

*Law 6313*  
**NEGOTIATION WORKSHOP**  
**SAMPLE SYLLABUS**  
Tuesday, 2-5 pm, Room 326

Prof. Erin Ryan  
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**1. Overview.** This rigorous but rewarding four-credit course introduces the theory and practice of negotiation in a workshop setting. We will examine the basic stages of a negotiation; the major tensions at play in negotiation; distributive bargaining, value-creating, and problem-solving techniques; the management of communication and emotional elements in negotiation; power dynamics and ethics; lawyer-client relationships, and other topics as time allows. The course is designed to help students develop negotiating skills and a framework for ongoing self-learning through role-playing simulations, discussion, reading assignments, and regular journal and writing exercises. It provides a demanding but deeply gratifying educational experience.

**2. Attendance Policy.** The course attendance policy is unusually strict, because much of our learning takes place during in-class simulated negotiation role-plays. Attendance for each class meeting is mandatory, as absences frustrate not only your own learning but the learning opportunities of the students you are partnered with in that day's simulation. If you cannot make the commitment to attend every class session on time, please cede your place in the course to a waitlisted student who is able to make the necessary commitment (and note that students who fail to maintain regular attendance or preparation may be dropped from the course). If an unavoidable medical or family emergency arises, please notify me as soon as possible so that we can strategize to salvage the simulation for the remaining students in your group.

**3. Readings.** Course readings will be drawn from a variety of books and articles, many oriented to the lay reader. The amount of assigned reading reflects the four-credits of the course, but take heart: most assignments will be significantly less dense (and possibly more interesting!) than the average casebook assignment. The required texts are:

- Roger Fisher, Bill Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement without Giving In*, 2d Ed. (Penguin, 1991).
- Robert H. Mnookin, Scott R. Peppet, and Andrew S. Tulumello, *Beyond Winning: Negotiating to Create Value in Deals and Disputes* (Harvard University Press, 2000).
- G. Richard Shell, *Bargaining for Advantage: Negotiation Strategies for Reasonable People*, (Penguin, 2<sup>nd</sup> ed. 2006).
- Douglas Stone, Bruce Patton, and Sheila Heen, *Difficult Conversations: How to Discuss What Matters Most* (Penguin 2000).
- Recommended (and from which I will assign at least one excerpt): Roger Fisher and Daniel Shapiro, *Beyond Reason: Using Emotions as You Negotiate* (Viking 2005).

During the semester, I will make available other required readings over our course website. I don't assign anything that I don't believe is helpful to you, and I trust you all to manage the load in the way that makes the most sense to you. That said, I don't recommend waiting until the morning of class to do it all. Like the weekly load for other four-credit classes (which usually meet multiple times per week), you'll probably want to take it on in more than one sitting.

**4. Syllabus.** The syllabus that I make available at the beginning of class provides my best expectation of how the course will unfold. I don't anticipate major changes over the semester, but I will ensure that the website Assignments page contains the most up-to-date information if there are changes. I will also inform you of any changes in class or by email, but please consider the website the definitive reference. (If you are uncertain about a change, please refer to previous class slides, as I will likely have listed it on the "Administrative Matters" slide.)

Please note that this course regularly includes simultaneously moving parts that you must stay on top of—very much like law practice. I have done my best to organize them for you as clearly as possible in the syllabus and each day's class slides, but in the end, you are responsible for keeping track of your own obligations. The ability to meet deadlines and follow instructions are skills that are critical to good lawyering, and they will be rewarded in grading accordingly.

**5. Simulations.** For most classes, you will need to prepare to participate in a simulated negotiation role-play. A few simulations will also take place outside of class meetings. I will assign you a role and make available the information you will use to prepare for the simulation. Simulation roles are assigned using a random algorithm that attempts to rotate students through different partners as much as possible during the course.

It is your responsibility to take time before class to familiarize yourself thoroughly with the facts that you are given. You will also complete a short preparation chart in advance of most simulations, explained in Week 2. To encourage you to prepare adequately, and to enable you to better focus on the negotiation during the exercise, I discourage the use of distributed fact sheets during negotiations (though you are free to use any notes that you have prepared).

You will usually be given two sets of facts relating to a simulation: one that is known to all participants, and a confidential set known only to your side of the negotiation. *It is essential to the exercise that the latter remain confidential*, and that you neither discuss nor disclose them to anyone representing another party in the negotiation until after the exercise is completed. (To maintain confidentiality for future classes, I will collect all fact sheets after exercises conclude.)

