

Negotiation Assignment - Learning Plan

In General

As indicated in the syllabus, you must submit a learning plan for the course describing your individual learning goals and plans to achieve your goals. The goals and plans should be both ambitious and realistically achievable. The plans are subject to the instructor's approval and may require revisions based on my feedback. With my permission, you may revise your learning plan. **Learning plans may not be revised after March 14.**

Your learning plan must describe an individual project designed to achieve your learning goals. For example, you may want to learn about how lawyers negotiate in practice and might propose to observe negotiations in hallways outside courtrooms and/or interview lawyers, mediators, or settlement judges. You may want to develop your own philosophy of negotiation practice and prepare materials for clients explaining your philosophy, which might be suitable for posting on a law firm website. You might write a simulation or paper to carefully consider particular negotiation issues. You may propose other suitable ideas.

In any case, your project must involve substantial effort and analysis so that you get an appropriate amount of benefit. For example, if you write a simulation, you must include detailed teaching notes analyzing the issues in the simulation. Instructions for writing simulations are posted in the "syllabus" section on TWEN. Similarly, if you develop website materials, you must include an analysis describing why you chose to include the ideas you did as opposed to other possible ideas.

Your learning plan must also include a section describing particular skills and knowledge that you want to develop through the simulations in this course.

Negotiation Knowledge and Skills

There is a wide range of knowledge and skills that lawyers use to be effective negotiators. For your project in this course, you should focus on a specific area to develop that you think would help you advance your professional goals. The reading assignments deal with issues that you may choose to examine in more depth than we will do in class. There is an extensive literature on negotiation, which can provide additional ideas.

The following lists illustrate some areas of knowledge and skills that you may focus on, but this is not an exhaustive list. You are welcome to choose other areas that would help you achieve your own professional goals.

Skills

Listening
Questioning
Counseling (especially when clients have unrealistic desires or expectations)
Developing rapport and trust with clients and counterpart lawyers
Getting others to agree to negotiate
Working with counterpart lawyers
Analyzing negotiation issues
Developing negotiation strategies
Implementing negotiation strategies
Dealing with barriers to agreement
Avoiding common errors in negotiation
Dealing with cultural and other differences

Negotiation Issues

When negotiation is or is not appropriate
Ethical issues related to negotiation
Effect of parties' abilities and disabilities
Tensions in lawyer-client relationships
Strengths and weaknesses of different negotiation models and styles
"Two-level negotiation" (i.e., negotiation both within and between negotiation teams)
Timing and rhythm in negotiation
How gender issues affect negotiation
How identity issues affect negotiation
How emotions affect negotiation
Partisan perceptual biases
Parties' "prosocial" preferences (i.e., concerns beyond direct self-interest)
The role of ceremony in negotiation
Curiosity and creativity
The effect of "framing" of issues and use of metaphors
The role of information and learning before and during negotiation
Persuasion
Mindfulness, perceptions, heuristics, neuroscience, and other psychological issues
The role of risk, decision analysis, uncertainty, and ambiguity
The role of trust
The effect of reputations
Apology and forgiveness
Negotiation by email or other electronic means
Use of experts, interpreters, mediators, and other professionals
Overcoming apparent impasse
Dealing with negotiators' constituencies

Content of Plans

Your plan must use the following format. It should be tailored to accomplish your personal goals as much as possible. You will get more out of this course if you put serious thought into this and your work will be graded accordingly.

Name:

Type of practice you would like in early phase of your career (e.g., types of case, size of law office, size of community):

Prior studies and/or work experience, if any, that might be helpful in legal practice:

Skills and/or knowledge you particularly want to develop in this course through simulations:

Skills and/or knowledge you particularly want to develop in this course through your individual project:

Description of your proposed project to help you acquire the skills and knowledge you want to develop in this course. (Provide enough detail so that I understand what you plan to do and can give helpful feedback. A well-written paragraph or two can be sufficient.):