

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

**LGST 8060, SECTION 406
SPRING SEMESTER 2023**

NEGOTIATION

INSTRUCTOR: Bob Adler
CLASSROOM: F65 Huntsman Hall
OFFICE: 651 Huntsman Hall
CLASSTIMES: Wednesdays, 3:30-6:30 pm
OFFICE HOURSE: Wednesdays, 2:00-3:00, or call me
CONTACT INFO: Cell phone: 919-616-2669
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OBJECTIVES: This course is designed to provide a basic introduction to negotiation. Negotiation is an art, not a science (although a number of studies have provided insights into effective techniques). There are basic skills and approaches, if mastered, that can significantly improve your chances of success in a negotiation. Among other things, this course seeks to improve your capabilities in the following areas:

- analyzing your negotiation style and modifying it as necessary,
- planning for a negotiation,
- dealing with strong emotions in negotiation such as fear or anger,
- identifying and understanding the other side's perspective,
- maximizing your bargaining power,
- employing "principled" negotiation techniques,
- assessing the course of a negotiation,
- choosing the proper mix of integrative ("win-win") and distributive ("win-lose") tactics,
- evaluating a negotiation and improving from lessons learned

READINGS: G. Richard Shell, Bargaining for Advantage (Penguin 3rd Edition)
Roger Fisher, William Ury & Bruce Patton, Getting to Yes REVISED ED. (Penguin 2011)
Additional readings: Canvas

SUGGESTED READINGS: If you wish to explore additional readings on Negotiation, I suggest the following:

- a) You Can Negotiate Anything (Bantam Books) Herb Cohen
- b) Negotiation Genius (Bantam Books) Deepak Malhotra & Max Bazerman
- c) Getting Past No (Bantam Books) William Ury
- d) The Power of Nice (John Wiley & Sons) Ronald Shapiro & Mark Jankowski

ATTENDANCE

Attendance in this course is mandatory!

A great deal of each class will be spent doing actual negotiations, so you must attend every class. It is critical that you attend every class because your absence will affect not only your grade but more importantly will leave your classmates stranded without a negotiation partner or opponent. Accordingly, missing a class hurts everyone's learning not just yours.

If you must miss a class, please let me know at least 24 hours in advance. I will attempt to reassign negotiation partners but I must have advance notice to do so. You will lose class credit for any absences that I do not excuse. If you wish to be excused from class, email me using your Wharton account.

Missing a class for a job interview is NOT an excuse for skipping class. I expect you to use your new negotiation skills to schedule an appointment outside of class hours.

USE OF LAPTOPS AND OTHER ELECTRONIC DEVICES

Unless given permission by the instructor, you may not use laptops or other electronic devices during lectures and class discussions/review sessions. You may use laptops or other devices during the negotiation simulations.

RULES FOR NEGOTIATION

Show up on time and be prepared: You are expected to arrive on time and to be prepared to attend a planning session and to negotiate each class's case.

Confidentiality: Every negotiation case will involve secret instructions for each side. You must treat secret instructions confidentially. This means that you while you can discuss upcoming cases with those who share your role in the negotiation but you must not discuss your secret instructions with those not playing your role. And you must not discuss secret instructions with those not in the class even after the negotiation case is done. Doing so is a violation of the University Code of Academic Integrity.

Lies: Under no circumstances are you permitted to lie during a negotiation. This does not mean that you must volunteer information that you believe to be harmful to your side nor does it mean that you must answer questions that you do not want to answer. It does mean that the other side can draw proper inferences from your failure to answer questions so you should have a strategy for exchanging information.

Play your role as if it were real-life: You should not treat the cases casually or with disinterest. If you wish to learn how to negotiate you should take the issues seriously and treat your colleagues as if they were actually the person you are dealing with in real life.

External sharing: The materials in this course may be used in future classes so you should not discuss them with classmates who plan to or are likely to take a Negotiation course. The best course of action is simply to refuse to discuss the cases with those not enrolled in the course.

GRADING:

Class participation: 25 percent. The quality of your comments will count as much, if not more, as the quantity.

Journals: Journals will constitute 75 percent of the grade. Journals should discuss each negotiation in which you are involved *either as a negotiator or as an observer*. In order to promote self-scrutiny and candor, your journal should be considered a confidential communication between you and me. No one else should see this document.

Where relevant, journals should reference the assigned readings and lectures for the course. Elaborate referencing is not necessary, but you should do enough to demonstrate that you have read and thought about the material in your negotiations.

Journal Due Dates: To follow your progress in the course, I require periodic submissions. The due dates for journal submissions are –

Written submission 1: February 22, 2023

Written submission 2: April 5, 2023

Final Submission: May 1, 2023

Format: I do not require any specific format for journal entries. I suggest, but do not require, that you include two entries for each negotiation, one *pre-negotiation* and the other *post-negotiation*. With respect to *pre-negotiation*, I suggest, but do not require, the following general format:

Pre-Negotiation Entry

- 1) Goals
 - a) Mine (i.e., what would be a terrific outcome, what's the most likely outcome, and what's my BATNA)
 - b) Those of the person(s) with whom I'm negotiating (my best guess), or
 - c) Those of the persons for whom I am an observer (my best guess)
- 2) Information
 - a) Information I seek
 - b) Information that will probably be sought from me
 - c) My strategy for seeking information (e.g., questioning, trading , etc.)
 - d) My strategy for disclosing information (e.g., be open, trade information, refuse to disclose information), or
 - e) Information that the negotiators I am observing should seek
- 3) Negotiation Strategy
 - a) What's my approach? [feel free to experiment during the course]
 - i. hardball
 - ii. conciliatory
 - iii. mixed (e.g., switch from hard to soft depending on the circumstances)
 - iv. enigmatic, or other
 - b) What's the approach of the negotiators whom I observed?