During the negotiation, please hew as closely to the facts presented as possible. Creative augmentation is generally discouraged when it is not necessary, but you may elaborate on the given facts *so long as* the improvisation (1) is consistent with the given facts, (2) does not materially change the background scenario, and (3) would be considered a fair elaboration if you were on the other side. If you need to answer a "why" question for which your facts do not prepare you, you may extemporize as needed, but within the limits of these guidelines.

**6. Class Participation.** Class discussions are an important element of the course--both to inform our study of negotiation with a full array of perspectives and to encourage each of you to engage actively with the material. (Keep in mind that part of your collective task in cultivating constructive class participation is to make room for the points that others may also wish to raise.)

Class participation—including preparation for and participation in the simulations, classroom exercises, and classroom discussions--will count for approximately 50% of your final grade.

**7. Journal Assignment and Final Project.** Self-reflection is one of the most important (and surprisingly effective) tools for improving your negotiating skills. To encourage this kind of self-learning, you will keep a regular Negotiation Journal. For the journal, you will write a 3-4 page entry each week reflecting on your negotiating experiences that week--analyzing the thought processes, reactions, insights, and frustrations that you experience during our class simulations, as inspired by the assigned readings, or out in the real world. I will collect each week's entries at the beginning of class, and I'll provide detailed feedback about your early entries to help guide your journal-writing progress. (Be sure to save these original copies, with my comments, for your final journal project!)

For more information about the goals and mechanics of the journal-writing exercise, please see the attached document, "About the Course Writing Assignments." To give you an even clearer idea of what the journaling assignment is about, I will also make several model journal entries available to you on the course website Documents page.

Your weekly journals should be typed on a word-processor, page-numbered, stapled, and appropriately labeled. You will conclude the course with a final entry that we will discuss later in the semester. The Final Journal Project is usually due around the last day of classes (as you will already have completed the majority of the work during the semester). It will count for approximately 50% of your final grade.

**8. Video Exercise, Email Negotiation, and Capstone Attorney-Client Simulations.** In addition to the simulations you'll be doing in class, several important exercises will take place outside of class. Toward the middle of the course, I will assign you in groups of four to video-record a simulation exercise outside of normal class hours within a designated week. After taping your negotiation, your group will review the video and debrief the negotiation. As we'll discuss more in class, groups may also decide to debrief the exercise with me outside of regular class meetings. Over the course of a later week, you will negotiate in pairs by email outside of regular class hours. In the final weeks of the course, you will negotiate two "capstone" attorney-client simulations outside of class, in groups of four. (We perform two to ensure that everyone has the opportunity to experience the perspective of both a client and an attorney.) From time to time, additional smaller exercises and simulations will also require out-of-class time.

**9. In-Class and Out-of-Class Time.** As noted, some of our simulations will take place during class sessions, and others will take place outside of class. The time we will spend outside of class meetings in simulations and debriefing is a critical and organic part of the course. Please be assured that the time you will spend on exercises and simulations that take place outside of class has been accounted for in the four credit hours allocated to the course. With four exceptions (each adding ten minutes to our session), we meet for only three hours each week, rather than the three hours and forty minutes generally allocated for a four-credit course. Our abbreviated weekly sessions compensate for time spent in out-of-class simulations.

Based on past student suggestions, there will be four exceptions to our three-hour meeting time. Students have noted feeling particularly rushed during these classes, which include substantial time in participatory exercises. In response, I have extended these class times by ten minutes to give us additional breathing room. As noted in the schedule, we will meet

from 2:00-5:10 during Classes 2, 5, 9, and 10. I should note that we cover a lot in the course, and that other class sessions may also feel rushed at times. I hope you will forgive me when I occasionally end a good discussion or otherwise move quickly to keep us on track.

**10. Final Grades.** The course is designed to provide you opportunities to experiment with a variety of negotiating styles. To encourage you to so experiment, my evaluation of you will focus not on the outcomes you reach but instead on the quality of your simulation preparation and participation, and the insightfulness of your postmortem analyses. Your grade will be based approximately 50% on the quality of your class preparation and participation (including attendance) and 50% on your Final Journal Project, which includes all prior journals.

Please note that most students find this class to be a remarkable learning experience, but not without a good deal of work. The class is intensive, rigorous, probing, occasionally cathartic, and usually fun--but it does demand a lot of work and attention to detail. You should not come into it expecting an easy grade for little effort. (But you should expect to have a great time!)

**11. Confidentiality Policy.** There are two ways in which your maintenance of confidentiality will be an important part of the course. First is the requirement that you refrain from discussing confidential simulation information until after the role-play is completed. Equally important is that you maintain the confidence of classmates who may occasionally share personal reflections or experiences during class that are not intended for wider distribution. This course works best when students can trust that in-class communications take place in a closed circle, and I ask that you make a careful effort to respect the confidentiality of our classroom discussions in this regard.

