

# Course Syllabus

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University of Washington School of Law

Negotiation

B523

Winter Quarter 2020

Monday and Wednesday 8:30 a.m. -10:20 a.m.

William H. Gates Hall, Room L201

**SYLLABUS & SCHEDULE OF ASSIGNMENTS**

*Professor Christopher J. Casillas*

Email: .

Office hours: Upon appointment

## **Course Description:**

This course offers a conceptual theory of negotiation and an opportunity to enhance negotiating skills. Through readings, lectures, videotapes, role-play exercises, class discussions and journal writing, students will analyze the dynamics of the negotiation process.

## **Learning Objectives for Negotiation Students:**

### *Preparation*

- Developing a negotiation plan that incorporates and blends individual elements of negotiation theory and skills.
- Determining BATNA's and WATNA's: yours/theirs.
- Recognizing underlying interests driving the negotiation.
- Anticipating available integrative solutions.
- Embracing high aspirations.
- Setting an optimal point, target point, resistance point and concession points.
- Plotting a series of diminishing concessions, supported by reasons, leading to your target.

### *Negotiation*

- Influencing the agenda and flow of the negotiation process.
- Appreciating and dealing with the psychological factors affecting perceptions in negotiations.
- Gathering and protecting information.
- Generating options and reaching integrative agreements.
- Using power e.g. challenging the other side's BATNA/advocating for your BATNA.
- Utilizing social norms.
- Navigating through the Negotiator's Dilemma.
- Dealing with difficult negotiators.
- Striking a proper balance of empathy and assertion.
- Becoming patient and comfortable with silence.
- Appreciating the implications of conflict style for yourself and those you negotiate with.
- Appreciating the tensions underlying the client and attorney relationship.
- Interviewing, preparing and working with a client in negotiations.
- Recognizing and avoiding unlawful and unethical negotiation behaviors.
- Maintaining high professional and ethical standards.

## **Required Texts:**

- \* Negotiation Theory And Strategy, Korobkin, Third Edition, Aspen Publishers (2014)
- \*Getting to Yes, Fisher and Ury, Penguin Books (2011)
- \*Getting Past No, Ury, Bantam Books (1993)

\*Never Split the Difference, Voss, HarperCollins (2016)

\*Supplemental materials to be passed out in class or placed on the CANVAS course website

### **Course Requirements:**

***Mandatory Class Attendance:*** The primary focus of this course is negotiation skill-building through role-play exercises. Roleplay exercises are effective only if all participants are present and well prepared to carry out their pre-assigned roles. One student's absence or lack of preparation diminishes not only that student's learning, but that of the other student(s) in the role-play. As a result, **students are expected to be present for every class and fully prepared to negotiate.** In order to enroll, students must confirm that they will be able (absent unforeseen reasons, such as illness) to attend each class. This means that if a student knows they will need to miss class during the quarter they should take the course in a future quarter. The class is offered twice each quarter during the academic year, and often during summer quarter.

*An excused absence will be granted under the following circumstances:*

- a) At the beginning of the term a student informs the instructor of a significant pre-existing commitment that creates an unavoidable conflict with class attendance because of the student's inability to take the course later in their law school career (e.g., they are a 3L) and the import conflicting obligation cannot be rescheduled (e.g., an externship responsibility that carried over from last quarter, non-emergency surgery, an out-of-state clerkship interview, a wedding) **and** the student arranges for and prepares a substitute person to take their role. A significant commitment justifying an excused absence is a commitment for which a judge would grant a trial continuance; or
- b) if during the term circumstances arise of an emergency nature beyond the student's control and, to the extent possible, the student arranges for and prepares a substitute person to take their role.

**Please stay in this class only if you are willing to commit to this attendance policy. Failure to abide by the class attendance policy may result in denial of course credit.**

### **Laptop Policy:**

Students may use laptop computers to take class notes and access documents on the course website-only. Please stay in this course only if you are willing to commit to this laptop policy.

### **Assignments:**

A negotiation role-play or exercise will be assigned each class and distributed via the class website or e-mail attachment. All students must have a working University of Washington e-mail account. Contact my assistant Curtis Terry if you experience difficulty in accessing an assignment.

The fact patterns of the role-plays are necessarily abbreviated. Students may not add new facts that affect the substance of the negotiation. To do so violates the ethical norms of the class. That said, you may sparingly add non-substantive facts to fill out a role-play: e.g., those facts that flow logically and *inconsequentially* from the limited facts provided. For example, the first names of persons, names and ages of children, or the color of a car.

