

UNIVERSITY OF LA VERNE COLLEGE OF LAW

NEGOTIATION Spring 2019 Syllabus

Law 555, Day Session

Professor: Donald B. Cripe, J.D.

Contact Information:

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Cell: (951) 830-9629

Students must immediately send the Professor an email from their preferred address as he will regularly communicate via email. The student must also place contact information on TWEN for regular communication.

Text:

- *Effective Legal Negotiation & Settlement* 8th Edition By: Charles B. Craver
ISBN: 9781632848055 Carolina Academic Press LLC
- Roger Fisher, William Ury & Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (2nd ed. 1991)
- 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.

Schedule:

Dates: January 8th-April 23rd

Days: Tuesdays

Time: 1:30-3:20 p.m.

Room: TBA

COURSE OBJECTIVES

Negotiation is the essence of voluntary conflict resolution. This course emphasizes theoretical and practical applications of negotiation principles in a variety of contexts – written (including e-mail), over the telephone, and face-to-face. Students will develop both cognitive knowledge (theory, concepts, approaches, and models) and behavioral competence (interviewing, planning, questioning, counseling, presenting, persuading, creating, problem-solving and closing). Combining cognitive knowledge with behavioral competence, students will explore the cutting-edge 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 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.
 - ***NOTICE: It is essential the student understand the Professor will not “teach” the material required. Rather the professor will teach the student what the student must learn for discussion and class lectures. If the student does not take the initiative to learn the material on his/her own, it will be impossible to do well in the course.***
- 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 specific transaction. 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 session. The negotiations may 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 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. If students do not ask questions or offer discussion/debate during class, the professor will assume the class knows everything they need to know to do well in the class.

Additionally, this class will work hand in hand with Professor Watts' evening negotiation class for exercises and practice negotiations. Students are expected to make every effort to become familiar with students from that class and to make time to meet outside of classroom time for exercise purposes. There will be no exceptions and no grade-relief if the student fails to cooperate in this portion of the assignment schedule.

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.

D. 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. A part of every student's grade will be writing skill and use of language. This professor follows the adage: "if you can't [write] what you mean, you cannot mean what you [write]."

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 Negotiation Simulation and subsequent Analysis Paper including a Negotiation Preparation Plan in lieu of a final exam, – 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 the process, yourself, or the behavior of other people, and may 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. These guidelines are just that—guidelines.

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

3. Two Negotiation Preparation Plans – 9 %. TBA
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%
6. The professor reserves an option to change the evaluation criterion for this class

DISABILITY ACCOMMODATIONS STATEMENT

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [\[as of September 13, 2017 located at https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/\]](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, or you can contact the University of La Verne Disabled Student Services office; both listed below. 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/>.

College of Law
Student Affairs and American with Disability
Officer Akita Mungaray, Interim Director of
Student Services amungaray@laverne.edu
(909) 460-2017

University of La
Verne Disabled
Student Services
Cindy Denne, Director of Disabled Student
Services cdenne@laverne.edu
(909) 448-4441
2215 E Street, La Verne, California 91750.

Schedule and Text Assignments

The course schedule is set forth below. All assigned readings are to be completed before 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

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.

WEEK	TOPIC	READING ASSIGNMENT
1 Jan. 8	Course Introduction; Basic Factors Affecting Negotiation	Ch. 1 & 2, Effective Legal Negotiation and Settlement (hereafter "ELNS") Introduction & Ch. 1, Getting to Yes
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> Getting to Yes, pp. 1-187 Ch. 12, pp. 224-228 re Email Email Negotiation Begins Feb. 13 at noon PST 2nd Negotiation Preparation Plan Due Feb. 14 at noon PST

7
Feb. 20

Negotiating
Games/Techniques
Psychological Entrapment

Ch. 10, *ELNS*
Ch. 13, *ELNS*
MIDTERM #1
Second Personal
Application Paper Due by
Feb. 28 @ 5:00 p.m.
Email Negotiation Ends
Feb. 20 at noon PST

8
Feb. 26

Post Negotiation
Assessment
Negotiation Ethics

Ch. 11, *ELNS*
Ch. 17, *ELNS*

Spring Break
Mar. 8 (No Class)

9
Mar. 13

Frequently Raised
Negotiation Issues.

Ch. 12, *ELNS*

10
Mar. 19

The Impact of Ethnicity and
Gender

Ch. 14, *ELNS*

11
Mar. 26

Practice Negotiating.

No Reading Assignment
MIDTERM #2

12
April 2

NO CLASS

13
Apr. 8

Transnational Negotiations

Ch. 15, *ELNS*

14
Apr. 17

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 Make-up

Final Review of semester.

Final Analysis Paper Due

16
Apr. 30

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.