**12. Course Website.** All students must enroll in the course website, an online portal accessible over LexisNexis Web Courses (through your LexisNexis student account, or at <https://webcourses.lexisnexis.com/>). I will share the password with registered students by email about one week before classes begin. The site will contain course announcements, reading assignments, and discussion forums about the topics we are studying, so I encourage you to check it frequently. Participation in the discussion forums is voluntary with one exception: during the first week of class, please visit the “Introductions” forum and introduce yourself to me and the rest of the class. It’s easy to self-enroll:

1. Sign into LexisNexis using your personal password.
2. Find “My Web Courses” on the left and click to access the Web Courses home page.
3. From there, click on the “Courses” tab on the uppermost banner.
4. Go to the “Course Catalog” on the right side of the screen and select “Florida State.”
5. Choose my Negotiation class, enter the password, and click to enroll.

You will then have access to all posted course materials. Syllabus materials are in the “Course Information” folder, reading assignments are posted to the “Assignments” folder, and class slides will be posted after class to the “Course Documents” folder. Please bring any questions about the course or course materials to our first day of class, but please direct technical questions about using Lexis to the law librarians or Lexis customer service.

**13. Purchased Simulation Materials.** I can provide all of the simulations we use in the course free of charge, with a few exceptions. Some simulations are owned by copyright holders that charge fees per participant, and some exercises also require nominal supplies. The Law

School has arranged for a small course fee of \$8.50 to cover these costs, which will be assessed directly by the University. However, the “Three Groups” negotiation will require a contribution of \$5 from each participant, which I will collect at the beginning of that exercise.

**14. Laptop, Phone, and Digital Device Policy.** After experimenting with several different alternatives, I have learned that the Negotiation Workshop works best as a laptop-free class. Fortunately, the material lends itself well to hand and/or reduced note-taking, because it focuses more on experiential learning and less on memorization. You might also be interested to know that new research suggests that students learn more from hand-written notes anyway: <http://www.npr.org/2016/04/17/474525392/attention-students-put-your-laptops-away>.

To facilitate your learning experience, I will make class slides available to you over Blackboard. My hope is that by providing you with these slides, you will not feel obligated to copy every word into your notes, freeing your attention for richer class discussion.

As in all classes, you should not engage in any activity, on an electronic device, phone, or otherwise, that would disrupt me or the attention of students sitting near you. (For more information about the costs of electronic multitasking and peer distraction in class, please see the relevant materials posted to our website’s Course Information page.) Texting during class is strictly forbidden and will be penalized.

**15. Classroom Recordings Policy.** Students are not permitted to use laptops, phones, or other personal devices to make audio or video recordings of class sessions.

**16. Academic Honor Code.** Students are bound by the Law School’s honor code, the Student Conduct Code ([http://www.law.fsu.edu/current\\_students/rules/studentconduct.pdf](http://www.law.fsu.edu/current_students/rules/studentconduct.pdf)), in all of their academic work. The Code outlines expectations for the integrity of students’ academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process.

The Florida State University Academic Honor Policy outlines the University’s expectations for the integrity of students’ academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process. Students are responsible for reading the Academic Honor Policy and for living up to their pledge to “. . . be honest and truthful and . . . [to] strive for personal and institutional integrity at Florida State University.” (Florida State University Academic Honor Policy, found at <http://fda.fsu.edu/Academics/Academic-Honor-Policy>.)

**17. Syllabus Change Policy.** FSU requires that all course syllabi include the following policy on syllabus changes: “Except for changes that substantially affect implementation of the evaluation (grading) statement, this syllabus is a guide for the course and is subject to change with advance notice.”

**18. Americans with Disabilities Act.** FSU requires that all course syllabi include the following statement on accommodations policy: “Students with disabilities needing academic accommodation should: (1) register with and provide documentation to the Student Disability Resource Center; and (2) bring a letter to the instructor indicating the need for accommodation and what type. Please note that instructors are not allowed to provide classroom accommodation to a student until appropriate verification from the Student Disability Resource Center has been

provided. This syllabus and other class materials are available in alternative format upon request.” For more information about services available to students with disabilities, please contact the Student Disability Resource Center, at:

Student Disability Resource Center  
874 Traditions Way  
108 Student Services Building  
Florida State University  
Tallahassee, FL 32306-4167  
(850) 644-9566 (voice)  
(850) 644-8504 (TDD)  
sdr@admin.fsu.edu  
<http://www.disabilitycenter.fsu.edu/>”

**19. Office Hours & Brownbag Lunches.** My office hours are generally from 3:00-5:00 p.m. on Thursdays (by appointment), but I am also happy to schedule appointments for other times that may be more convenient for you. Either way, please email me in advance ([eryan@fsu.edu](mailto:eryan@fsu.edu)) to schedule an appointment.

