University of Washington School of Law
Negotiation (B523 C, D)
Winter Quarter 2014 Syllabus

Faculty: Larry Mills
Class Times: Tuesday and Thursday, 8:30 to 10:20 am
Classrooms: WH Gates Hall, Room 116
Credits: Four (Credit/No Credit Basis)
Office Hours: After class and by appointment

Course Website

I will post most of the readings for this class on the CANVAS website, and you will access confidential information for the role plays there.

Negotiation Course Registration Policy

Students registered in the negotiation course will lose their places if they do not attend the first class or do not personally advise the instructor before the first class meets that they will be absent.

During the first class, the instructor may fill any open spaces from the waiting list with students who are present in class or who have contacted the instructor before the first class to indicate continued interest in the negotiation course. Any remaining spaces will then be filled by lottery with non-wait-listed students who are present in class or who have contacted the instructor before the first class to indicate a desire to enroll.

Course Description

All lawyers, whatever their specialties, must negotiate. Negotiation is a skill, and like any skill, it is one that can be improved with practice! This course offers a conceptual theory of negotiation and multiple opportunities to enhance your negotiating skills. Through a combination of readings, short lectures, role play exercises, class discussions, demonstrations and personal journals, we will analyze the dynamics of negotiation and learn approaches available to attorneys engaged in negotiation. My aim is to improve both your understanding of negotiation theory and practice, including your strengths and weaknesses as a negotiator. In class, you will spend a significant amount of time in simulated negotiation role play exercises. Homework will typically consist of preparing for the next negotiation, reading assignments, and writing a journal entry. Throughout the course, we will emphasize developing awareness of how you can improve as a negotiator and how you can help others improve as negotiators.
REQUIRED TEXTS

Stone, Patton & Heen, Difficult Conversations, 2nd ed. (2010)*
Supplemental articles will be handed out or placed on our course website.
*Earlier editions of either of these books are okay, as the revisions are minor.

Course Requirements

Class Attendance: A major focus of this course is negotiation skill-building through role play exercises. In the most classes, you will be paired to negotiate with another student. Hence, if you are absent, your absence will preclude not only your participation that day, but also that of your partner. The same applies to preparation. If you come to class unprepared, not only will you lose out, so will your partner(s) for that day. Under circumstances of an emergency nature beyond your control, an excused absence will be granted if you: 1) speak to me before the class, and 2) arrange for and prepare a substitute person to take your role.

PLEASE NOTE: If you do not expect to be able to attend class consistently and be prepared, you should not take this course. Missing more than two classes, even if excused, could result in no credit for the course.

Journals. Students will be required to maintain and submit a personal journal of their negotiation experiences during the course, by responding to specific journal triggers concurrently with readings and class negotiations. Student journals are required because I believe that the best negotiators (and lawyers) are highly self-reflective. Seasoned negotiators respond, rather than react, to situations, relying on a rich understanding of context, process, substance and, perhaps most importantly, themselves. Journal entries will be due at regular intervals during the quarter. The last assignment will be a review of your journals to assess your growth as a negotiator.

The journals should not be primarily an account of what you did, but rather what you are thinking about and learning about yourself. Particular emphasis should be placed on the integration of the readings with simulations, class discussions, and the negotiation behaviors of you and your classmates. You should treat the journals as writings for yourself, reflecting ideas you are trying to think through clearly, conclusions you have drawn, lessons you want to remember, and skills you would like to work on.

PLEASE NOTE: Failure to substantially complete all journal triggers in a timely manner could result in receiving no credit for the course.

Class Assignments. Students will be expected to be well prepared to conduct all pre-assigned role play exercises and to submit all assigned written work when due. For example, before many of our simulations, you will be required to hand in a copy of your completed Negotiation Preparation Form.

Assigned readings are front-loaded—sometimes they will focus on the conceptual or theoretical issues we will cover in class that day. There is more reading during the first 4-5
weeks of class. The readings are intended as background for you and I will not, generally, lecture on or discuss them in class unless specific questions are raised. weeks of the class than later on. The readings are intended as background for you and I will not, generally, lecture on or discuss them in class unless they relate to a role play exercise or specific questions are raised.

**Effort.** Learning to be a better negotiator is not something that can be "done to" you. You must work at it yourself. While others can offer you advice and ideas to think about, what you learn from this course will, in large part, depend upon your effort. The more you put in, the more you will get out of this class. I can’t stress this enough.

