

University of Cincinnati College of Law

Negotiation Fall Semester, 2010

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All students must register with TWEN.

Introduction to Required and Alternative Course Readings:

You will be required to complete readings from three sources: (1) negotiation simulations/exercises; (2) a short negotiation book (accessible and affordable); and (3) a selection of articles relating to each week's in-class exercises. The first two sources are relatively straightforward and are unchanged from recent years. You may be able to purchase the book from "alumni" of last fall's course. Unfortunately, that is not true of the simulations, which must be ordered and distributed for each class (see details below).

This year, the third source of readings will involve more choice, although I understand that this may cause more confusion as well. For each week's class and subsequent journal entry, students may choose from among articles in the "Course Reader", which will be available on TWEN and in the library on closed reserve (4-5 copies). Or, students may opt to read the short related chapters in The Negotiator's Fieldbook, edited by Andrea Kupfer Schneider and Christopher Honeyman (ABA Section of Dispute Resolution: 2006). Or, just to add a third choice, students may select articles from The Handbook of Dispute Resolution, edited by Michael L. Moffit and Robert C. Bordone (A publication of the Program on Negotiation at Harvard Law School, Jossey-Bass, 2005). One or two copies of each of these books will also be available on closed reserve for this course.

If you prefer to BUY a book of articles (particularly the very most recent), rather than going to TWEN or the library, I would suggest that you buy The Fieldbook. For each week, I have noted the articles from The Fieldbook which roughly correspond to the type of negotiation exercise and anticipated class discussion. I have not consistently done this for The Handbook, as its coverage is not quite as broad. However, you should consider yourself free to substitute an article in The Handbook which relates either to the negotiation exercise at hand, or to the challenges and dynamics that occurred in your particular negotiation. (See the course memorandum and its discussion of journal entries regarding the relationship of the journal to the readings, etc.)

There are just a few articles on TWEN or in the closed reserve "Course Reader" which EVERYONE must read – for which no substitution will be permitted. These are clearly noted in the syllabus and I will mention them in class.

NOTE: All articles from "The Reader" have been indexed with a two number system to facilitate finding the readings on TWEN (Example: The three readings from week one are

labeled 1.1, 1.2, and 1.3 in syllabus. The actual articles located in the COURSE MATERIALS section of the TWEN course will carry the same label).

(1) Exercises and Role Simulations

Role information for class negotiations will usually be handed out in class. These are *absolutely essential* reading for participation in the class.

Students are required to pay up to \$21.50 to the College of Law - the direct cost charged for these copyrighted materials. *All students enrolled after the drop-add period are asked to bring a check or money order for \$21.50, payable to the University of Cincinnati, to Bryan Weng, in the Dean's office. Please note that materials written by the professor and a number of her colleagues are used without charge.*

(2) The Basic book: Max Bazerman and Margaret Neale. Negotiating Rationally. Free Press, 1992.

(3) Articles: Alternatives and Choices

Negotiation Course Reader ("The Reader") - This syllabus references articles that are available in several notebooks on closed reserve in the College of Law's Library and on the course's TWEN site. (To save you the cost of copyright permission fees, these articles will not be duplicated for distribution.)

OR

The Negotiator's Fieldbook, edited by Andrea Kupfer Schneider and Christopher Honeyman (ABA Section of Dispute Resolution: 2006) ("The Fieldbook"). As indicated above, the syllabus references alternative selections in The Fieldbook. If you find an article in The Fieldbook to be of particular interest and relevance, you are free to substitute it in your journal's discussion of readings. (If you choose to purchase The Fieldbook, please note that there are just a very few articles in the Reader/TWEN site that will still be required. These are noted within this syllabus. The Fieldbook is sufficiently broad, however, that it contains articles appropriate for just about every week in the course.)

The Handbook of Dispute Resolution, edited by Michael Moffitt and Robert Bordone (Publication of the Program on Negotiation at Harvard Law School, Jossey Bass: 2005) ("The Fieldbook").

I admit it, I love this book (and it's NOT because of my chapter, which really does not pertain to this course). I think that a number of the articles are very, very well done, in depth and in a style that is not replicated in The Fieldbook. Students may opt to

purchase this book instead of The Fieldbook and to read and reference articles in it as they apply to the course. However, because its range of articles is not quite as broad as the Reader or the Fieldbook, in some weeks, you may not find an article that correspond directly to that week's negotiation and will want to supplement with other selections (from The Fieldbook or the Reader).

Additional, Excellent Books for Your Optional Reference:

Roger Fisher, William Ury, and Bruce Patton. Getting to Yes: Negotiating Agreements Without Giving In 2nd edition. New York: Penguin, 1991.

Business Fundamentals As Taught at the Harvard Business School: Negotiation. Harvard Business School Publishing, 2001. A number of articles from this collection are included in the course reader. You may opt to buy the book – available on Amazon.com – or access the articles through the reader. I will also put the book on reserve.

Harvard Business Essentials: Negotiation. Harvard Business School Publishing Corporation, 2003.