I also encourage you to join me for a brown-bag group lunch sometime during the semester. If you are interested in having lunch, please gather a small group and email me proposed dates that work for you.

Finally, I always try to remain after class so long as is necessary to answer any remaining questions or otherwise talk with you. This can be difficult for classes extending to 5 p.m., though, so if we are crunched for time, please email me to set up an appointment.

I look forward to meeting you all!

# NEGOTIATION WORKSHOP

## Conceptual Course Outline

Professor Ryan

### I. INTRODUCTORY PRINCIPLES

- A. The Tensions and Stages of Negotiation
- B. Feedback and Self-Reflection
- C. The Negotiator's Dilemma
- D. Preparing to Negotiate
- E. Understanding Interests, Aspirations, Alternatives
- F. Rapport Building

### II. THE TENSION BETWEEN CREATING AND CLAIMING VALUE

- A. Identifying Value
  - 1. Rapport-Building, continued
  - 2. Information Exchange
- B. Creating Value: Integrative Bargaining
  - 1. Identifying Underlying Interests
  - 2. Brainstorming Options for Joint Gain
  - 3. Thinking Outside the Box ("Widening the Pie")
- C. Claiming Value: Distributive Bargaining ("Dividing the Pie")
  - 1. Concession Patterns
  - 2. Leverage
- D. Balancing the Tension Between Creating and Claiming Value
  - 1. Evaluating Context
  - 2. Commitment

### III. THE TENSION BETWEEN EMPATHY AND ASSERTIVENESS

- A. Separating the People from the Problem
- B. Empathy & Acknowledgement without Agreement
- C. Listening to Hear and Speaking to be Listened To
- D. Partisan Perceptions and Cognitive Bias
- E. Managing Emotion and Identity
- F. Conflict Styles
- G. Power
- H. Ethics

### IV. THE TENSION BETWEEN PRINCIPAL AND AGENT

- A. The Principal-Agent Relationship
- B. Lawyer-Client Interviewing
- C. Putting it All Together: The Art of the Deal
- D. Putting it All Together: Dispute Resolution

# NEGOTIATION WORKSHOP

*Professor Ryan*

## About the Course Writing Assignments

**1. *The Negotiation Journal.*** Research suggests that students of negotiation learn best when they write about what they are learning at least once a week. For this reason, your primary writing obligation in this class will be to engage in weekly reflective writing about your negotiation experiences in a Negotiation Journal.

The Negotiation Journal is a written record of your own reflections on your learning experience in the course. Almost every week, you will write a few pages reflecting on your negotiating experiences that week—analyzing the thought processes, reactions, insights, and frustrations that you experience during our simulations, as inspired by the assigned readings, or out in the real world. Because everyone faces crunches and crises from time to time, you may “pass” on regular journal assignments up to three times over the course of the semester. (When passing, please hand in a page with your name, the date, and which pass you are submitting—e.g., “This is Pass #2.”) Note that there is no grading penalty for using all three passes.

Keep in mind that entries should not be simply scripts of what happened in a given negotiation. Strive to be introspective and discerning in your analysis of what happened, what didn’t happen, or what might have happened had you tried a different strategy. Report on any insights you have reached or roadblocks you are struggling with. Journal writing invites you to explore hypotheses, set goals, create reference points for future use, and question your own assumptions (as well as mine, and those of the classmates and others with whom you negotiate!).

**Journal entries should be between 3-4 pages in length, stapled, double-spaced, page-numbered, and should include your name and the due date in the header. Please use one-inch margins and a 12-point standard font, like the font you see here.** Although entries need not be as carefully structured as formal legal writing, they should be coherent, with correct spelling and grammar. I will collect your submissions at the beginning of each class, and though I will not grade them on a weekly basis, I will offer feedback and commentary on your first entries to help guide you toward the kind of reflective writing I am asking for. I will keep the content of your journals confidential. (All models that I offer are given with permission.)

You are free to develop a journal format tailored to your personal learning approach, but consider including some of the following elements in your first few entries:

- A specific description of a portion of a negotiation you’ve chosen to reflect upon. Try to report the facts as clearly and non-judgmentally as you can. Illustrating your description with actual dialogue may help you reflect further on these moments. (Description should be a starting point, and not the end of your entry.)
- An exploration of how you feel about the experience now, and how you felt about it at the time it was happening. Did your feelings affect your choices during the negotiation, your assessment afterward, or your subsequent behavior?
- An analysis of any assumptions you made about the problem at hand, or that underlay the approach you took in the negotiation. Identify as many of the factors

that went into your judgment calls as possible, and now evaluate your judgments with the benefit of hindsight.