Students are expected to be well prepared to conduct all pre-assigned role-plays and exercises. Student must take on and stay in their assigned roles for the exercises to be successful.

### **Prep Sheet:**

Before each class, students must complete a negotiation prep sheet to be turned in with the corresponding journal entry (see below) for that class. Each prep sheet will begin by asking you:

- o How will you integrate what you learned from the reading into your negotiation plan?
- o What are your skill building goals for this negotiation?

In the second section of the prep sheet students will outline their plans for conducting the negotiation. Prep sheets will be collected weekly in class.

### **Journal Requirement:**

Students are required to write a 2-page journal entry following each class and the review of their recorded negotiation. Journal entries will be submitted weekly on the CANVAS course webpage. Student journaling is required because your instructor fervently believes that the best lawyer-negotiators are highly self-reflective. Those lawyers analyze each new negotiation experience in order to continually improve their understanding of negotiation theory, process, skills and, perhaps most importantly, themselves as negotiators. The journal assignments are intended to help you improve your self-reflection skills.

Journal entries shall be 2 pages in length, and begin with a caption that lists: name of the exercise, your name, your assigned role, the other student negotiator's name, the names and roles of any other participants e.g., your co-negotiator, client or mediator.

Journal entries should focus on what you learned from the reading and each role-play about negotiating theory and about yourself as a negotiator. Relevant questions to address include:

- o What did you intend to use from the reading in the negotiation?
- o How did your plan work out for using what you learned from the reading assignment?
- o What was your skills goal for the negotiation?

- Did you achieve your skill building goals for the negotiation?
- What did you learned from the classroom debrief?
- What did you learn from watching the recorded negotiation?
- What did you learned about yourself as a negotiator?
- Any additional observations, impressions, learning and/or remarks?

A final course-ending journal entry of 6 pages is required. Further instructions will be given regarding this assignment later in the term. The due date for the final journal is **Friday, March 13, 2020 at 5:00 PM**. Please submit the final journal via CANVAS consistent with the submission procedures for prior journal entries.

#### **Recorded Negotiation Review:**

Students will self-record their negotiations on their personal laptops using Panopto. Instructions for Panopto recording may be found at the beginning of this Class Schedule. **Students should contact the main campus IT department if they need additional training on Panopto before the second day of class.** Contact main UW-IT directly at 206.221.5000 to make an appointment. They have a wonderful helpline that walks you directly through any questions or concerns that you may have. Or visit their website at <https://itconnect.uw.edu/learn/tools/panopto/> [\(https://itconnect.uw.edu/learn/tools/panopto/\)](https://itconnect.uw.edu/learn/tools/panopto/). If you need in person assistance, the CANVAS/Panopto help folks are located in Odegaard Room 230.

Students must review each of their recorded negotiations within 24 hours and include their observations in their weekly journals. After viewing the recording, students shall also provide short written feedback to the student(s) with whom they negotiated before the next class day. Students are required to review at least one of their recorded negotiations with the instructor at a mutually convenient time.

#### **CANVAS Course Website:**

The CANVAS course website is the source for course materials, PowerPoint slides and Prep Sheets forms. To access materials, go to "Home" and then click on a category under "All Pages" in the upper right hand corner. You will also post your weekly journal entries on CANVAS. Click on "Assignments," then the appropriate week to upload your journal entry, then click "Submit Assignment." CANVAS is also your source of information for the negotiation roleplays. We will send you an email with instructions on how to access your party's confidential information. Note: Please set your CANVAS 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 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](mailto:uwdrs@uw.edu) (<mailto:uwdrs@uw.edu>) or [disability.uw.edu](http://depts.washington.edu/uwdrs/) [\(http://depts.washington.edu/uwdrs/\)](http://depts.washington.edu/uwdrs/). 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, 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.

