

SYLLABUS

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

SENIOR LECTURER ERIC MAX, ESQ.

NEGOTIATION: LGST/MGMT/OIDD 2910-410

M/W 1:45pm-3:15pm

Room: Huntsman Hall Room _____

1. INSTRUCTOR

Senior Lecturer: Eric Max, Esq.

Email: emax3@wharton.upenn.edu (best method of contact)

In all emails, please indicate what section of the class you are in.

Office hours: By appointment and by zoom.

2. ASSIGNMENTS AND CORRESPONDENCE

All assignments will be listed on the course website on canvas.

I will communicate with the class primarily through “announcements” on canvas.

3. COURSE OBJECTIVES

Negotiation is more an art than a science. We negotiate every day in both our personal and professional lives. Effective negotiation can be the cornerstone of successful business and personal relationships. There is no “right way” to negotiate. Different approaches and styles may be more effective in certain 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:

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

4. COURSE FORMAT

- We will negotiate in every class using role plays.

- Each class will follow this schedule: 1) during the first half of class students will read the role play and conduct the negotiation; 2) during the second half of class we will debrief the negotiation and discuss the readings.

5. TEXT AND COURSE MATERIALS

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 rev. ed. 2018) ["BFA"].

Canvas course site: The course site on canvas includes assignments, additional readings, announcements, and other information. Please visit the course site regularly because it will be updated often.

6. CLASSROOM EXPECTATIONS

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 every 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 illness, family or personal emergencies and religious holidays. Job interviews, personal travel, internship activities, attending conferences and leaving early for school holidays are *not* excused absences.

Confidentiality: 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.

Ethics and Use of Prior Materials: Do not discuss cases with or borrow notes from people outside of class, and 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.

Rules for negotiating: You are not allowed to make up facts which are not in the exercises to improve your bargaining position. For example, if the role-play states that you are selling an airplane, you cannot add a 10-year warranty to the deal unless it is specifically stated in your fact pattern. Similarly, you may not add the fact that the land you are buying is contaminated if it does not state this in your fact pattern. If the other person asks you a question that your role-play does not address, just respond that you do not have that information. However, you can mislead or bluff regarding: 1) your true motivations, 2) how you value an item, 3) your budget, and 4) other offers you might have.

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. After we debrief the simulations, you are free to discuss the case further with members of our class.

Negotiation Notebook: You will be asked to keep a negotiation notebook throughout the semester. In the notebook you will be recording all the offers, counteroffers and results that take place in each of the negotiations that you conduct.

Requests for regrades: If a student feels that there was a mistake in the grading, he/she must email me within one calendar week following the grade being posted. Late requests will not be considered. The request must state specifically where the grading error may have occurred. Regrades can result in the grade increasing, decreasing, or staying the same. Final course grades can only be appealed within two weeks of the grade being posted using the same criteria mentioned above.

7. GRADED ITEMS (100 POINT SCALE):

First midterm exam=25%

Second midterm exam=25%

Written preparation for each negotiation, negotiation notebook and and video review memo=25%

Attendance and class participation=25%

COURSE OUTLINE AND ASSIGNMENTS BY DATE:

Due to the flexible nature of the course, the syllabus may not always contain the most updated information regarding when assignments are due. As a result, always follow the dates given in

the “assignments” section on canvas and not the syllabus. All readings indicated below should be read prior to the class for that week.

Class #1 on August 28:

Read the syllabus and BFA introduction

In-class: Go over syllabus, rules for in-class negotiation, negotiation planning form

Negotiate airplane sale

Topic: Distributive negotiation

Class #2 on Sept 4:

Negotiate land sale role play

Topic: Distributive negotiation

Class #3 on Sept 9:

Read GTY pp 1-55

In-class: Negotiate DEP vs FAO role play.

Topic: Distributive negotiation

Class #4 on Sept 11:

In-class: negotiate “House sale with agents.”

Topic: Distributive negotiation

Class #5 on Sept 16:

Read GTY pp 56-94

In-class: “How to negotiate a job offer” discussion and negotiation styles assessment (bring completed assessment to class)

Class #6 on Sept 18:

In-class: How to negotiate a job offer-part 2

In-class: Negotiate “New Recruit” role play.

Class #7 on Sept 23:

Read GTY pp 95-148

Topics: Negotiation ethics discussion

Class #8 on Sept 25:

In-class: Conduct “OPEQ” negotiation

Topic: Trust and communication in negotiation

Class #9 on Sept 30:

Read GTY pp 149-187

In-class: Negotiate "Planet Wars."

Topic: integrative bargaining

Class #10 on Oct 2:

In-class: Negotiate role-play "Coconuts."

Topic: integrative bargaining

Class #11 on Oct 7:

Read BFA Ch. 5

Debrief "Coconuts."

In-class: negotiate "Bullard houses."

Topic: negotiating the terms of a deal

Class #12 on Oct 9:

In-class: negotiate "kidney case."

Topic: Persuasion

Class #13 on Oct 14:

Topic: negotiating legal claims and the role of lawyers in a negotiation

In-class: negotiate the "Deck case."

Read BFA Ch. 6

Class #14 on Oct 16:

In-class: First midterm exam

Class #15 on Oct 21:

Read BFA Ch. 1

Topic: Coalition building

In-class: negotiate Harborco part 1

Class #16 on Oct 23:

Topic: coalition building

In-class: negotiate Harborco part 2

Class #17 on Oct 28:

Read BFA Ch. 2

In-class: Negotiate Mouse role play part 1

Topic: multi-party negotiations

Class #18 on Oct 30:

In-class: negotiate Mouse role play part 2

Topic: multi-party negotiations

Class #19 on Nov 4:

Read BFA Ch. 3

In-class: negotiate NYU roommate dispute (videotape it and write a paper on it-paper due on Nov 11th)

Class #20 on Nov 6:

Read BFA Ch. 10

In-class: discussion of BFA planning form.

Class #21 on Nov 11:

Read BFA Ch. 4

In-class: Conduct "Big Builder" role play, part 1

Topic: mediation/arbitration

Class #22 on Nov 13:

Read BFA Ch. 11

In-class: Conduct "Big Builder" role play, part 2

Class #23 on Nov 18:

Read BFA Ch. 5

Topic: mediation/arbitration In-class: Conduct "Getting to Maybe" role play, part 1

Topic: mediation/arbitration

Class #24 on Nov 20:

In-class: Conduct "Getting to Maybe" role play, part 2

Topic: mediation/arbitration

Class #25 on Nov 25:

Read BFA Ch.6

Topic: cultural differences

In-class: negotiate "Hiring a Trentonian."

Class #26 on Dec 2:

In-class: negotiate second NYU roommate dispute.

Topic: interpersonal negotiation

Class #27 on Dec 4:

In-class: review BFA negotiation planning form

Class #28 on Dec 9:

Second midterm exam

The instructor:

Eric Max, Esq. is a Senior Lecturer at the Wharton Business School at the University of Pennsylvania where he teaches negotiation to undergraduate, MBA and law students. Mr. Max also provides negotiation training to hundreds of business executives from around the world as part of Wharton's Executive Education Program. Mr. Max has served as a court-appointed mediator for over 30 years, negotiating settlements of hundreds of lawsuits involving claims exceeding \$1 billion.