- A reflection on how this experience compares with your past negotiating experiences. Are there any patterns? What do you think about those patterns?
- A note about whether the assigned readings or class discussions bear on the issue you're confronting, and how they might be helpful to you in the future.
- A consideration of how you might behave differently if you were to encounter a similar situation in the future. Note that the more specifically you can "rehearse" this proposed change, the more useful the exercise will be. (For example, you may want to write out short dialogues reworking your responses in a particularly challenging section of a negotiation, or revise a section of your preparation memo to practice incorporating what you've learned.)

Please note that I have provided some sample journals on the course website to give you a sense of what other successful journals have looked like.

**2. *The Final Project.*** As stated in the syllabus, your weekly journal entries will become the basis of the Final Journal Project—a collection of all your journaling and other writing assignments during the semester. I will collect original submissions, including my comments, but please save your work digitally, just in case. You will conclude with a final "summation" entry that we will discuss later in the semester, when we discuss the entire project in more detail (and I will circulate a model). The Project will count for approximately 50% of your final grade.

**3. *Written Preparation.*** Preparing to negotiate forces you to organize your thinking about the upcoming negotiation in light of the skills we are building through the course. Indeed, one of the most important lessons of the course is the critical value of advance preparation! Getting into the career-long habit of preparing in writing before every negotiation is the most reliable way to increase your effectiveness as a negotiator.

We will make use of a Preparation Chart based on the "Information-Based Bargaining Plan" in Appendix B of Richard Shell's *BARGAINING FOR ADVANTAGE*, which I'll distribute in class. Before each simulation (starting after "CA Power Play"), you will draft a preparation strategy according to this format—thinking through the implications of the facts you have been given and integrating your conclusions into your strategy. Drafting some of the actual language that you want to use during the negotiation (for example, a carefully statement of your interests or alternatives) can increase your ability to be precise and persuasive during the negotiation. (After our "information exchange" unit in week four, we will add a "Give-Get-Guard" piece to help you plan an information management strategy—but don't worry about this before then.)

Before completing your Prep Chart, consider whether there is anything else you've learned from your experiences thus far that could bear on the upcoming negotiation. Given what you know about your strengths and common pitfalls, how can you increase your effectiveness through planning? Given what you know about your partners, can you prepare to negotiate more effectively with them, or to learn from their example? Finally, take a mental step back and evaluate your strategy in light of the "big picture" before committing to it. What is it that you hope to get out of this process for yourself or your client? Is your strategy likely to advance those goals? If so, you are ready—and well-prepared—to negotiate!

# NEGOTIATION WORKSHOP

Professor Ryan

## Notes on Giving and Receiving Feedback

*Giving and receiving feedback is an important part of this course. You will be asked to debrief with your simulation partners after most exercises, to share the kind of constructive guidance that will help each of you improve the negotiation skills you have just practiced.*

► **Here are a few notes to keep in mind when offering feedback to your fellow participants:**

- *Make mental notes during the negotiation simulation about things your partner did well and things that could be done differently, so that you can share them after the simulation is over.*
- *You can offer your impressions of your partner's negotiation style and its impact, but also point to specific examples of interesting, impressive, or troubling moments in the simulation.*
- *Try to make your guidance as specific as possible, and strive for the kind of clarity that will enable your classmate to actually use your advice the next time s/he negotiates.*
- *Try to give feedback without making negative judgments—rather than focusing on what you think “went wrong,” try to craft your feedback as suggestions for “trying something different.”*
- *When offering feedback that may be difficult for your partner to hear, try to also convey personal support for the person. Consider how hearing similar words would make you feel.*

► **Here are a few notes to keep in mind when receiving feedback:**

- *While receiving feedback, take the opportunity to learn from your reaction. Try not to interrupt your partner's feedback by explaining, defending, or agreeing until your partner has finished.*
- *Ask clarifying questions to get the most out of the guidance you are being offered.*
- *Even if you have a different impression of how things went, “try on” the feedback as a hypothesis about what happened; you remain free to discard it afterward if it does not fit with your own experience.*