#### **Religious Accommodations:**

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at [Religious Accommodations Policy](https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/) (<https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/>) [\(https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fregistrar.washington.edu%2Fstaffandfaculty%2Freligious-accommodations-policy%2F&data=02%7C01%7Ccasillac%40seattleu.edu%7C1bb9ffde1cf3492e6dcd08d73c7cec31%7Cbc10e052b01c48499967ee7ec74fc9d8%7C0%7C0%7C637044;](https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fregistrar.washington.edu%2Fstaffandfaculty%2Freligious-accommodations-policy%2F&data=02%7C01%7Ccasillac%40seattleu.edu%7C1bb9ffde1cf3492e6dcd08d73c7cec31%7Cbc10e052b01c48499967ee7ec74fc9d8%7C0%7C0%7C637044;) . Accommodations must be requested within the first two weeks of this course using the [Religious Accommodations Request form](https://registrar.washington.edu/students/religious-accommodations-request/) (<https://registrar.washington.edu/students/religious-accommodations-request/>) [\(https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fregistrar.washington.edu%2Fstudents%2Freligious-accommodations-request%2F&data=02%7C01%7Ccasillac%40seattleu.edu%7C1bb9ffde1cf3492e6dcd08d73c7cec31%7Cbc10e052b01c48499967ee7ec74fc9d8%7C0%7C0%7C637044;](https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fregistrar.washington.edu%2Fstudents%2Freligious-accommodations-request%2F&data=02%7C01%7Ccasillac%40seattleu.edu%7C1bb9ffde1cf3492e6dcd08d73c7cec31%7Cbc10e052b01c48499967ee7ec74fc9d8%7C0%7C0%7C637044;)

#### **Student Learning Technologies (UW-IT) Support:**

Contact [help@uw.edu](mailto:help@uw.edu) (<mailto:help@uw.edu>) or 206-221-5000 for UW NetID and general networking support. UW-IT maintains a help desk at the Odegaard Undergraduate Library.

#### **Research Services Librarians:**

The Research Services librarians are legal research experts who are dedicated to helping students with research questions, database training, locating academic resources, etc. Visit the library's [UW Law Students page](http://lib.law.washington.edu/students.html) [\(http://lib.law.washington.edu/students.html\)](http://lib.law.washington.edu/students.html) for more information about their services generally. To get help, you can email the Research Services librarians directly at [lawref@uw.edu](mailto:lawref@uw.edu) (<mailto:lawref@uw.edu>). You are also welcome to visit the Reference Office on L1 to speak with the Research Services librarian on duty. If you have a detailed research question or would prefer to meet privately with a librarian, you may set up an appointment.

#### **Wait List:**

If you are on the waiting list for this course when classes begin and you want to be admitted, please attend the first class session and sign the Waiting List sheet. Priority will be given to students who have attended class and signed the Waiting List sheet.

**Class Schedule:**

The daily reading assignments below are *tentative* and may be changed by prior announcement in class.

K = Korobkin Text

GY = Fisher & Ury, Getting to Yes

NSTD = Voss, Never Split the Difference

U = Ury, Getting Past No

[https://uw.libapps.com/libapps/login.php?site\\_id=0](https://uw.libapps.com/libapps/login.php?site_id=0)

**\*\* Instructions for Using Panopto to Record Negotiations**

[https://uw.libapps.com/libapps/login.php?site\\_id=0](https://uw.libapps.com/libapps/login.php?site_id=0)

To download Panopto and make a Panopto recording:

<https://support.panopto.com/s/article/basic-recording-1> (<https://support.panopto.com/s/article/basic-recording-1>)

[https://uw.libapps.com/libapps/login.php?site\\_id=0](https://uw.libapps.com/libapps/login.php?site_id=0)

To create Panopto recordings and upload them to Canvas:

<https://itconnect.uw.edu/learn/tools/panopto/get-started-with-panopto/#access> (<https://itconnect.uw.edu/learn/tools/panopto/get-started-with-panopto/#access>)

[https://uw.libapps.com/libapps/login.php?site\\_id=0](https://uw.libapps.com/libapps/login.php?site_id=0)

**\*\* Instructions for Reserving Gallagher Law Library's Student Study Rooms**

[https://uw.libapps.com/libapps/login.php?site\\_id=0](https://uw.libapps.com/libapps/login.php?site_id=0)

Students in each pairing are responsible for securing a room for their Negotiation Role Play:

[https://uw.libapps.com/libapps/login.php?site\\_id=0](https://uw.libapps.com/libapps/login.php?site_id=0) ([https://uw.libapps.com/libapps/login.php?site\\_id=0](https://uw.libapps.com/libapps/login.php?site_id=0))

[https://uw.libapps.com/libapps/login.php?site\\_id=0](https://uw.libapps.com/libapps/login.php?site_id=0)