

NEGOTIATION Law 550
University of La Verne College of Law
Spring Semester 2019 Syllabus

PROFESSOR: Susan Nauss Exon
CREDIT HOURS: Two Credit Hours
DAYS & TIMES: Tuesdays, 1:30 – 3:30 p.m.
ROOM: TBA

PROFESSOR EXON'S CONTACT INFORMATION

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Cell: 951-323-6280

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OFFICE HOURS

Mondays 2:00 – 5:00 p.m.
Tuesdays 12:00 – 1:00 p.m.
Wednesdays 9:00 a.m. – 1:00 p.m.
All other days/times by appointment.

Please do not disturb Professor Exon one-half hour before any class she teaches. To set up an appointment, please contact Professor Exon, using the contact information listed above.

REQUIRED AND SUGGESTED MATERIALS

Required Texts:

- Charles B. Craver, *Effective Legal Negotiation and Settlement* (8th ed., 2016)
- Roger Fisher, William Ury & Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (3rd ed. 2011)
- Additional readings will be posted to TWEN

A TWEN site on Westlaw has been set up for this course. Each student is expected to register for that site.

COURSE OBJECTIVES

This course emphasizes theoretical and practical applications of negotiation in a variety of contexts – written (including e-mail), over the telephone, and face-to-face. The pedagogical philosophy for the course requires students to develop both cognitive knowledge (theory,

concepts, approaches, and models) and behavioral competence (interviewing, questioning, counseling, presenting, persuading, negotiating, creating, and problem-solving). Combining cognitive knowledge with behavioral competence, students will explore: principles of negotiation preparation; negotiating models, strategies and styles; negotiating tactics and techniques; consequences of psychology; communication skills, cultures and genders; and ethical considerations.

COURSE-SPECIFIC LEARNING OUTCOMES

By the end of the course, students will become proficient in the cognitive and behavioral skills necessary for qualified negotiators and will be able to:

- A. Cognitive Knowledge:
 - Evaluate all of the negotiation principles and theories studied during the semester and demonstrate an understanding of these principles and theories in written assessment papers and quizzes; and
 - Understand the critical importance of negotiation preparation by preparing negotiation preparation outlines.
- B. Behavioral Competence:
 - Engage in negotiation objectively and strategically, acknowledging rather than emphasizing emotions;
 - Evaluate and relate to interpersonal communication styles and negotiation theories and strategies while communicating as part of a negotiation;
 - Engage in ethical negotiation; and
 - Demonstrate an understanding of civility and professionalism.

COURSE-SPECIFIC POLICIES

A. Teaching Methodology

The field of alternative dispute resolution does not necessarily involve concrete principles that need or must be applied in every situation. Negotiation participants will benefit from their ability to be flexible. The professor's role is to open students' minds, pose questions, but not necessarily provide concrete answers regarding every topic discussed in class. Many of the class discussions will go beyond the scope of the assigned readings. Students should approach the readings by examining the material and then contemplating how it plays a part of a larger picture.

During class sessions, students will be expected to participate in class discussions about theoretical topics. Much of the course will be devoted to role-playing in fictitious fact scenarios so that students may gain the practical skills of negotiators. Although this course does not focus on case briefing, some cases may be assigned and students will be expected to read, brief and be prepared to discuss the legal implications of the cases in a modified Socratic dialogue.

As part of the Transactional Track, this course culminates in the negotiation of a final sales contract. For this project, students will rely on all information presented during the semester to prepare for the negotiation, and draft a written negotiation preparation plan that memorializes their preparation. They will then engage in a three-hour negotiation in which two buyer partners negotiate with two seller partners. The negotiations will be videotaped so that students may use the videotapes to recall specific instances of the negotiation as they draft a final assessment paper that will be due at the beginning of the final class session. The final assessment paper will take the place of a final exam for this course. The negotiation will culminate in the execution of a sales contract.

B. Classroom Expectations

Students are expected to attend every class and be prepared. That means students should read all assigned material and be prepared to discuss the concepts in class. Some group projects will be assigned and students will be expected to contribute their assigned task(s) to the group project.