# NEGOTIATION WORKSHOP

Professor Ryan, *SAMPLE SYLLABUS*

## DETAILED SYLLABUS & ASSIGNMENTS

Week Date (TBA) In class Assignment

1		<p><b>Introduction and Overview</b></p> <ul style="list-style-type: none"> <li>● Course Overview and Class Introductions</li> <li>● Negotiate: <i>Chocolate</i></li> <li>● The Three Tensions of Negotiation</li> <li>● Feedback and Self-Reflection</li> <li>● Introduce: <i>Haggle</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ Review all course and syllabus materials posted on the course website (CW).</li> <li>▪ Read: Fisher, 3-41; Shell, 1-39 (Ignore Appendix A in Shell for now; we'll come to that later in the course.) Shell and Fisher occasionally overlap, and each resonates more with some students than the other—but both offer important lessons &amp; tools.</li> </ul>
2	(To 5:10)	<p><b>The Negotiator's Dilemma</b></p> <ul style="list-style-type: none"> <li>● Debrief: <i>Haggle</i></li> <li>● The Six Stages of Negotiation</li> <li>● Preparation Workshop</li> <li>● Negotiate &amp; Debrief: <i>California Power Play</i></li> </ul> <p>▪ Please note that we will extend this class by 10 minutes, through 5:10 (details in syllabus).</p>	<ul style="list-style-type: none"> <li>▪ Introduce self on CW thread</li> <li>▪ Negotiate <i>Haggle</i>, write Haggle Journal (no pass)</li> <li>▪ Prepare <i>CA Power Play</i></li> <li>▪ Read: Shell, 58-88; 117-37</li> </ul>
3		<p><b>Claiming Value: The Zone of Potential Agreement</b></p> <ul style="list-style-type: none"> <li>● Debrief: <i>Batmobile</i></li> <li>● Goals, Aspirations, and Openings</li> <li>● Dividing the Bargaining Surplus</li> <li>● Positional vs. Interest-Based Bargaining</li> <li>● The Pareto Frontier</li> <li>● Introduce: <i>Perez</i> (video negotiation);</li> </ul>	<ul style="list-style-type: none"> <li>▪ Prepare and Negotiate out of class: <i>Batmobile</i></li> <li>▪ <i>Batmobile</i> Planning Memo and Feedback Form due in class (one member of pair should email me outcome by Tuesday, noon)</li> <li>▪ Read: Shell, 138-74; Fisher, 42-57, 99-108 (Optional: Game Theory and Cooperation articles posted to CW)</li> </ul>

		<p>schedule recording space by next class</p>	<ul style="list-style-type: none"> <li>▪ Optional: Business Trust article on CW</li> <li>▪ No journal today; focus on <i>Batmobile</i> Planning Memo</li> </ul>
4		<p><b>Information Exchange</b></p> <ul style="list-style-type: none"> <li>● Rapport Building</li> <li>● Questions &amp; Information Gathering</li> <li>● Leverage Analysis</li> <li>● Negotiate &amp; Debrief: <i>Land Sale</i></li> <li>● Introduce: Course Website Results Forum</li> </ul>	<ul style="list-style-type: none"> <li>▪ Journal</li> <li>▪ Prepare <i>Land Sale</i></li> <li>▪ Read: Shell, 40-57, 89-113; 175-195</li> <li>▪ Optional: TED Talk and article on Women in Negotiation (CW)</li> <li>▪ Schedule <i>Perez</i></li> </ul>
5	(To 5:10)	<p><b>Creating Value: Integrative Bargaining</b></p> <ul style="list-style-type: none"> <li>● Brainstorming Workshop</li> <li>● Inventing Options, Widening the Pie</li> <li>● Negotiate &amp; Debrief: <i>Sally Soprano</i></li> </ul> <p>▪ Please note that we will extend this class by 10 minutes, through 5:10 (details in syllabus).</p>	<ul style="list-style-type: none"> <li>▪ Journal</li> <li>▪ Prepare: <i>Sally Soprano</i></li> <li>▪ Read: Fisher, 58-95, 109-130, 149-50</li> </ul>
6		<p><b>Tension btw. Creating &amp; Claiming Value</b></p> <ul style="list-style-type: none"> <li>● Negotiate &amp; Debrief: <i>Sally Soprano II</i></li> <li>● Objective Criteria and Standards</li> <li>● Closing and Getting Commitment</li> <li>● Introduce: Email negotiation accounts</li> </ul> <p><b>Optional:</b> Article by Susan Biniaz, lead Climate lawyer for the U.S. State Department, about the use “constructive ambiguity” during the closing and commitment stage of international climate negotiations (available on Blackboard Assignments page).</p>	<ul style="list-style-type: none"> <li>▪ <i>Perez</i> no-pass assignment in lieu of journal: turn in prep chart and goals (using journal format)</li> <li>▪ Negotiate <i>Perez</i> outside of class this week; one from each quad must send me your result in the body of an email ASAP, and no later than 9 am today.</li> <li>▪ Prepare: <i>Sally Soprano II</i> (a relatively easy prep after SSI!)</li> <li>▪ Read: Mnookin, 9-43 (together with some new material, this section provides an excellent review of what we’ve covered so far, geared for a legal audience)</li> </ul>

