

Legal Negotiations

Spring 2024

Required Textbook: None

(Course readings will be posted on the course website during the semester)

Professors:

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Tutor:

Bryce Latray

****Important Notes:** *The negotiation problems presented in the text contain the confidential information for each party. Please **do not** read the confidential information for either side until you are given your party assignment for each exercise.*

Course Objectives and Learning Outcomes

At the end of this course, students will be able to:

- Explain the negotiation process;
- Define and determine your BATNA;
- Identify non-verbal negotiation communication;
- Identify negotiation styles;
- Develop effective negotiation strategy and approach;
- Engage in effective and successful negotiation outcomes.

Grading:

Preparation, Professionalism, Class Performance

(25% of final grade)

Scored Negotiation #1

(20% of final grade)

Scored Negotiation #2

(25% of final grade)

Final Exam

(30% of final grade)

Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

AI Generated Text

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/other in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination unless specified as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below.

The following activities are exceptions to the immediately preceding paragraph; the intent of these exceptions is to allow use of AI Generated Text for specifically and narrowly defined activities in relation to this course:

- Creating content for an outline that you use to summarize the course content
- “conversing” with the AI Generated Text software system to create hypotheticals to better understand course content, alone or with others
- checking text drafted by you for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like things

Use of an idea: If you use the idea (or an organization) of another author, you must attribute that idea to the other author. Merely paraphrasing the other author's words is not sufficient. You must also cite to the other source.

Use of the same words: If you use the idea and the words of another author, you must put quotation marks around those words and cite to the source. Both are required. If either the quotation marks or the citation is missing, you have plagiarized the other author's work.

Intent is not required for a writing to be plagiarized. Using the ideas or words of another student may also be plagiarism.

Regardless of what rules you may have followed on this subject before law school, or what practices you may observe elsewhere, this is the standard that you must adhere to in all of your Lawyering Skills classes, in all seminar papers, in all Moot Court briefs, and in all Law Review or Computer Journal papers. This definition may be supplemented for Lawyering Skills classes.

Mental Health and Wellness Resources

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org

Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr.

Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

UH Email

Please check and use your CougarNet email for communications related to this course. Faculty use the CougarNet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your CougarNet email, login to your Microsoft 365 account with your CougarNet credentials. Visit University Information Technology (UIT) for instructions on how to connect your CougarNet e-mail on a mobile device.

Syllabus Changes

Please note that the instructor may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through (specify how students will be notified of changes).

Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called "Cougar Ride" that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

Names and Pronouns

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) must be respected in our classroom. Please feel free to reach out to us at any time if you want to make us aware of your chosen name or preferred pronoun, or if you have concerns about how we, or your classmates, address you.

Students negotiate in class every week – so preparation for class every week is essential to getting the most benefit from taking this course.

Spring 2024 Legal Negotiations: Topics by Week

Jan 23	Introduction Assessments Negotiation Process & Ethics
Jan 30	Setting the Scene/Framing Themes/Hooks <i>Negotiation Scenario: Oil Pricing</i>
Feb 6	BATNA <i>Negotiation Scenario: Sally Soprano</i>
Feb 13	Breaking Down the Fact Pattern (Sally Soprano) Active Listening/Information Gathering/Motivational Interviewing <i>Negotiation Scenario: Axis Affair</i>
Feb 20	<i>Scored Negotiation #1 (20% of final grade)</i> <i>Negotiation Scenario: TBD</i>
Feb 27	Class Debrief on Scored Negotiation #1 Representation Plans <i>Negotiation Scenario: 67 Fishpond Lane</i>
Mar 5	Interest Generation Negotiation Techniques & Terms <i>Negotiation Scenario: James v Falls</i>
Mar 19	Option Packages & Justifications <i>Negotiation Scenario: Bevans v Newcombe Realty</i>
Mar 26	<i>Scored Negotiation #2 (25% of final grade)</i> <i>Negotiation Scenario: TBD</i>
Apr 2	Class Debrief on Scored Negotiation #2 Negotiation Techniques/Terms <i>Negotiation Scenario: Leaves Before The Fall</i>
Apr 9	Multi-Party Negotiations <i>Negotiation Scenario: Harborco</i>
Apr 16	Final Negotiation Planning Sessions
Apr 23	<i>Scored Negotiation #3 (30% of final grade)</i> <i>Negotiation Scenario: TBD</i>
Apr 23	Final Negotiation Debriefing (takes place <i>after</i> the scored negotiation)