With respect to *post-negotiation* entries, I suggest the following format:

Post-Negotiation Entry

(Although I do want to know what happened in the negotiation, please provide critical details of the negotiation, but do not simply relate back-and-forth)

- 1) How did the negotiation go? Did it proceed as planned or predicted? What were the terms of the deal? If no deal, what were the last positions of the parties?

- 2) Name of the person(s) against whom you negotiated or whom you observed. Briefly describe him or her as a negotiator -- good as well as bad. (*Please be candid. No one other than you and I should ever see your journal.*)
- 3) (*as negotiator*) What did I learn about myself as a negotiator? Was I as assertive as I needed to be, or was I too assertive? Was I as sensitive to my opponent's concerns as I needed to be, or was I so sensitive that I neglected my own interests?

(*as observer*) What did I learn from observing the negotiators that will help me as a negotiator? What traps should I avoid? What approaches should I adopt?
- 4) What did I learn about negotiation in general, and about the issues addressed in the specific negotiation exercise just completed?

Please note that some of the best journals are written in basic essay fashion, with the above points addressed as part of the discussion. Simply listing the guidelines and saying a few words about each point is usually not an effective way to write a journal.

RULES FOR PAPERS REQUIRED IN CLASS

All papers must be submitted via Canvas in Word format (not .pdf). The format should be Times New Roman or Calibri font, double spaced, 12-point font, 1-inch margins, with page numbers in the top right corner. Papers that exceed the page limits stated will not have the excess pages considered. Footnotes and cover pages do not count against the page limits.

LATE PAPERS: Late papers (without permission from me for a time extension) will be penalized 2 points for every 24 hours they are late.

Class (Date)	Agenda	Readings Due	Assignments Due
Class 1 1/18/23	Syllabus review Introduction to negotiation What makes a good negotiator? <i>Carolina Blue Tree Falls Hall Lease</i>	GTY: Introduction Shell: Introduction	Self-assessment forms
Class 2 1/25/23	Planning a Negotiation Principled Negotiation <i>Becker v McGuire</i>	Shell, Chapters 1-2, Appendix A, 203-216 GTY, Chapter 1	
Class 3 2/1/23	Salary negotiations <i>Debbie Dunker</i>	GTY, Chapters 2-3 Shell, 17-19, 36, 57,138 Malhotra, "15 rules for Negotiating a Job Offer," Nisen, "You are almost certainly starting salary negotiations wrong"	
Class 4 2/8/23	Lies and Deception: Ethics <i>Showdown at Dry Gulch</i>	Shell, Appendix B Shell: "When is it legal to lie in a negotiation?" Adler: "Mastering the art of negotiation with liars"	Public negotiation by volunteers
Class 5 2/15/23	Dealing with difficult people Emotions in negotiation Breaking an impasse <i>King v Dorn</i>	Shell, Chapter 3-4 GTY 157-165 Adler, Rosen & Silverstein, "Anger and Fear in Negotiation"	
Class 6 2/22/23	Gender and race issues <i>Jones v Acme Credit</i>	Shell, 16-20, 110-115 Bowles, "Why women don't negotiate their job offers," Harvard Program on Negotiation, "Counteracting Negotiation Biases Like Race and Gender in the Workplace"	First written submission due
No Class 3/8/23	Spring Break		
Class 7 3/15/23	Emotions in negotiation Power in negotiation Multiparty negotiations <i>Spray Clay</i>	GTY, Chapters 6-7 Shell, 82-100	

Class (Date)	Agenda	Readings Due	Assignments Due
Class 8 3/22/23	Electronic Negotiation <i>OPEQ</i>	Shell, Chapter 5, pp. 112-114	
Class 9 3/29/23	International negotiations <i>TBD</i>	Meyer, "Getting to Si, Ja, Oui, Hai, and Da"	
Class 10 4/5/23	Persuasion issues <i>The Hot-Rod Case</i>	Cialdini: "Persuasion"	Second written assignment due
Class 11 4/12/19	Tricks and techniques <i>Eco</i>	Shell, 190-194, GTY, Chapter 8 Fisher, Ury & Patton, 129-143 Adler, Rosen & Silverstein, "The Art of Tough Negotiating: Thrust & Parry"	
Class 12 4/19/22	Closing advice <i>Chestnut Street</i>	GTY, Chapters 4-8	
Final written assignment due 5/1/23			

The Instructor

Bob Adler retired as a Commissioner at the U. S. Consumer Product Safety Commission (CPSC) in December 2021 after 12 years in office. He served as the Acting CPSC Chairman from 2019-2021.

Prior to assuming office, Bob served as the Luther Hodges Jr., Scholar in Ethics and Law at the University of North Carolina-Chapel Hill's Kenan-Flagler Business School. At UNC-CH, he served as the Associate Dean of the MBA Program and as Associate Dean for the School's Bachelor of Science in Business Administration Program. As a professor, he taught courses in business law, business ethics, business-government relations and negotiation. Bob won a university-wide teaching award, the Tanner Award, in 1996 and the undergraduate program's Distinguished Teaching Award in 1990. In 2004, he received the Gerald Barrett Faculty Award for outstanding teaching and service to the MBA Program.

Prior to his appointment at UNC-CH, Bob served as Counsel to the Subcommittee on Health and the Environment of the Energy & Commerce Committee in the U.S. House of Representatives. Prior to that, Bob served as a deputy attorney general for the Pennsylvania Justice Department, where he headed the southwest regional office of the Pennsylvania Bureau of Consumer Protection.

Bob has been involved in numerous consumer protection and education activities for many years. He was elected six times to the board of directors of Consumer Reports magazine.

Bob graduated *cum laude* from the University of Pennsylvania with a major in political science. He received a JD from the University of Michigan Law School.