			<ul style="list-style-type: none"> <li>▪ Read Good Pastor, “A Primer on Competitive Bargaining” (required: pps. 341-49, 370-77)</li> </ul>
7		<p><b>Ethics</b></p> <ul style="list-style-type: none"> <li>● Introduce: <i>The Taxman</i> (email negotiation)</li> <li>● Debrief: <i>Perez v. Ace Auto</i></li> <li>● Discuss: Ethics</li> </ul> <p>* Please note that this week’s ethics readings are especially important for our work together in class—and perhaps more to the point, for your professional development as attorneys!</p> <p><b>Optional:</b> online article about lying and ADR - <a href="http://moritzlaw.osu.edu/epub/mayhew-hite/2014/06/clarifying-candor-why-the-model-rules-should-draw-bright-lines-for-attorneys-truth-telling-duties-in-arbitration-mediation-and-unassisted-negotiation/">http://moritzlaw.osu.edu/epub/mayhew-hite/2014/06/clarifying-candor-why-the-model-rules-should-draw-bright-lines-for-attorneys-truth-telling-duties-in-arbitration-mediation-and-unassisted-negotiation/</a></p>	<ul style="list-style-type: none"> <li>▪ No journal this week – take a breath!</li> <li>▪ Set up anonymous email account (per instructions on CW); send me test message w/real name in header by 9 am</li> <li>▪ Read: Shell, 196-227; Mnookin, 273-94; Fisher, 131-45</li> <li>▪ Optional <i>Perez</i> conferences take place this week</li> </ul>
8		<p><b>Power, Conflict</b></p> <ul style="list-style-type: none"> <li>● Negotiate &amp; Debrief: <i>The Three Groups</i></li> <li>● Negotiating &amp; Conflict Styles</li> <li>● Styles Workshop</li> </ul> <p>* When taking the TK-Mode at home this week, please note that <b><u>you must not write inside the booklet</u></b> you have been given, to preserve them for future student use. (If you do, you will have to purchase a new one, and they are expensive!)</p>	<ul style="list-style-type: none"> <li>▪ Journal</li> <li>▪ Bring \$5 bill to class--exact change, no coins please!--for use in <i>The Three Groups</i> (no prep)</li> <li>▪ Take TK-Mode—BOTH professionally AND personally (15-20 min); email me raw # scores by 9 am</li> <li>▪ Read: Fisher, 153-94; Adler &amp; Silverstein, “When David Meets Goliath” (CW: pps. 1-28, 77-92, 101-110)</li> <li>▪ Begin <i>The Taxman</i> tonight</li> </ul>

