

NEGOTIATION WORKSHOP

Lynn Cohn

GENERAL MEMORANDUM

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I. PURPOSES OF WORKSHOP

This workshop is designed to help students improve their skills in negotiation, joint decision making, and joint problem solving, and to enable them to develop these skills further in the future. More specifically, the aims are:

- A. To allow you to bring your existing experience and knowledge about negotiations into a useful framework of the subject.
- B. To give you an organized theoretical framework with which to analyze problems of negotiation -- one that will help you to keep learning from your experiences.
- C. To enable you to experiment actively with a variety of negotiating techniques and your own negotiating styles.
- D. To help you become more sensitive to ethical issues in negotiation.
- E. To give you some experience with different contexts of negotiation, from legal to diplomatic, from bilateral to multilateral; to give you a feel for mediation.
- F. To improve the workshop, both the content and procedure, by trying out a variety of material and methods and soliciting detailed feedback from you.

II. REQUIREMENTS

A. ATTENDANCE

Simulations are scheduled for each class session. If you are absent from class, you will disrupt the exercise experience for yourself and your classmates. Additionally, class discussion and instruction are essential to improving each student's skills in negotiation. For these reasons, attendance at all classes is required. (Participation in advanced rounds of moot court or a trial competition is not a basis for an excused absence.) If you miss a class or scheduled feedback session, your grade will be lowered unless the absence is due to illness.

Classes will begin promptly at the scheduled time. All students (and the instructor) will be in class and ready to begin at each session's starting time.

B. DROP POLICY

No drops allowed after 7 pm, **Wednesday, September 3, 2008**.

C. REQUIRED TEXTS

The required texts are:

Getting To Yes, 2nd Edition, Roger Fisher and William Ury

The Mind and Heart of the Negotiator, 3rd Edition, Leigh L. Thompson

You can purchase these texts at Abbott Hall Bookstore.

Additional articles (readings) will be posted on Blackboard.

D. SCHEDULE

The class will normally meet from 6:00 p.m. to 9:00 p.m. In addition, you will be required to meet with other students and third parties for negotiation preparation or actual negotiations outside scheduled class hours. At times, the decision to meet or communicate outside of class will be at your discretion. **Therefore, you should review the exercises well in advance of class.**

E. COURSE FEE

There is a materials fee for this section (and all of the other sections) of the Negotiation Workshop. **The fee is \$50.00 and must be paid to Nancy Flowers who is located in the ABA Bldg., 8th floor, Room 862 or your teaching assistants by September 17th, 2008. I cannot submit your final grade for the course to the Registrar unless your fee has been paid.** Please keep a copy of your paid receipt.

F. INFORMATION

For most exercises you will have both general (shared) information and confidential information, for your role only.

You may disclose to other negotiators the information on your confidential sheet if you wish to do so, but you may not show your confidential sheet to any other negotiator, even a team mate, until the negotiation is completed. When the negotiation is completed, you may share your confidential information sheet with other negotiators, but you are not obliged to do so.

The information that you need to negotiate the exercise should be in the materials. **You may not invent facts that improve your bargaining position.** If, however, you are asked a question calling for irrelevant facts not contained in your information, (e.g. "What is your middle name?"), you may invent a response, or, if more appropriate, say, "I don't know".

G. CAUTION

Because this class has been taught for a number of years, it is possible that you will have the opportunity to look at confidential instructions given to students in prior classes, or that such students will offer to discuss negotiation exercises with you prior to your doing them. This is prohibited. Likewise, you may not try to gain an advantage by "googling" any exercise or performing other searches for it on the internet. **Engaging in any of these activities, even with the best of motives, would be cheating both yourself and your classmates and is in violation of the NUSL honor code.**

H. FEEDBACK

After each exercise, spend approximately 15 minutes discussing that exercise with each other, i.e., what each did that he/she was unsure of, seemed ineffective, etc. You should be open about discussing about the other person did that bothered you. Only in that way can each of you learn about, and consider eliminating, mannerisms and tactics to which others have a negative reaction. This is an opportunity for constructive comments on each others' negotiating styles and skills, and you should take full advantage of it. Among matters commonly discussed in feedback sessions are:

- (a) negotiating style.

- (b) effectiveness of specific tactics.
- (c) attacking the other negotiator personally.
- (d) not really listening to what the other negotiator said.
- (e) inflexibility (not responding to opportunities created by the other party).

Faculty Feedback

In an effort to provide as much feedback as possible, I have engaged two outstanding third year students who have previously taken this workshop to serve as teaching assistants: **Leslie Garbarino and Carly Vandewalle**. We will observe and comment, in a constructive fashion, on both live and videotaped negotiations. (The T.A.s are not involved in the awarding of grades.)

