

University of Washington School of Law

Negotiation
Winter Quarter 2017
B523 ABCD
Syllabus

Instructor:	Rick Gautschi
Class Times:	TTh: 8:30 a.m. - 10:20 a.m.
Classroom:	L201
Credits:	Four (Credit/No Credit Basis)
Office Hours:	By appointment
Contact Information:	fahr@uw.edu or rgautschi@gautschilaw.com

Course Description

Negotiation is a human endeavor in which all of us engage throughout the course of our lives. Necessarily, engaging in that endeavor requires us to have some understanding of our interests, those of the persons with whom we negotiate, and how we might attempt to reconcile the two sets of interests. The aim of this course is twofold: (a) to help you develop your skills as a negotiator and to assist others in the class in the development of their skills, and (b) to encourage you to commence a process lifelong self-education in the multi-disciplinary endeavor that is negotiation. The course seeks to achieve that aim through a variety of activities: introducing you to a structural framework for negotiation and a set of readings that inform the framework; engaging you in discussions of elements of the readings; providing you with opportunities, through engaging in simulations/role plays, to apply the readings; receiving feedback on your participation in the simulations/role plays; and providing you with opportunities for self-reflection regarding your learning experience.

Required Texts

Russell Korobkin, *Negotiation Theory and Strategy*, Third Edition (2014)

As the schedule of reading assignments set forth below indicates, this book will be the primary text for the course. I recommend that you regard it as a reference resource that will be well worth keeping after you complete the course. Korobkin is a serious legal scholar whose command of research on negotiations from a variety of disciplines, including, for example, game theory, decision theory, behavioral economics, and social psychology, is unusual and is reflected in the way he has organized the text. I have found the article excerpts to be both readable and thought provoking and hope that you will have a similar reaction to them.

G. Richard Schell, *Bargaining for Advantage: Negotiation Strategies for Reasonable People*, 2nd Ed. (2006)

As its title suggests, this book, in contrast to the Korobkin text, is more a "how to" document for, as the author puts it, "reasonable people" than a text book. As such it reads easily and, I believe, serves as a useful supplement to the text. You will need to read the book before the end of the quarter as I will require you to submit a journal entry that

depends on your having completed the reading. In addition, there may be occasions when, with advance notice to you, I will reference portions of the book during our class sessions.

Attendance Policy

Because I intend to involve every student enrolled in this course to contribute to the educational experience of the group, regular attendance and preparation are essential. Of course, illness and other unexpected events may necessitate your being absent on occasion. Otherwise, if you are not able to commit to attend and prepare for each class session, you should not take the course.

Journal Submissions

I will require you to submit, by no later than 5:00 p.m. on each Sunday, a weekly journal entry of at least 2-3 pages on the Canvas webpage for the course. Among other things, the journal entries should reflect your thoughts/observations about what was significant for you during the week. In constructing the journal entries you will be free to choose from the assigned readings, the role play simulations that occurred during the week, and the debriefing sessions following those simulations. Please prepare the journal entries using 12-point font, single line spacing, and one inch margins.

Prior to the end of the quarter, I will require you to submit a journal entry of 8-10 pages. The topic for that journal entry will be one that I will provide to you or, with my approval, you may identify a topic on which you wish to write.

Canvas Course Webpage

The Canvas course webpage will be your source for course materials that supplement the assigned texts including, information for role play simulations, supplemental readings, and any announcements that I might decide to communicate to the class. Please set your Canvas website Notifications to receive Announcements "ASAP - "notify me right away."

Access and Accommodations

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include, but are not limited to, mental health, attention-related, learning, vision, hearing, physical, or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you and your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

Schedule of Assignments

Note: The assigned chapters in the Korobkin text are require reading. Additional listed readings, although useful, are not required unless indicated otherwise.

Week/Date	Assignment
Week 1:	
January 3	Korobkin, Chapter 1: Toward a Conceptual Approach to Negotiation; Thomas-Kilman Instrument
January 5	Korobkin, Chapter 2: Estimating the Bargaining Zone; Chiodo, et al., Subjective Probabilities: Psychological Theories and Economic Applications, 86 Federal Reserve Bank of St. Louis Review 33 (2004); Mosteller and Youtz, Quantifying Probabilistic Expressions, 5 Statistical Sciences 2 (1990)
Week 2:	
January 10	Mary Smith simulation/role play; Eigen and Listoken, Do Lawyers Really Believe Their Own Hype and Should They?: A Natural Experiment, 41 J. Legal Stud. 239 (2012); Goodman-Delahunty, et al., Insightful or Wishful: Lawyers' Ability to Predict Case Outcomes, 16 Psych. Pub. Pol. & L. 133 (2010);
January 12	Casa Grande simulation/role play
Week 3:	
January 17	Korobkin, Chapter 3: Persuasion; Tversky and Kahneman, Judgment Under Uncertainty: Heuristics and Biases (1973)
January 19	The Baseball Player simulation/role play
Week 4:	
January 24	Korobkin, Chapter 4: Integrative Bargaining; Thompson and Hastie, Social Perception in Negotiation, 47 Org. Beh. & Hum. Dec. Proc. 98 (1990)
January 26	The Blockbuster and The Carpool simulations/role plays

Week 5:

- January 31 Korobkin, Chapter 5: Power; Pinkley, et al., The Impact of Alternatives to Settlement in Dyadic Negotiation, 57 *Org. Beh. & Hum. Dec. Proc.* 97 (1994)
The White Album simulation/role play
- February 2 Korobkin, Chapter 6: Fair Division and Related Social Norms; Welsh, Presumptions of Fairness in Negotiation, 87 *Marquette L. Rev.* 753 (2004) In Re International Roofing Co. simulation/role play

Week 6:

- February 7 Waterman v. Omaha Central Railroad simulation/role play
- February 9 Korobkin, Chapter 7: Trust; The Construction Venture simulation/role play

Week 7:

- February 14 Korobkin, Chapter 8: Emotions of Conflict; Orca View simulation/role play
- February 16 Korobkin, Chapter 9: Negotiator Style; Smith v. Electec simulation/role play

Week 8:

- February 21 Korobkin, Chapter 10: Group Membership; Bowles, Psychological Perspectives on Gender in Negotiation, HKS Faculty Research Working Paper Series RWP12-046, John F. Kennedy School of Government (2012); Adair and Brett, The Negotiation Dance: Time, Culture, and Behavioral Sequences in Negotiation, 16 *Org. Science* 33 (2005)
- February 23 Powers & Strong, LLP simulation/role play; Gladstone and O'Connor, A Counterpart's Feminine Face Signals Cooperativeness and Encourages Negotiators to Compete, 125 *Org. Beh. & Hum. Dec. Proc.* 18 (2014); Exley, et al., Knowing When to Ask: The Cost of Leaning In, Harvard Business School Working Paper 16-115 (2016)

Week 9:

- February 28 Korobkin, Chapter 11: The Principal-Agent Relationship; The Startup simulation/role play
- March 2 Korobkin, Chapter 12: Multilateral Negotiations; The Stadium simulation/roleplay

Week 10:

March 7 Korobkin, Chapter 14: Deceit; Craver, Negotiation Ethics for Real World Interactions, 25 Ohio St. J. on Disp. Resol. 299 (2010); Carr, Is Business Bluffing Ethical? Harvard Business Review, January 1968, available at <https://hbr.org/1968/01/is-business-bluffing-ethical>