Class participation is a key component of this course. Normally, the professor decides how she will seek input from individual students during class discussions. During the first class meeting, students will negotiate the process of class participation (e.g. how to call on individual students).

Students are expected to be on time for each class. This is a simple courtesy to your fellow classmates and your professor. Punctuality will enable you to benefit by participating fully in the class discussions. Normally, the professor sets forth consequences in the syllabus for tardiness. Students will negotiate consequences during the first class meeting.

This course is extremely dependent on good communication skills, both verbal and nonverbal. The use of laptop computers during class affects communication; therefore, laptop computers may not be used during class. In addition, all cell phones, pagers, and any other technological devices should be turned off to avoid any distractions.

If you will be unable to attend a class session, please notify the professor in advance as any person's absence will impact the skills-building exercise planned for that particular class.

Excessive absences from class will result in an involuntary withdrawal from the course pursuant to College of Law policies.

C. Taping Classes

You may not tape record classes unless exigent circumstances exist and you receive permission before each class.

ABA STANDARD 310

This course is designed to satisfy the requirements of ABA Standard 310. Standard 310 requires that for each hour of in-class time, students spend two hours preparing for class (reading or completing class assignments or assessments).

EVALUATION AND GRADING

You will receive a numeric grade in accordance with the College of Law policies.

Note: All assigned papers and homework should be typewritten and include a separate cover page that includes your Student Assignment Number and the name of the assignment. Do not include any identifying marks on any other pages.

The written assignments should not be written as question and answer exercises. They are assignments to challenge your ability to critically analyze a situation based on class readings and discussion. Each assignment should have an overall theme, be well organized, well written, and grammatically correct.

The College of Law's plagiarism policy will be strictly enforced in this class. If a student commits plagiarism, he or she will be subject to sanctions pursuant to the Student Conduct Code at Part IV of the MAPP. For your information, Part IV.B.1.f. states that students are prohibited from "knowingly, recklessly, or negligently" engaging in:

"f. Plagiarizing by submitting the work of another as one's own, submitting work prepared in collaboration with another without express permission, or failing to properly provide attribution of source materials. Plagiarism additionally includes (1) copying the language, structure, ideas, or thoughts of another and representing the same as one's own original work, unless otherwise permitted by the policies of the course; (2) submitting a purchased research paper; (3) submitting another's research paper; (4) copying material and presenting it as one's own; (5) submitting one's own prior work without attribution; (6) submitting a canned brief; and 7) paraphrasing and/or quoting material in a paper without proper documentation."

Failure to adhere to any of the components of the following grading requirements will result in an incomplete grade for the course. Additionally, the Professor reserves the right to deduct points for any assignment that is turned in late.

The final course grade will be separate and apart from the other classes involved in the Transactional Track (Business Organizations, Sales, and the Transactional Track Workshop) and will be based on the following:

1. Final Analysis Paper in lieu of a final exam, including a Negotiation Preparation Plan – 55%

2. Two Personal Application Papers to be assigned throughout the semester based on specific role-play scenarios – 8%

The purpose of the paper is to encourage a reflection and analysis process on the “learning by experience” simulations; the paper also gives the Professor a sense of your individual progress, and your strengths and weaknesses as a negotiator. Your task in each paper is to describe your reactions, perceptions, impressions or significant insights gained from participation in or reflection on the simulation. You may talk about yourself, or the behavior of other people, and may want to address some or all of the following points:

- a. Briefly, what happened in the simulation or role-play. In other words, provide a brief overview of the key events.
- b. What did you learn about yourself from this experience?
- c. What did you learn about the behavior of others from this experience?
- d. What did you learn from bargaining or conflict from this situation?
- e. How do the concepts in lectures or readings enrich your understanding of the process of negotiation, its outcome or your own negotiation style? When referring to specific concepts, be sure to define them to demonstrate your understanding of the concepts before applying them to facts.
- f. What would you do the same or do differently in the future, or how would you like to behave in order to perform more effectively.

Each paper will be read, commented on, graded, and returned to you. You will participate in a peer review of another student’s paper. The purpose of the grades is to encourage thoughtful analysis and understanding of the simulations, and to encourage use of theory and research presented in readings, and lectures. A good short paper is one that tries to step back from the readings or lecture material to help structure the analysis, and is well written. All of these guidelines are just that—guidelines.