You should feel free to seek out the T.A.s for assistance if you have questions or if you wish additional feedback. You may not always agree with what I or the TAs say about a particular negotiation tactic or style, but our comments should be useful in helping you to find your own approach to negotiating.

I. FINAL PROJECT

Students will be divided into assigned groups of six members for the final project. Each group is to submit a final project involving fundraising efforts for a charity of the group's choice. The project, including presentation will be due on **November 19, 2008** and should contain no more than 10 pages addressing:

- How charity was selected
- Description of charity including location, mission and needs
- Development of fundraising strategy
- Implementation of fundraising strategy
- Description of three key negotiations in project
- Analysis of outcome of fundraising strategy

Each individual must also submit a 1-2 page analysis of group dynamics and communication during the process of completing the project.

A one-page summary of your proposed exercise will be due by **October 15, 2008**.

Grading of the final project paper will be based as follows:

- Identification of charity's needs = 10%

- Creativity in fundraising strategy = 25%
- Outcome of fundraising strategy = 25%
- Negotiation skills applied in three key negotiations = 40%

J. **GRADING**

Grading will be based on effort and comprehension of negotiation principles and practice, as shown in your videos, class participation, final project and pre-negotiation analysis of the exercises. Professor Cohn will randomly select which pre-negotiation analysis will be graded beginning after Class. 4. **Pre-negotiation analysis sheets must be submitted at the start of class.** The Grading breakdown will be:

- Class Participation – 40% (including video observed by Professor)
- Randomly Selected Pre-Negotiation Analysis- 10%
- Final Project Paper-40%
- Final Project Presentation-10%

K. **RESEARCH**

Northwestern University's School of Law and the Dispute Resolution Research Center (DRRC) at Kellogg have been instrumental in developing Northwestern's reputation as one of the premier institutions for teaching negotiations. Many of the individuals who have written the exercises and readings used in the class are affiliated with Northwestern and have used these cases to conduct cutting-edge research negotiations. You have an opportunity to benefit from this research in this course. Just as prior Northwestern students have contributed to your learning experience, by participating in research you contribute to the experiences of future students. If you do not want your outcomes used for research purposes (these would always remain anonymous), please notify me.

During the semester, you may be asked to engage in negotiation exercises (from which data may be collected). You will also be asked to complete online studies of negotiation. Typically, the online studies will require one-half hour to one hour of your time to complete. The web links to these students will be provided to you during the course of the semester.

III. SYLLABUS

Class 1

September 3, 2008

Class Schedule: **There is no reading assignment prior to Class 1**

6:00-7:00 Introduction of students, professor, and teaching assistants; overview of the course

7:00-9:00 Trading Up

Distribute: Eazy's Garage; Valdez v. Alloway's Garage.

Assignment: Negotiate Eazy's Garage with assigned partner before class on September 10, 2008. (Please schedule 1.25 hours for negotiation and feedback.)

Following this, and all future negotiations, students are to engage in a mutual feedback session. Additionally, the results of this negotiation, and all future negotiations (in summary form) and all future negotiations, are to be handed in to Professor Cohn. If the negotiation is done in class, hand in the results at the conclusion of the negotiation. If the negotiation is done outside of class, hand in the results at the beginning of the next class.

Prepare for Valdez negotiations.

Read: Getting to Yes.
Chapter 2, The Mind and Heart of the Negotiator

Class 2

September 10, 2008

Class Schedule:

6:00-7:00 Discuss Eazy's Garage

7:00-8:00 Negotiate Valdez v. Alloway's Garage. [1 on 1]

8:00-8:15 Feedback on Valdez negotiations from your negotiating partner (and T.A., if negotiations observed.)

8:15-9:00 Discuss Valdez negotiations.

Distribute Class list; Sky Needle

Assignment: Negotiate Sky Needle [1 on 1], taping 45 minutes (30 minutes to negotiate). Taping will take place the week of September 15 to September 19, 2008 in Room 840 or 842 located in the ABA Bldg., 8th floor. Please sign up with your TA for a taping time.

Feedback on Sky Needle negotiation tapes with your TA. (dates and times to be arranged at your taping session)

Read: Chapter 11, The Mind and Heart of the Negotiator

Class 3 **September 17, 2008**

Class Schedule:

6:00-8:00 Peperator Pricing Exercise. [6 on 6]. Discussion of Peperator Pricing Exercise.

8:00-9:00 Discuss Pre-Negotiation Planning, how to complete a Pre-Negotiation Analysis (PNA)

Distribute: Bullard Houses; Pat Sullivan client contact form; Project Group assignments

Assignment: Prepare to negotiate Bullard Houses.

