

SYLLABUS

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

LECTURER: ERIC MAX, ESQ.

FALL 2016

LGST 806-408 12:00pm-1:30pm, Tuesdays and Thursdays

LGST 806-409 3:00pm-4:30pm, Tuesdays and Thursdays

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: By appointment

II. CLASS MEETING TIMES AND LOCATION

Section 408, TR 12:00-1:30pm, Room JMHH G50

Section 409, TR 3:00-4:30pm, Room JMHH G50

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 simulation with 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 up to two classes there is no penalty. If you miss more than two classes (for reasons that are not excused absences) you will lose one third of a letter grade in the class (from an A- to a B+; B+ to B etc.) for each additional class missed.

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 based on a 100 point scale.

A. Class Participation (possible 30 points)

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. In addition, at the end of the semester each student will identify five fellow students as people who gained exceptional respect during the semester, either as negotiation counterparts or teammates, and exhibited exceptional skill at both reaching excellent outcomes and preserving or enhancing relationships. This peer feedback will be taken into account in determining the class participation grade.

B. Three short papers (possible 30 points)

During the term, you must write three short papers of 300-600 words each. These are hard word limits, and any paper that exceeds the 600 word maximum will receive no credit. **All papers, including the final paper, must be submitted via Canvas in Word (not .pdf) format with a word count.** The papers are an opportunity for you to demonstrate mastery of the readings and the concepts in the course. Each paper is worth a possible 10 points.

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)**
2. Negotiation planning form **(due at the start of Class #8)**
3. Ethics and Lying in negotiation reflection paper **(due at the start of Class # 12)**

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 and third papers, please reflect on the topic, using the readings and concepts we have discussed in class. The strongest papers go beyond merely describing what occurred during a particular simulation, and instead reflect on the topic and readings using facts from a specific negotiation as an illustration of key lessons and themes.

Each paper will be graded on a scale of 1 (lowest) to 10 (highest), with 10 being reserved for truly exceptional papers (a very rare grade). Any late papers will be penalized 2 points for each 24 hour period of lateness.

C. Paper Clip Negotiation (possible 10 points)

The paper clip negotiation will take place outside of class during the last 2-3 weeks of the semester and each student will present their results during the last class. Students will be evaluated based on creativity, number of trades, quality of trades and final item traded for. I will grade the exercise but the class will also vote on the winner of this competition. The best negotiator will receive an award.

D. Final Paper (possible 30 points)

The Final Paper should be no more than 2,000 words (approximately 8 pages, double spaced, in 12 point font, 1 inch margins). Papers exceeding this word limit will receive no credit. **The final paper is due at or before the start of the last class (class #28) via Canvas.** Any late papers will be penalized 4 points for each 24-hour period of lateness. **All papers, including the**

final paper, must be submitted via Canvas in Word (not .pdf) format with a word count.

Please make sure your name is on the paper.

For the final paper I would like you to analyze a real-world negotiation that you have participated in. (This also may include the securities role play that we will be conducting during the semester.) The final paper is your opportunity to show me what you have learned in class. It should include your plan, strategy and negotiation results. Topics listed in the negotiation planning form (but not the boxes) should be incorporated into your analysis. **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 (50%)
2. Ability to apply these concepts in a creative and imaginative way to an actual negotiation (25%)
3. Excellence in writing (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 assistants 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.

VIII. COURSE OUTLINE AND ASSIGNMENTS

All readings indicated below should be read prior to the Tuesday class for that week.

Class#	Dates	Assignment due in Class	In-Class
Classes 1 & 2	8/30 & 9/1	Shell, Ch. 11	Introduction to Negotiation Negotiate simulation #1 Distributive Bargaining Fraud Sign Non-disclosure Agreement
Class 3 & 4	9/6 & 9/8	Shell, Intro. Chs. 1-2 Coursepack ## 1,2 **Bring Completed Coursepack # 2 (Appendix A to Shell) to Class Hand in before class #4: Short Paper # 1: Negotiation Strengths, Weaknesses and Individual Learning Agenda	Distributive Bargaining Bargaining Styles Anchor Effects Negotiate simulation #2
Class 5 & 6	9/13 & 9/15	Coursepack ## 3, 4, 5 Shell, Ch. 3 <i>Optional Reading:</i> Coursepack # 6	Agents Deadlines Electronic Bargaining Standards Negotiate simulation #3
Class 7 & 8	9/20 & 9/22	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	9/27 & 9/29	Coursepack #7	Integrative Bargaining Interests Leverage Negotiate simulation #5
Class 11	10/4 (No Class on 10/6)	Cousepack # 8	Trust Commitment Prisoner's dilemma/Negotiator's Dilemma Negotiate simulation #6
Class 12 & 13	10/11 & 10/13	Coursepack # 9	Ethics, Emotions and Lying in

		Hand in before class #12-short paper# 3: Ethics and Lying in Negotiation	Negotiations Negotiate simulation #7 Discuss assignment on Personal Negotiation
Class 14 & 15	10/18 & 10/20	Coursepack # 10, 11	Negotiate simulation #8
Class 16 & 17	10/25 & 10/27	Shell Chs. 7-10 <i>Optional Reading:</i> Coursepack # 10-11	Negotiation Process (preparation, info exchange, bargaining, commitment) Negotiate simulation #9.
Class 18 & 19	11/1 & 11/3	Negotiating with attorneys-see handout	Negotiate simulation #10 Joint law-business school negotiation
Class 20 & 21	11/8 & 11/10	Coursepack # 12 <i>Optional Reading:</i> Coursepack # 13	Multiparty negotiations Negotiate simulation #11
Class 22 & 23	11/15 & 11/17	Coursepack ## 14, 15, 16	Mediation, Arbitration Mediate simulation #12
Class 24	11/22 (No class on 11/24)	Coursepack ##17,18 Hand out "Paperclip" instructions	Mediate simulation #13 Mediation
Class 25 & 26	11/29 & 12/1	Prepare to discuss ethical issues in mediation-see handout	Mediate simulation #14
Class 27 & 28	12/6 & 12/8	Final paper due last class	Course Conclusion and Wrap up Paperclip award presentation