

Atlanta's John Marshall Law School  
Intersession – May 18 to 22, 2015  
9:00 am to 3:30 pm  
2 Credits

Professor: Hadiya C. J. Claxton, Esq.

## **NEGOTIATIONS** **SYLLABUS & COURSE GUIDELINES**

**NOTE:** ALL STUDENTS WILL BE REQUIRED TO REIMBURSE THE PROFESSOR FOR THE PER STUDENT COST TO LICENSE THE USE OF THE ROLE PLAY MATERIALS FROM THE PROGRAM ON NEGOTIATION AT HARVARD LAW SCHOOL. HARVARD CHARGES A PER STUDENT COST TO LICENSE THE USE OF THE MATERIALS. YOU WILL BE NOTIFIED OF THE EXACT COST ON THE FIRST DAY OF CLASS. HOWEVER, THE COST WILL NOT EXCEED \$50 PER STUDENT.

### **OVERVIEW AND COURSE OBJECTIVE**

Lawyers negotiate all the time. Whether you want to be a litigator or a transactional lawyer, negotiation is a key element of the practice of law. We all use different negotiation skills and approaches in our everyday lives. In this course, you will have the opportunity to learn the fundamentals of negotiation and to improve upon your negotiation skills. This course will teach you different skills and approaches in order to allow you to improve your ability to negotiate more skillfully. Assigned readings and class discussions will provide you with a theoretical framework to prepare for negotiations and a theoretical understanding of the negotiation process. In addition, practical exercises and class simulations will allow you the opportunity to learn and practice the skills of an effective negotiator.

By the end of this course, among other things, you should be able to:

- understand, articulate, and recognize different negotiation approaches and techniques;
- increase your awareness of your own negotiation behavior;
- prepare effectively for a negotiation; and
- enhance your ability to negotiate more skillfully.

### **CLASS MATERIALS**

#### **REQUIRED READINGS**

- Mnookin, Peppet & Tulumello, *Beyond Winning: Negotiating to Create Value in Deals and Disputes* (Harvard University Press, 2000)
- Fisher & Ury with Patton, *Getting to YES: Negotiating Agreement Without Giving In* (3<sup>rd</sup> edition) (Penguin Press, 2011)

Readings for this class are different than for typical law school classes. Instead of judicial opinions in court cases, the readings in this class consist of popular texts from legal literatures. The required readings provide the context for the class exercises and discussions. It is

imperative that you complete the required readings assigned for each class in order to prepare yourself for the negotiations and class discussions in each class.

## RECOMMENDED READINGS

- Stone, Patton & Heen, *Difficult Conversations: How to Discuss What Matters Most* (Penguin Press, 1999)
- Ury, *Getting Past No: Negotiating Your Way from Confrontation to Cooperation* (Bantam Books, 1993)
- Shell, *Bargaining for Advantage: Negotiation Strategies for Reasonable People* (Penguin Press, 2006)

## CLASS EXERCISES AND ROLE PLAYS

This course combines skills and theory. You will be required to negotiate in many different simulated settings. You may have the opportunity to represent clients, act as clients, and observe and evaluate the role play simulations done by your classmates. For the simulations, you are expected to make a good faith effort to play your assigned role in a realistic manner and to take the exercises seriously. The role-play exercises provide opportunities for you to experience the negotiation process and experiment with different skills.

The role-plays and exercises in this course have been carefully developed over the years by negotiation experts from the Program on Negotiation at Harvard Law School. They are subject to copyright protection, and the Program on Negotiation at Harvard Law School has allowed me to use them.

Please follow the following guidelines for participation in class exercises: (i) you may not copy the role-play instructions or any portion thereof as they are subject to copyright protection; (ii) you may not discuss or share your confidential role play instructions with your classmates or anyone else outside of this class; and (iii) you may not deviate from the facts in the general or confidential role-play instructions.