Read: Chapter 3, The Mind and Heart of the Negotiator

Turn in name, address and phone number of client for Pat Sullivan by Sept. 24, 2008.

Class 4 **September 24, 2008**

Hand In: Pat Sullivan Client Contact Information; Bullard Houses PNA

Class Schedule:

6:00-7:15 Negotiate Bullard Houses with assigned partner.

7:15-9:00 Debrief Bullard Houses

Distribute: Chestnut Drive

Assignment: Prepare to negotiate Chestnut Drive with construction company representative on October 8th (Groups of 6). Preparation to include pre-negotiation discussion(s) with Chestnut Drive neighbors.

Read: (POSTED ON BLACKBOARD)
Meltsner & Schrag, Negotiating Tactics for Legal Services Lawyers
Raiffa, The Art & Science of Negotiation
White, The Pros & Cons of "Getting to Yes"
Boehm, Dealing from Strength
W. Ury, "Getting Past No"
Walker, August 2003 INC. Magazine, Take It Or Leave It
Chapter 1 of Ury Brett & Goldberg, Getting Disputes Resolved

Class 5 **October 1, 2008**

Hand In: **Chestnut Drive** PNA

Class Schedule:

6:00-7:00 Groups 1-5 negotiate **Chestnut Drive** with a representative of the construction company in breakout rooms.

Group 6 continue negotiation preparations.

7:00-7:30 Feedback.

7:30-8:15 Group 6 negotiate **Chestnut Drive** with a representative of the construction company in front of class.

8:15-9:00 Discuss **Chestnut Drive** negotiations.

Class 6 **October 8, 2008**

Class Schedule:

6:00-9:00 Discuss Final Projects; meet in project groups to prepare summary.

Distribute: **Mouse**; **Pat Sullivan**; Pat Sullivan pairings
Morris v. Heller Attorney Contact Form

Assignment:

Prepare one-page summary of your final paper to be handed in to Professor Cohn at start of class October 15th.

Prepare to negotiate Pat Sullivan; Mouse

Read:

Chapter 4 The Mind and Heart of the Negotiator (Prior to negotiating Pat Sullivan)

Class 7

October 15, 2008

Class Schedule:

Class will not meet during the regularly scheduled time.

Students will negotiate Pat Sullivan with assigned client. **This negotiation must be completed by October 22, 2008.**

Assignment:

Prepare to Negotiate Mouse

Read:

Chapter 10, The Heart and Mind of the Negotiator (prior to negotiating Mouse).

(POSTED ON BLACKBOARD)

Rubin and Sander, Culture, Negotiation, and the Eye of the Beholder

Carver, Race and Negotiation Performance

David A. Hoffman, Why Do We Care About Diversity?

Class 8

October 22, 2008

Hand In:

Pat Sullivan PNA, Mouse PNA, Morris v. Heller Attorney Contact Form

Class Schedule:

6:00-6:45 Discuss Pat Sullivan

6:45-8:15 Negotiate Mouse.

8:15-9:00 Debrief Mouse

Distribute:

Halfway House; Morris v. Heller; pairings; STAR

Assignment:

Prepare to negotiate Halfway House; - Note: Halfway House is a negotiation that is in a "town-hall meeting" format. This means that the entire class is in the same room for the negotiation. The Mayor's Group will be presiding over the Halfway House meeting.

Read:

Chapter 9, The Heart and Mind of the Negotiator

Class 9**October 29, 2008**Class Schedule:

Class will not meet during the regularly scheduled time.

Students will negotiate Morris v. Heller with assigned attorney. **This negotiation must be completed by November 12, 2008.**

Class 10**November 3-7, 2008**

Assignment: Negotiate Star [1 on 1], taping 45 minutes, (30 minute negotiation). Taping will be the week of Nov. 3rd through 7th in Room 840 or 842 located in the ABA Bldg., 8th floor. Sign up with your TA. Turn in your Star PNA to your TA at the time of your taping. Feedback on Star tapes with Prof. Cohn. Dates and times to be arranged.

Class 11**November 5, 2008**

Hand In: Halfway House PNA

Class Schedule:

6:00-7:00	Negotiate <u>Halfway House</u> - (Entire class participates in a town-hall meeting.)
7:00-8:00	Discuss <u>Halfway House</u>
8:00-9:00	Open Forum

Class 12**November 12, 2008**

Hand In: Morris v. Heller PNA

Class Schedule:

6:00-7:00	Discuss <u>Morris v. Heller</u>
7:00-9:00	Mediation Discussion

Class 13**November 19, 2008**

Hand In: Final Projects

Class Schedule:

6:00-9:00 pm Class Party!!! Groups make presentations regarding projects.