**Willingness to Experiment.** There is no one right way to negotiate. Rather there are different approaches and styles that are sometimes more effective and sometimes less effective. My goal in this course is not to teach you a particular style of negotiation, but instead to give you the opportunity to experiment, expand your negotiation repertoire, and find approaches that work for you.

**Optional Supplemental Readings.**


*Everyday Negotiation: Navigating the Hidden Agendas in Bargaining*, Deborah M. Kolb and Judith Williams, Jossey Bass, 2003;


**Academic Accommodations for Disabled Students**

If you are in need of academic accommodations due to a disability, please contact Disabled Student Services, 448 Schmitz, (206) 543-8924 (V/TTY) for assistance. If you already have a letter from Disabled Student Services indicating you have a disability requiring academic
accommodations, please schedule an appointment with me to discuss the precise academic accommodations you will need for this class.
**CLASS SCHEDULE & ASSIGNMENTS**

**WEEK 1: INTRODUCTION TO COURSE AND ELEMENTS OF NEGOTIATION, UNDERSTANDING OURSELVES AS NEGOTIATORS/DISTRIBUTIVE & INTEGRATIVE CONTEXTS**

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| Day 1 1/7 | Negotiation of the structure of the course | **Start reading** *Getting to Yes* (complete by 1/16).  
**Be prepared** to discuss your interests in taking the negotiation course and options for structuring the course to accommodate your interests and the interests of the instructor. |
| Day 2 1/9 | **The Prado Scoot**     | **Read** *Bargaining for Advantage,* Introduction and pp 3-25,  
**Complete** the Bargaining Styles Assessment Tool in Appendix A; read analysis following the scoring grid.  
**Be prepared** to negotiate *Prado Scoot.*  
**Journal trigger 1:** What did the Assessment Tool indicate regarding your predominant style of approaching conflict? Did this match your self-perception? How will your style affect you as a negotiator? Do you want to expand your use of other styles, and if so, which one(s)?  
Also, write a brief description of a negotiation you have been involved in recently. Given that experience, other experiences, and what you know about yourself, what do you especially want to work on improving in this course? Be specific—you will revisit this entry in your last journal entry. |

**WEEK 2: STYLES AND APPROACHES TO NEGOTIATION: DISTRIBUTIVE & INTEGRATIVE CONTEXTS/PREPARING TO NEGOTIATE**

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| Day 3 1/14 | **Sally Soprano**     | **Read** *Bargaining for Advantage* pp 26-88.  
**Finish reading** *Getting to Yes.*  
**Complete** Negotiation Preparation Plan for *Sally Soprano* negotiation and bring an extra copy to hand in.  
**Be prepared** to negotiate *Sally Soprano.*  
**Journal trigger 2:**  
Also, take a moment and reflect on what qualities you have that will make you a more effective negotiator—what are they? And, what about you might others find annoying, and therefore might impede your success in negotiation?  
**JOURNALS 1 & 2 DUE TODAY. BRING HARD COPY TO CLASS.** |
| Day 4 1/16 | **When the Chips are Down** | **Read** *Bargaining for Advantage* pp 89-113.  
**Complete** Negotiation Prep Plan for *Chips* and bring an extra copy to hand in.  
**Be prepared** to negotiate *Chips* in class. |
### WEEK 3: PRACTICING, INTRODUCTION TO ETHICS/CHALLENGES IN NEGOTIATION

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| Day 5 1/21 | Negotiation Ethical Dilemmas     | **Read** Bargaining for Advantage pp 196-236. **Prepare to discuss** ethical dilemmas assigned for class today.  
**Journal Trigger 3:** What are your personal beliefs and attitudes about ethics? Do you fit within one of the three schools of bargaining ethics described by Shell, or another variant?  
**Read** Client Interviewing Handout  
**Interview** your client for Charlene Walker negotiation at end of class, work on Negotiation Preparation Plan together. |
| Day 6 1/23 | Charlene Walker                  | **Complete** Negotiation Preparation Plan for Charlene Walker and bring extra copy to hand in.  
**Be prepared** to negotiate Charlene Walker in class. |
**Journal Trigger 4:** Discuss techniques to counter misleading or unethical negotiating strategies and how you have seen these techniques play out in our class negotiations and exercises or other negotiations you have participated in or observed in your personal or professional life. |

