

SYLLABUS

Text: Craver, *Skills & Values: Legal Negotiating* (2d ed. 2012 LEXIS) [S & V]

NOTE: Please do ***NOT READ*** any of the *Negotiation Exercises* before they are assigned, since students will only read the information pertaining to their assigned side.

Friday January 16

Read S & V Chs. 1, 7 & 8

Introduction/Silent Negotiation Exercise

Factors Affecting Negotiations

- (A) Verbal Communication
- (B) Negotiator Styles
- (C) Needs & Interests of Parties

Peterson v. Denver Exercise [S & V p. 116]

Negotiation Stages

- (A) Preparation
- (B) Preliminary Stage
- (C) Information Exchange

Rodriguez v. Douglas Chemical Exercise [Handout]

Singlepart-Largecorp Exercise [S & V p. 92]

Results Due: Thurs. Jan. 22 Noon

Friday January 23

Read S & V Chs. 3 & 5

Negotiation Stages Continued

- (D) Distributive Stage
- (E) Closing Stage
- (F) Cooperative Stage

Sexual Harassment Exercise [S & V p. 51]

Sexual Harassment Exercise Video Tape

Ace Sporting Goods-Human Rights Committee Exercise [S & V p. 176]

Results Due: Thurs. Jan. 29 Noon

Friday January 30

Read S & V Chs. 4, 9 & 12

Ultimatum Game; Prisoners Dilemma; and Dollar Auction

Nonverbal Communication

Coach Brothers/Phila. Eagles Exercise [Handout]

Negotiation Games/Techniques

NASA Decision-Making Exercise [S & V p. 195]

Chinese Joint Venture Negotiation [S & V p. 162]

Results Due: Thurs. Feb. 5 Noon

Friday February 6

Read S & V Ch. 13, 14, 15,
19 & 20

Impact of Cultural Differences

Specific Negotiation Issues

Security Council Expansion Exercise [S & V p. 189]

Mediation

Traits Possessed by Successful Negotiators

Parker v. Davidson Exercise [S & V p. 223]

Negotiation Ethics

COURSE PARTICIPATION RULES

1. This is a skills course in which students will explore the Legal Negotiation process and engage in a series of negotiation exercises designed to examine both distributive (*i.e.*, competitive) and integrative (*i.e.*, cooperative) negotiation styles and to explore the different concepts being discussed. Several negotiation exercises will be conducted during class sessions and several negotiation exercises will be undertaken between classes. Each student will be expected to make a good faith effort to achieve agreements with respect to the different negotiation exercises. If agreements are achieved, students must prepare written summaries containing the terms agreed upon and careful calculations of the point totals for each side. Each participant's name must be included on the submitted agreements.

2. Class attendance and participation constitute a significant part of this skills class. Students are thus expected to **attend each class** and be willing to **participate** in class exercises and class discussions. Students will be required each week to sign an attendance sheet. **Any student who misses ANY CLASS without an extraordinary excuse will be DROPPED FROM THE COURSE and receive NO GRADE for this class.** Every student who attends the four class sessions and makes a good faith effort with respect to each negotiation exercise will receive a "Credit" for this one-credit-hour course.

3. To make the negotiation exercises as close to real-world interactions as possible, the following ***Ethical Rules*** must be followed:

a. While they are interacting with opponents, negotiators shall **not** show their ***Confidential Information Sheets*** to their opponents, nor may they disclose any of the specific information pertaining to their side's ***scoring system*** – *i.e.*, while they may indicate that one item is valued twice as much by their client than another item, they may not disclose that one item is worth 40 points and the other is worth 20 points. [Once an exercise is finished, negotiators may read Opponent Confidential Information.] During their interaction, the participants may disclose the other factual and/or legal information set forth in their Confidential Information Sheets.

b. Negotiators may **not** make any ***knowing misrepresentations of material law or fact*** during their interactions. Nonetheless, representations concerning their side's ***value system*** or what they are ***willing to accept (i.e., settlement intentions)*** shall **not** be considered representations regarding "***material fact.***" Such "***puffing***" and "***embellishment***" is considered to concern "***nonmaterial***" ***information*** that is outside the scope of Model Rule 4.1 which prohibits misrepresentations of material information.