

NEGOTIATION AND CREATIVE PROBLEM SOLVING

Syllabus

University of Houston Law Center

Summer Mini - May 2023

Professor(s): NATHAN BLOCK & TARA KELLY

Credits: 2

Course Areas: *Law & Society/Interdisciplinary*

Time: Monday May 15th – Thursday, May 18th inclusive, from 9:30 AM – to 4:30 PM each day

Final Exam: Friday May 19th

Location: TBD (In person)

Course Outline: A negotiation course covering preparation, tactics, deal design, persuasion, problem solving and conflict management deal set-up, as applied to a variety of business, commercial, and legal contexts. The course will have a substantial simulation component, with active student participation in exercises and case studies. Lectures and debriefs linking negotiation to legal practice will be interspersed. Guest may include accomplished negotiators, mediators, and lawyers to speak on applications of course concepts.

The course will enhance the students' negotiation skills by introducing a broadly applicable framework (3-D Negotiation) along with many complementary concepts and providing students with the opportunity to practice as they learn. It contains the following major components:

- Principle-centered negotiation
- Creating and Claiming Value
- The Spirit of the Deal – going beyond the letter of the contract to each party's unstated expectations
- Negotiation Preparation and Decision Analysis
- Multi-party Deal-making / Coalition Building and Breaking
- Negotiation Ethics
- Cross-cultural Negotiation
- Introduction to Mediation

In addition to in-class activities as described above, ***this course will entail reading assignments in the evenings*** (including books listed under "Course Materials" below). The professors recommend starting the reading as early as possible. ***Per daily instructions, students will be expected to have downloaded simulation materials and have prepared for full, active participation.*** Students may purchase these books and read the excerpts listed at any time before the final exam.

Class Size: Enrollment is limited to 20 students.

Attendance: *Attendance is a critical component of this course.* Mock negotiation / simulation is an important part of the learning experience for this class. Attendance is vital to ensuring that all of the exercises can be run. The instructors track attendance and participation and may reduce a student's final grade if the student is absent from more than 20% of the total minutes scheduled for the class. These requirements are not intended to be punitive rather, they are critical to ensure a collaborative work environment for all students, whose ability to practice negotiation depends on the preparedness and presence of their peers. At each class, attendance will be taken. When presented virtually/on-line, expectations for on-line etiquette will be presented early during the first class.

Promptness: Because the case simulations are run on a specific timetable, and all students must be present for the simulations to occur, promptness is critical. **Please make an effort to arrive 10 minutes early for class each day.** Class will start promptly. In the event of an unavoidable absence, please provide notice via e-mail, to both professors, as soon as possible. Repeated tardiness or tardiness that impacts a student's ability to participate fully in in-class simulations will adversely affect a student's participation score.

Participation: A significant portion of your grade is based on participation, which involves both preparation outside of class and active engagement in class. When exercises are assigned ahead of time, students are expected to come to class having read through the simulation fact pattern and prepared for the role they will play. During class discussions, in addition to participation in class exercises/simulations, students can participate by answering questions posed by the professors, engaging in the flow of conversation facilitated by the professors, and asking well-timed, relevant questions themselves. Students are encouraged to make regular contributions but, contributions balanced by a focus on quality rather than quantity.

In addition to class participation, student will maintain a daily journal to capture observations about the class and the simulation exercises in which they participate. This journal should be produced daily with one to two (type written, 12pt font, 1-inch margins, full justified) expected each day. The completed journal must be e-mailed to the professors **BEFORE** 5:00 PM on the day of the exam. Late journals will not be accepted without explanation and prior approval is obtained from the professors.

Learning Outcomes: Students will develop familiarity with essential concepts of negotiation and an awareness of negotiation theory. Students will also develop negotiation competencies through simulated negotiation and feedback / coaching.

Final Exam: The final exam will require the students to produce a written analysis of the challenges and opportunities presented in a case study while utilizing course concepts. This paper will not require outside research. The paper will be evaluated on:

1. The rigor with which course concepts are applied.
2. The correct application of course concepts.
3. The overall structure of the negotiation approach outlined by the student, including sequencing.

Students will have THREE HOURS to complete the exam. High quality analysis of the issues along with thoughtful and creative application of the concepts presented will be emphasized in grading the exams.

Grading: Final grades will be assigned 55% based on the final exam, and 45% based on participation. The participation score includes the daily journal, engagement with class discussion and negotiation exercises and exercise self-evaluation.

Prerequisites: none

This course will have:

Exam: As described above, timed, to be completed in-class (a case study analysis)

Other: Mandatory participation, requiring robust pre-class preparation

Course Materials & Fees:

The course materials will be comprised of a variety of Harvard Business School case studies and following three books:

- *3-D Negotiation*, by David A. Lax and James K. Sebenius. 2006 ed. [pages 7-116, 123-147, 159, 181-203]

- *Beyond Reason*, by Roger Fisher and Daniel Shapiro. 2006 ed. [Section I, Chapter 1-2 (Introduction); Section III, Chapter 8-10 (Some Additional Advice); Conclusion (Seven Elements of Negotiation, Glossary, Work Consulted)]

- *Getting to Yes*, by Roger Fisher and William Ury. 2011 ed. [Ch. 6, What if They are More Powerful? (Develop your BATNA), Ch. 7, What If They Wont Play? (Use negotiation jujitsu) Ch. 8 What If They Use Dirty Tricks?(Taming the hard bargainer)]

Before the first day of class, ***students are also responsible for purchasing the three required books***, which are reasonably priced and available online at Amazon and other book retailers.