### WEEK 4: MORE COMPLEX CASES/ MULTI-PARTY NEGOTIATIONS

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| Day 8 1/30 | Hart v. CBB                      | **Complete** Negotiation Preparation Plan for Hart and bring extra copy to hand in.  
**Be prepared** to negotiate Hart in class.  
[**Also, interview** your Ellsworth client before class on Tuesday, Feb. 11th]. Ellsworth will be negotiated Thursday February 13th. |
| Day 9 2/4 | In- class preparation for World Trade Center (WTC) Redevelopment— | **In-class preparation** with your interest group in the WTC negotiation, and time to work on coalition building. |

### WEEK 5: MULTI-PARTY NEGOTIATIONS/COMPLEX CASES, CONT.
| Day 10 2/6 | **WTC multi-party negotiation** | **In-class** negotiation of WTC, and debrief.  
**Journal Trigger 5:** World Trade Center was one of your most complex negotiations to date. Discuss what you learned and how having multiple-parties and interests affected the negotiation. |
| Day 11 2/11 Loren: 8:30 am Chris: 9:30 am | **Ellsworth Prep by side** | **Ellsworth** "prep by side."  
I will meet separately with attorneys for Loren for the first hour, then attorneys for Chris for the second hour. |
| Day 12 2/13 | **Ellsworth negotiation** | Bring completed Preparation Plan to class.  
Submit a draft of your Settlement Agreement to Larry by 9:00 a.m. on February 18th (lmills@jamsadr.com). If no agreement reached, submit a summary of any agreements reached, and barriers to reaching a full agreement. |

**WEEK 6: COMPLEX NEGOTIATIONS, CONT.**

| **DATE** | **IN-CLASS EXERCISE** | **ASSIGNMENT FOR CLASS** |
| Day 13 2/18 | **Ellsworth** Debrief Introduction to mediation | Be prepared to debrief **Ellsworth** in class.  
Submit your Settlement Agreement to Larry by 9:00 a.m. on February 18th (lmills@jamsadr.com)  
Read supplemental materials by Dwight Golann on CANVAS.  
**JOURNALS 3-5 DUE IN CLASS TODAY** |
| Day 14 2/20 | Negotiation in mediation and the role of the mediator | Read supplemental materials by Dwight Golann on CANVAS-Using the Power of the Mediator  
**Journal Trigger 6:** Discuss how the dynamic of negotiation in mediation differs from direct negotiation between attorneys without mediator involvement. What attributes of a good mediator contribute to resolution of disputes in mediation? |

**Week 7: Difficult Conversations/Representation in Mediation**

| **DATE** | **IN-CLASS EXERCISE** | **ASSIGNMENT FOR CLASS** |
| Day 15 2/25 | Mediation video, discussion of representing clients in mediation | **Read** “Preparing for Mediation” handout and review forms.  
**Start reading** Difficult Conversations |
| Day 16 2/27 | Difficult Conversations | **Finish reading** Difficult Conversations.  
**Read** Cialdini article on CANVAS  
**Prepare** King v. J&J Pre-Mediation Memo and email to your |


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<td>Day 17</td>
<td>In-class mediation with professional mediators <em>King v. J&amp;J</em></td>
<td><strong>Be prepared</strong> to mediate.</td>
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<td><strong>Journal Trigger 7</strong>: How did having a mediator present affect your negotiation? Be specific about what exactly the mediator did, and how you and/or the other side responded to any mediator interventions. How did the 3 conversations in <em>Difficult Conversations</em> play out in this negotiation? <strong>Report</strong> outcome of mediation no later than 5 pm Wednesday, March 5th. Email to <a href="mailto:lmills@jamsadr.com">lmills@jamsadr.com</a></td>
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<td>Day 18</td>
<td>Dealing with High Conflict Personalities</td>
<td><strong>Debrief mediation</strong> Read Bill Eddy’s Powerpoint presentation on Dealing with High Conflict Personalities on CANVAS. <strong>Final Journal Trigger 8</strong>: Review your first journal trigger about what you wanted to learn and improve in this course. How would you rate your progress? What do you see as your strengths as a negotiator? What areas do you still want to improve? Identify the one major lesson you will take away from this course that will help you negotiate more effectively in the future. Discuss what sort of reputation you believe you have developed during this class? Is it how you want to be perceived in the community where you plan to work? <strong>JOURNALS 6-8 DUE IN CLASS TODAY.</strong></td>
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<td>Day 19</td>
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<td>Class-generated discussion topics.</td>
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<td>Course evaluation: What could be improved? What didn’t work?</td>
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*mediator, cc to Larry, by noon Friday, 2/28 (both law students on a side should participate in drafting the brief).*