Papers should be no longer than three typed, double-spaced pages.

3. Three Negotiation Preparation Plans – 9 %.
4. Two Midterm Exams – 10% each for total of 20% of course grade
5. Class Participation/contribution (includes participation in theoretical discussions and participation in role plays) – 8%

DISABILITY ACCOMMODATIONS STATEMENT

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [as of September 13, 2017 located at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>, which can be found on the website of the University of La Verne Disabled Student Services website (<https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>) or at their office. Temporary accommodations are offered on a case-by-case basis. All required

documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs.

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, Akita Mungaray by email at amungaray@laverne.edu or by phone at (909) 460-2017. Her office is located on the first floor of the College of Law, Office # 107. You can also contact Cynthia Denne at the University of La Verne Disabled Student Services office at (909) 448-4441. The office is located at the La Verne campus Health Center. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>.

COURSE SCHEDULE

The course schedule is set forth below. **All assigned readings should be completed before attending the class to which they are assigned.** The professor reserves the right to modify the schedule to accommodate class needs. If you are absent, you should verify the assignment for the following week. In addition, any modifications will be posted to TWEN. You are expected to check the TWEN site weekly, and are assumed to have read any posted notice.

COURSE SCHEDULE

WEEK	TOPIC	READING ASSIGNMENT
1 Jan. 8	Course Introduction; Basic Factors Affecting Negotiation	Ch. 1 & 2, <i>Effective Legal Negotiation and Settlement</i> (hereafter “ELNS”)
2 Jan. 15	Verbal and Nonverbal Communication	Ch. 3, <i>ELNS</i>
3 Jan. 22	Preparing to Negotiate & The Preliminary Stage	Ch. 4 & 5, <i>ELNS</i>
4 Jan. 29	The Information Stage (Value Creation) & The Competitive Stage (Value Claiming)	Ch. 6 & 7, <i>ELNS</i> 1st Negotiation Preparation Plan Due

WEEK	TOPIC	READING ASSIGNMENT
5 Feb. 5	The Closing Stage	Ch. 8, <i>ELNS</i> Supplemental Course Materials 1st Personal Application Paper Due
6 Feb. 12	The Cooperative/Integrative Stage (Value Maximizing)	Ch. 9, <i>ELNS</i> <i>Getting to Yes</i> , pp. 1-187 Email Negotiation Begins Feb. 13 at noon PST 2nd Negotiation Preparation Plan Due Feb. 14 at noon PST
7 Feb. 19	No Class (President's Day)	Email Negotiation Ends Feb. 20 at noon PST
8 Feb. 26	Negotiating Games/Techniques Psychological Entrapment	Ch. 10, <i>ELNS</i> Ch. 13, <i>ELNS</i> MIDTERM #1 Second Personal Application Paper Due by Feb. 28 @ 5:00 p.m.
Spring Break Mar. 5 (No Class)		
9 Mar. 12	Post Negotiation Assessment Negotiation Ethics	Ch. 11, <i>ELNS</i> Ch. 17, <i>ELNS</i>
10 Mar. 19	Frequently Raised Negotiation Issues.	Ch. 12, <i>ELNS</i>
11 Mar. 26	The Impact of Ethnicity and Gender	Ch. 14, <i>ELNS</i> 3rd Negotiation Preparation Plan Due

WEEK	TOPIC	READING ASSIGNMENT
12 Apr. 2	Practice Negotiating.	No Reading Assignment MIDTERM #2
13 April 9	Transnational Negotiations	Ch. 15, <i>ELNS</i>
14 Apr. 16	Final Negotiation Simulations to be scheduled throughout the week or during previous week	No Reading Assignment Final Project Negotiation Preparation Plan Due Prior to Simulation
15 Apr. 23	Final Review of semester.	Final Analysis Paper Due

Disclaimer

The professor reserves the right to make correction, changes, and other alterations to the syllabus, course requirements, and other elements contained herein. Such changes will be communicated to the students either in a regular class session or other appropriate means (e.g., email). All matters pertaining to student rights and responsibilities as outlined in the ULV catalog are adopted herein.