## ATTENDANCE

Attendance in this course is critical as we will be conducting simulations more often than not. You must attend every class for the entire class period. Enrollment is purposely limited to a small number of students, and all of the exercises and role plays depend on having at least one counterpart to negotiate with. It is a disservice to your classmates to miss a class, to come to class late, or to be unprepared. As such, please note that lateness, class absence and failure to prepare for class will adversely affect your grade. If you know now that you cannot attend every class, or cannot remain in every class for the entire class period, please do not take this class. If you enroll in this class and you must miss a class, it is important that you give me as much advanced notice as possible, so that I may make arrangements for your absence.

## **GRADING**

There will be no final examination for this course. Grades will be calculated by considering the following factors: (i) class participation; (ii) class memos; and (iii) final role play negotiation simulation.

### **CLASS PARTICIPATION**

Your class participation grades will be based on your active participation in the simulation exercises and class discussions. You will be evaluated on (i) the quality of your preparation of the required readings and your demonstrated understanding of the concepts introduced in those readings through class discussions and other exercises, (ii) the quality of your preparation for the individual role play simulation exercises, and (iii) your use of the time provided to complete the negotiation exercises and give and receive feedback. You will not be evaluated on the outcome of your negotiations.

Absences will negatively impact your class participation grade, and being late or leaving early will constitute an absence from the entire class.

### **CLASS MEMOS**

In preparation for each day, you must prepare a brief memo discussing your strategy for negotiation of the upcoming role-play exercise using the concepts introduced in the assigned readings and discussed in classes up until that date. Memos should be 1 to 2 pages in length, double-spaced. I will discuss further details regarding my expectations for these memos in class. It is your responsibility to ensure that your class memos are turned in when they are due.

### **FINAL ROLE PLAY NEGOTIATION SIMULATION**

In the final negotiation simulation, you will be expected to use the negotiation concepts and techniques that you learned throughout the intersession. I will choose the team groupings for the final simulation. Creativity will be valued. I will discuss further details regarding my expectations for the final negotiation in class. Each group must submit a hard copy of the terms agreed to in the final negotiation.

## SYLLABUS

<u>Class Date</u>	<u>Area of Focus</u>	<u>Readings</u>	<u>Role-Play Preparation</u>
May 18 - AM	Introduction to negotiation	<i>Getting to Yes</i> , Chapters 1, 2, 3, 4, 5 & 6	<i>Weathers and Evans</i>
May 18 - PM	What is a good outcome?		Prepare and negotiate <i>Sally Soprano I</i>  HW: Prepare letter to client discussing negotiated deal terms
May 19 - AM	Distributive bargaining	<i>Beyond Winning</i> , Chapters 1, 2, 3 & 4	Prepare and negotiate <i>Parker-Gibson</i>
May 19 - PM	Distributive bargaining cont'd		Prepare <i>PowerScreen</i>  HW: Prepare <i>PowerScreen</i> prep memo
May 20 - AM	Distributive bargaining cont'd  Principal-Agent Issues		Negotiate <i>PowerScreen</i>  Prepare <i>George and Martha</i>
May 20 - PM	Preparation & planning for negotiation		Negotiate <i>George and Martha</i>  Prepare <i>67 Fish Pond Lane</i>  HW: Prepare <i>67 Fish Pond Lane</i> prep memo
May 21 - AM	Negotiating Behind and Across the Table	<i>Beyond Winning</i> , Chapters 7 & 8	Negotiate <i>67 Fish Pond Lane</i>  Prepare <i>DONS</i> (attorneys interview clients prior to negotiation)
May 21 - PM	Principal-Agent Issues; Lawyer-client relationship	<i>Beyond Winning</i> , Chapters 10 & 11	Negotiate <i>DONS</i>
May 22 - AM	Organizations; Multi-party negotiations	<i>Beyond Winning</i> , Chapter 12	Prepare <i>MAPO</i>
May 22 - PM			Negotiate <i>MAPO</i>  Prepare final agreement setting forth negotiated terms

\*Please note that the syllabus above is subject to change.