Simulation exercises will be provide by the professors before or during class, as appropriate.

Office Hours: By request. Please do not hesitate to contact the professors with any questions, concerns, or requests for office hours. Individual appointments are likely to occur either before or after class and may be conducted via videoconferencing. The professors can be reached at nblock4082@aol.com (Professor Block) and Tara.Kelly@bp.com (Professor Kelly).

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at

convenient locations and hours around campus.
http://www.uh.edu/caps/outreach/lets_talk.html

Course Syllabus (Tentative— Sequence of lessons may change. Subject to availability, guest speakers may be added.):

Date	Activity	Lead Instructor	Learning Objective*	Description/Teaching Points
Monday, 5/15	Intros, Course Mechanics, The Role of Cooperation	Block	Introduction of the role of cooperation in generating mutually beneficial outcomes	<ul style="list-style-type: none"> • Breakdowns in cooperation • Logic governing individual interests • People factors
	•Principles of Negotiation and Introduction to 3D Negotiation	Block	Overview of a framework for understanding the key dynamics of the deal-making process and of building winning agreements	<ul style="list-style-type: none"> • Focus on setup, deal design and tactics. Introduction of key concepts. Develop familiarity with essential concepts of negotiation applicable across a wide range of contexts
	Hong Kong Property Deal	Kelly	A price negotiation using a real estate example, followed by application to valuing litigation settlements	<ul style="list-style-type: none"> • Anchoring • Framing expectations • Valuation methodology • BATNA and ZOPA
	Negotiation Ethics	Block	Discuss ethical foundation and the application of disciplinary rules to negotiation	<ul style="list-style-type: none"> • Distinguish disciplinary rule requirements from ethical prescriptions • Consider and apply ethical considerations to

Date	Activity	Lead Instructor	Learning Objective*	Description/Teaching Points
				negotiation and dispute resolution
	The Job Negotiation – problem discussion and set up	Kelly	Job negotiation involving a mid-career student negotiating job offers via email	<ul style="list-style-type: none"> • Conducting effective negotiations via email • Effective self-advocacy and persuasion • Identifying and dovetailing interests
Tuesday, 5/16	Sally Soprano Exercise and Debrief	Kelly	Two party integrative negotiation between agents for an opera singer and opera house regarding a contract for an upcoming position.	<ul style="list-style-type: none"> • Comparing principled and positional bargaining. • Dovetailing interests • Bargaining from a weak BATNA • Creative deal making that expands the pie
	Beyond Reason	Kelly	Overview	<ul style="list-style-type: none"> • Developing expertise in managing certain emotional factors that may be at play during negotiations
	Conflict and Influence in Negotiation	Block	Understanding conflict in negotiation and tools of influence	<ul style="list-style-type: none"> • Introduce tools for managing conflict during negotiation • Discuss the concept of influence and how to harness it negotiation. • Exercise to illuminate individual conflict management styles and preferences

Date	Activity	Lead Instructor	Learning Objective*	Description/Teaching Points
	Job Negotiation		Targeting 3:30 close of class to allow time to begin exercise	<ul style="list-style-type: none"> • Prep and begin participation in e-mail negotiation
Wednesday, 5/17	Power Screen	Kelly	Lawyers attempt to diffuse crisis over IP and future direction between a company's co-owners	<ul style="list-style-type: none"> • Sequencing in confronting issues • Scope of relationship & role • Attractiveness of alternatives to negotiation, such as arbitration
	Negotiation Preparation and Decision Analysis	Block		<ul style="list-style-type: none"> • Examine tools to utilize in preparation for negotiation • Introduce tools of decision-making and analysis applicable to negotiation
	Cross-cultural Negotiation	Guest Speaker	Understand importance of culture and language on negotiation	<ul style="list-style-type: none"> • Develop tools for recognizing and constructively addressing cultural differences
	Difficult Conversations	Kelly	Hard bargaining	<ul style="list-style-type: none"> • Strategies for tackling difficult conversations and hard bargainers
	Difficult Conversations in the Workplace	Guest Speaker	Managing emotion and deeply personal issues	<ul style="list-style-type: none"> • Examples of negotiation and conflict management in employment law
	Job Negotiation Debrief	Kelly		<ul style="list-style-type: none"> • Discuss outcomes and observations from a negotiation conducted via e-mail

Date	Activity	Lead Instructor	Learning Objective*	Description/Teaching Points
Thursday, 5/18	Job Negotiation Debrief	Kelly		<ul style="list-style-type: none"> • Discuss outcomes and observations from a negotiation conducted via e-mail •
	World Trade Center Reconstruction	Video and class discussion	Simulation of six party negotiation scenario	<ul style="list-style-type: none"> • Looks at coalition building and breaking and the complexity of multi-party, multi-interest negotiations
	Mediation	Kelly	Introduction to mediation process and use in dispute resolution	<ul style="list-style-type: none"> • Understand how to value a claim in litigation and use mediation process as a resolution tool
	Mediation – Guest Discussion (2:30 PM)	Guests: To be Determined	Discussion of mediation process, uses, advantages and disadvantages	<ul style="list-style-type: none"> • Develop insight into use mediation from practitioner perspective
	Final Review	Block/Kelly		<ul style="list-style-type: none"> • Review for exam, including Q&A
Friday, 5/19	Final Exam	Block/Kelly		<ul style="list-style-type: none"> • As described in syllabus