9	(To 5:10)	<p><b>The Tension btw. Empathy &amp; Assertiveness</b></p> <ul style="list-style-type: none"> <li>● Introduce: <i>Role Reversal</i>, <i>Taxman</i> Laboratory</li> <li>● Problem-Solving Communication</li> <li>● Empathetic Listening Workshop</li> <li>● Assertive Speech Workshop</li> <li>● Introduce: The Core Concerns</li> </ul> <p>▪ Please note that we will extend this class by 10 minutes, through 5:10 (details in syllabus).</p> <p>Optional: Gender and Assertion – <i>Women at the Bargaining Table: Pitfalls and Prospects</i>, <a href="http://ssrn.com/abstract=1397699">http://ssrn.com/abstract=1397699</a>;  <i>The Abrasiveness Trap</i>, <a href="http://fortune.com/2014/08/26/performance-review-gender-bias/">http://fortune.com/2014/08/26/performance-review-gender-bias/</a></p>	<ul style="list-style-type: none"> <li>▪ Complete <i>Taxman</i> negotiation and assignment before class (including partner feedback), per instructions given in class</li> <li>▪ No journal today, given <i>Taxman</i></li> <li>▪ Read: Mnookin, 44-68, 156-72;</li> <li>▪ Read: “Are You Really Listening” 2-page handout; “Experiments in Listening” (on CW; required: 1-4, 8-17, 19-25)</li> <li>▪ Read: Introduction to <i>Difficult Conversations</i> (xxvii-xxxiii)</li> </ul>
		<p><b>SPRING BREAK</b></p>	<p>Assignment: Read the rest of <i>Difficult Conversations</i> (Stone). It’s an easy and entertaining read—and students consistently prefer getting it done over break rather than trying to read it on top of the other assignments in the coming weeks of the course. (I’ve tried it both ways!)</p>
10	(To 5:10)	<p><b>Difficult Conversations: Emotion &amp; Technology</b></p> <ul style="list-style-type: none"> <li>● Introduce: <i>Ellsworth</i>, Final Journal Project</li> <li>● Managing Emotion in Negotiation</li> <li>● Negotiate: <i>Role Reversal</i></li> <li>● Managing Technology in Negotiation</li> <li>● Debrief: The <i>Taxman</i> Laboratory</li> </ul>	<ul style="list-style-type: none"> <li>▪ Journal</li> <li>▪ For <i>Role Reversal</i>, bring to class the simulation instructions I gave out before break, and also an interpersonal conflict that involves you and one other person. It should be one with <i>Stone</i>-worthy emotional resonance, but one that you’ll feel comfortable discussing with a partner in class.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Please note that we will extend this class by 10 minutes, through 5:10 (details in syllabus).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Read <i>Beyond Reason</i> excerpt (CW) and bring a ‘core concern’ example that you experienced or observed over the past week</li> <li>▪ Review online <i>Taxman</i> transcripts (posted to CW by Sunday) per instructions, prepare for laboratory debrief in class</li> <li>▪ Peruse Leigh Thompson, “Negotiating via Info Tech.” and Shell, “Electronic Bargaining” (on CW), and consider in light of your <i>Taxman</i> experiences</li> </ul>
11	<p><b>The Principal-Agent Tension</b></p> <ul style="list-style-type: none"> <li>● Client-Centered Counseling</li> <li>● Negotiate: <i>Buyer Beware</i></li> <li>● Begin Client Interviews: <i>Ellsworth</i></li> <li>● <u>After Class</u>: Negotiate and debrief <i>Ellsworth</i> on your own this week. During the negotiation, consider what opportunities you discover for using the tools in the STONE readings while navigating this difficult conversation.</li> </ul> <p>Note that for the attorney-client simulations, clients are free to choose their level of engagement during the actual negotiation, but everyone should prepare a prep memo.</p>	<ul style="list-style-type: none"> <li>▪ Journal</li> <li>▪ Read: Client Interviewing article (CW); Mnookin: 69-96, 173-223</li> <li>▪ Read <i>Buyer Beware</i> facts, skim case (no need for prep memo)</li> <li>▪ Prepare for <i>Ellsworth</i> client interviews in class, and complete negotiation over coming week</li> <li>▪ Afterward, <i>Ellsworth</i> clients should email attorneys feedback re: P-A relationship</li> </ul>
12	<p><b>The Arts of the Deal and Dispute Resolution</b></p> <ul style="list-style-type: none"> <li>● Debrief: <i>Ellsworth</i></li> <li>● Managing the Principal-Agent Tension</li> <li>● Interviews &amp; Pair Preparation: <i>AMK</i></li> <li>● <u>After Class</u>: Negotiate and debrief <i>AMK</i> on your own this week. During the negotiation, consider what opportunities you discover for managing the Principal-Agent Tension from both sides.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Journal</li> <li>▪ Finish negotiating <i>Ellsworth</i> outside of class by noon today</li> <li>▪ Read: Mnookin, 97-155</li> <li>▪ Prepare for <i>AMK</i> client interviews in class, and complete negotiation over coming week</li> <li>▪ <i>AMK</i> clients should email their attorneys feedback after class</li> </ul>

		Optional post- <i>Ellsworth</i> reading: DiFonzo, <i>From Dispute Resolution to Peacemaking: A Review of COLLABORATIVE DIVORCE HANDBOOK: HELPING FAMILIES WITHOUT GOING TO COURT</i> BY FORREST S. MOSTEN, at <a href="http://ssrn.com/abstract=1639432">http://ssrn.com/abstract=1639432</a> .	
13		<p><b>Putting it all Together</b></p> <ul style="list-style-type: none"> <li>● Debrief: <i>Aunt Martha's Kitchen</i></li> <li>● The Wishing Well</li> <li>● Course Overview and Conclusion</li> </ul>	<ul style="list-style-type: none"> <li>▪ Finish negotiating <i>AMK</i> outside of class by noon today</li> <li>▪ Read: Mnookin, 224-71, 315-23; Shell, 229-36</li> <li>▪ Bring writing paper &amp; self-addressed stamped envelope (addressed to where you'll be in late July) to class</li> <li>▪ Finally, we'll do the online course evaluations in class today, so please bring a laptop (or another electronic device) to complete them.</li> </ul>
		<b>LAST DAY OF CLASSES</b>	<ul style="list-style-type: none"> <li>▪ Final Journal Project due to Faculty Support Office (Roberts Hall 201) on __, between 1-2 p.m.</li> </ul>