

SYLLABUS

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

LECTURER: ERIC MAX, ESQ.

Spring 2017

LGST 806-406 12:00pm-1:30pm, Tuesdays and Thursdays

LGST 806-407 3:00pm-4:30pm, Tuesdays and Thursdays

1. 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

2. CLASS MEETING TIMES AND LOCATION

Section 406, TR 12:00-1:30pm, Room JMHH 245

Section 407, TR 3:00-4:30pm, Room JMHH 260

3. 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

4. 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
- Observations of actual state and federal court mediations (optional)

5. 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"].

6. 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 four points for each additional class missed. **It is your responsibility to sign the attendance sheet each class.**

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.

7. GRADING

Your grade will be determined as follows based on a 100 point scale.

A. Class Participation (possible 25 points)

Participation includes timely attendance and high-quality participation in class exercises, discussion, and peer feedback. 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, you will be asked to write a brief 1-2 page paper in the beginning of the course in which you 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. **All papers must be submitted via Canvas in Word (not .pdf) format. (Double spaced, 12 point font, 1 inch margins.)**

B. Two short papers (possible 20 points)

During the course, you will write two 3-4 page papers, double spaced, in 12 point font, 1 inch margins. **All papers must be submitted via Canvas in Word (not .pdf) format. Key**

concepts should be in bold (interests, positions etc.). Please put page numbers on the paper. 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. "Ethics and Lying in Negotiation" reflection paper (**due at the start of Class #6**)
2. "Getting to Yes" analysis of an in-class negotiation (**due at the start of Class #12**)

In the first paper, you will analyze an ethical issue that I present to you using the three schools of bargaining ethics discussed in the book "Bargaining for Advantage." In the second paper you will be analyzing a role play that we conduct in class using concepts discussed in the book "Getting to Yes."

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. It is always better to hand in a paper late than not at all.

C. FINRA Negotiation with Attorneys (possible 15 points)

We will be conducting a FINRA negotiation with attorneys during the semester. You will be graded on the quality of the questions you ask your attorney and the results of the negotiation as compared to other members of the class.

D. Paper Clip Negotiation (possible 15 points)

The paper clip negotiation will take place outside of class during the last three weeks of the semester. Each student will write a two page paper reflecting on this exercise. Students will be evaluated based on creativity, number of trades, quality of trades and final item traded for. In addition, the class will vote on the student who did the best trading the paper clip. The winner will receive an item symbolizing their achievement.

E. Best Negotiator Award (extra credit)

At the end of the semester each student will identify up to 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. The top five students in the class will receive extra credit. In addition, the student who receives the most votes from his/her classmates will receive an engraved award. All votes must be in by 5pm on the day before the last class.

F. Final Paper (possible 25 points)

The Final Paper should be 6-8 pages, double spaced, in 12 point font, 1 inch margins. The final paper is due one week **after** the last class of the semester (class #28) via Canvas. Each paper will be graded on a scale of 1 (lowest) to 30 (highest), with 30 being reserved for truly exceptional papers (a very rare grade). Any late papers will be penalized 4 points for each 24 hour period of lateness. It is always better to hand in a paper late than not at all. **All papers must be submitted via Canvas in Word (not .pdf) format. Key concepts should be in bold (interests, positions etc.). Please put page numbers on the paper.**

For the final paper I would like you to reflect on and analyze a real-world negotiation that you have participated in (successful or not) or are planning to participate in. You may also write about the FINRA negotiation with lawyers that we will be conducting during the semester. **The final paper is your opportunity to show me what you have learned in class.** I am looking for both scope of knowledge and depth of analysis. Your paper should include your plan, strategy and negotiation results (if any). Topics listed in the negotiation planning form in Shell's book (Appendix B, pp. 251-252) should be incorporated into your paper (boxes optional). Please also include any other concepts that are in GTY, BFA and the coursepack that are relevant to your negotiation analysis. I will grade your papers based on:

1. Ability to utilize the key concepts discussed in the course including readings, guest speakers, role plays and class discussion (40%)
2. Ability to apply these concepts to an actual negotiation or the FINRA role play with insight and creativity (40%)
3. Excellence in writing (presentation, organization and proofreading) (20%)

Submitting papers as a team: Some assignments will involve students working as a negotiation team. In these instances you may be asked to submit a paper as a team. In the event this occurs, each student's name must be listed on the paper and **each student must submit the paper under their own name on canvas in order to get credit for the assignment. All papers must be submitted via Canvas in Word (not .pdf) format.**

Using Citations: 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.

8. 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
Class 1	1/12	None	Introduction to Negotiation Negotiate Simulation #1 Sign Non-disclosure Agreement
Class 2 & 3	1/17 & 1/19	Read Shell, Ch. 11, Ethics Coursepack #1-2 Hand in before class 3: Negotiation strengths and weaknesses paper	Distributive Bargaining Anchor Effects Ethics, Fraud Negotiate simulation #2
Class 4 & 5	1/24 & 1/26	Read GTY, pp 1-55 (chapters 1-3) Complete bargaining styles assessment tool (Appendix A in Shell book) and bring results to class 4	Bargaining Styles, Agents and Deadlines Electronic Bargaining Standards Negotiate simulation #3
Class 6 & 7	1/31 & 2/2	Read GTY pp 56-94 (chapters 4-5) Hand in before class 6: Ethics Paper	Interests Positions Negotiate Simulation #4
Class 8 & 9	2/7 & 2/9	Read GTY pp 95-148 (chapters 6-8) Read Coursepack #3-5	Integrative Bargaining Options, Standards, BATNA Negotiate simulation #5
Class 10 & 11	2/14 & 2/16	Read Shell, Chapters 1-4 Read Coursepack #6-8	Trust Commitment Negotiate simulation #6
Class 12 & 13	2/21 & 2/23	Read Shell, Chapters 5-9 Hand in before class #12: Short Paper #2: GTY analysis of in-class role play	Negotiate simulation #7
Class 14 & 15	2/28 & 3/2	Read Shell, Chapters 10, 12	Negotiate simulation #8

Class 16 & 17	3/14 & 3/16	Read Coursepack # 9-11	Negotiate simulation #9.
Class 18 & 19	3/21 & 3/23	Negotiating with Attorneys	Negotiate simulation #10 Joint law-business school negotiation
Class 20 & 21	3/28 & 3/30	Negotiating with Attorneys Read Coursepack #12- 13	Negotiate simulation #11
Class 22 & 23	4/4 & 4/6	Read Coursepack #14-16	Mediation, Arbitration Mediate simulation #12
Class 24 & 25	4/11 & 4/13	Read Coursepack #17-18 Hand out "Paperclip" instructions	Mediate simulation #13 Mediation, Arbitration
Class 26 & 27	4/18 & 4/20	Votes for Best Negotiator due on 4/24	Mediate simulation #14 Multiparty negotiations
Class 28	4/25	Paperclip submission due on 4/25 Final paper due on 5/2	Course Conclusion and Wrap-up. Best Negotiator and Paperclip Award Presentations