip negotiation will take place outside of class during the last 2-3 weeks of the semester. The class will vote on the winner of this competition and the best negotiator will receive an award.

D. Final Research Paper (30%)

The Final Paper should be 8-10 pages, not including cover pages, reference pages or charts. (Points will be deducted from any papers that are not within this page range.) It should also be double-spaced, in the 12-point font, times new roman lettering with 1 inch standard margins. Please include your name and page numbers on the paper. A one-page description of the proposed topic and potential sources will be due in **Class # 22. (The Final Research Paper is due one week after the last class.)** *All papers must be submitted via Canvas in word (not pdf) format.*

The Final Paper is your opportunity to show me what you have learned in class. It may be on a topic of our choosing (in consultation with me) describing some aspect of negotiation. Potential topics include in-depth analysis of a real negotiation (in business, law, or international relations, for example), industry negotiation practices (best practices in real estate development negotiation deals) or topics related to bargaining styles, communication and ethics. **Key headings and terms used in the paper should be in bold lettering (interests, positions etc.).** I will grade your papers based on:

1. Ability to utilize all the concepts discussed in the course (including readings, guest speakers, and class discussion) in your paper (50%)
2. Ability to apply these concepts in a creative and imaginative way to an actual negotiation, industry negotiation practice or other negotiation related topic (25%)
3. Excellence in writing (including research, presentation, organization and proofreading) (25%)

Citations, Collaboration and Plagiarism. Papers must represent only the student's own creative work and effort. Students may use computer-assisted spelling or grammar programs and may discuss general ideas of paper topics with others. But no writing coaches, relatives, or personal assistance may be relied upon for the actual writing. The work must be your own. As with any paper, you must use a consistent citation method for sources. Any sources you quote or rely on must be either footnoted, with source and page references, or noted parenthetically, for example (Sax 1980 at p.7) with the full citation provided in a bibliography (e.g., Joseph L. Sax, *Mountains without Handrails: Reflections on the National Parks* (University of Michigan Press 1980)). Please make reference to all sources used. No statement that relies on a source should fail to reference the source.

Please note negotiation simulations will take place on Mondays and debriefs will take place on Wednesdays. All readings indicated below should be read prior to the Wednesday debrief for that week.

VIII. COURSE OUTLINE AND ASSIGNMENTS

Class#	Dates	Assignment due in Class	In-Class
Classes 1 & 2	1/13 & 1/20	No readings required.	Introduction to Negotiation Negotiate simulation #1 Persuasion and influence Sign Non-disclosure Agreement
Class 3 & 4	1/25 & 1/27	Shell, Intro. Chs. 1-2 Coursepack ## 1,2 **Bring Complete Coursepack # 2 (Appendix A to Shell) to Class Hand in before class #4: Short Paper # 1: Negotiation Strengths, Weaknesses and Individual Learning Agenda	GTY Distributive Bargaining Bargaining Styles Anchor Effects Negotiate simulation #2
Class 5 & 6	2/1 & 2/3	Coursepack ## 3, 4, 5 Shell, Ch. 3 <i>Optional Reading:</i> Coursepack # 6	Agents Deadlines Electronic Bargaining Standards Negotiate simulation #3
Class 7 & 8	2/8 & 2/10	Shell, Chs. 4, 5, 6 GTY (read sections 1 and 2) Hand in before class #8: Short Paper #2: Negotiation planning form	Interests Leverage BATNA Negotiate Simulation #4
Class 9 & 10	2/15 & 2/17	Prepare negotiation #5 to be video recorded Coursepack #7 and GTY (rest of book)	Integrative Bargaining Negotiate simulation #5 (<i>to be video recorded</i>)

Class 11 & 12	2/22 & 2/24	Coursepack # 8 <i>Optional Reading:</i> Coursepack # 9 Hand in before class 12: Short Paper # 3: Negotiating lessons and key video learning moments	Review videos of negotiations Trust Commitment Prisoner's Dilemma/Negotiator's Dilemma Negotiate simulation #6
Class 13 & 14	2/29 & 3/2	Shell Ch. 11	Ethics, Emotions and Lying in Negotiations Negotiate simulation #7 Discuss assignment on Personal Negotiation
Class 15 & 16	3/14 & 3/16	Hand in before class #16: Short Paper # 4: Ethics and Lying in Negotiation	Negotiate simulation #8
Class 17 & 18	3/21 & 3/23	Shell Chs. 7-10 <i>Optional Reading:</i> Coursepack # 10-11	Negotiation Process (preparation, info exchange, bargaining, commitment) Negotiate simulation #9.
Class 19 & 20	3/28 & 3/30	Hand in before class 20: Short Paper # 5: Personal Negotiation	Group decision making Negotiate simulation #10 Joint law-business school negotiation
Class 21 & 22	4/4 & 4/6	Hand in before class 22: One-page (maximum) description of proposed Final Paper topic. Coursepack # 12 <i>Optional Reading: Coursepack # 13</i>	Multiparty negotiations Negotiate simulation #11
Class 23 & 24	4/11 & 4/13	Coursepack ## 14, 15, 16	Mediation, Arbitration

			Mediate simulation #12
Class 25 & 26	4/18 & 4/20	Coursepack ##17,18	Mediate simulation #13
Class 27 & 28	4/25 & 4/27	Final paper due one week after the last class	Course conclusion