Gerald R. Williams and Charles B. Craver. Legal Negotiating. Thomson West, 2007)

Melissa L. Nelken. Negotiation: Theory and Practice, 2nd Edition. LexisNexis, 2007.

Deborah Kolb and Judith Williams. The Shadow Negotiation. New York: Simon & Schuster, 2000.

Howard Raiffa. The Art and Science of Negotiation. Cambridge, Mass: The Belknap Press of Harvard University Press, 1982. *Instructor's note*: The math challenged could read half of each chapter, skip the equations and benefit greatly. This is the original work which set the stage for just about all that has followed. None are better, in your professor's view.

William Ury. Getting Past No: Negotiating Your Way From Confrontation to Cooperation. New York: Bantam Books, 1991, 1993.

Preparation for Class 1 - August 25, 2010:

Read: [REMEMBER YOU NEVER HAVE TO READ BOTH FROM THE READER AND FROM THE FIELDBOOK, EXCEPT FOR A VERY, VERY FEW SELECTIONS AND NOT THIS WEEK. THE READER AND THE FIELDBOOK CONTAIN ALTERNATIVE ASSIGNMENTS]

In The Reader (and on TWEN):

1.1 A. Schneider. "Perceptions, Reputation, and Reality: An empirical study of negotiation skills." Dispute Resolution Magazine vol. 6 no. 4 (Summer 2000): pp.24-28.

1.2 J. Dolan. "How to Prepare for any Negotiation." Dispute Resolution Journal vol. 61 Issue 2 (2006) 64-66.

Selections from Conflict, Cooperation & Justice. Bunker, Rubin & Associates, eds. Jossey Bass: John Wiley and Sons, 1995.

- **1.3** Roy Lewicki and Barbara Bunker. "Trust in Relationships: A Model of Development and Decline." pp.133-69.
- **1.4** M. Deutsch. (Commentary) "Cooperation: The Fragile State." pp.253-57.

OR

In The Fieldbook:

Roy Lewicki, "Trust and Distrust," ch. 22, pp. 191-202.

Catherine H. Tinsely, Jack J. Cambria, and Andrea Kupfer Schneider, "Reputations in Negotiation," ch 23, pp. 203 – 214.

Douglas H. Yarn and Gregory Todd Jones, "In our Bones (or Brains): Behavioral Biology," ch. 33, pp. 283-291.

Class 1 – August 25, 2010 Jump in to Winning

- Win As Much As You Can and other exercises
- Course overview and methodology
- Administrative matters
- Self-Introductions – Portrait of a Negotiator as a Law Student
- Distribution of next week's simulations

Preparation for Class 2

Write: Journal Entry on Class 1. See attached memorandum regarding the Negotiation Course Journal

Read: Confidential instructions for Settle for More or Less

Selections from Negotiating Rationally pp.1-5, 9-15, 67-76,105-115,160-170.

In The Reader:

2.1 M. Wheeler. "Negotiation Analysis: An Introduction." Business Fundamentals As Taught at the Harvard Business School: Negotiation. Harvard Business School Publishing, 2001. pp.3-16.

2.2 R. Sapolsky. "Playing Games: Theory Insights into Getting What You Want." Alternatives 20 (Sept. 2002): pp.135, 162-63, 165. Instructor's note: Read for integration of points in Class 1.

2.3 D. Orr and C. Guthrie. "Information, Expertise, and Negotiation: New Insight from Meta-Analysis." Ohio State Dispute Resolution Journal vol. 21, issue 3 (2005) 597-628.

OR

In The Fieldbook:

David F. Sally and Gregory Todd Jones, "Game Theory Behaves," ch. 11, pp. 87-94.

Andrea Kupfer Schneider, "Aspirations," ch. 31, pp. 271-276.

Russell Korobkin, "On Bargaining Power," ch. 28, pp. 251-256.

Class 2 –September 1, 2010 Competing, Distributing and Claiming: Aspiration? Anathema? Whether to play the game and how to play it!

- Negotiate Settle for More or Less
- Negotiate Salt Harbor
- Debriefing/Lecture

Preparation for Class 3

Write: Journal Entry on Class 2.

Read: Confidential Instructions for Restaurant Riviera and Discount Marketplace

Selections from Negotiating Rationally: pp.16 – 22, 23 – 30, 67 – 76, 77-101.

In The Reader:

3.1 G. Richard Shell. Bargaining for Advantage: Negotiation Strategies for Reasonable People. Penguin Books, 1999. pp.201-34. *Course Reader, closed reserve.*

3.2 R. Korobkin. Negotiation: Theory and Strategy. Aspen Publishers, 2010. pp. 387-92.

OR

In The Fieldbook:

David Matz, “Intra-Team Miscommunication,” ch. 63, pp. 555-560.

Howard Gadlin, Andrea Kupfer Schneider, and Christopher Honeyman, “The Road to Hell is Paved with Metaphors,” ch. 4, pp. 29-36.

Please note that there is a great deal of reading for our next session, Sept. 16. It would be a good idea to start now. The gender and culture materials are interesting and applicable in any week!

Class 3 - Sept. 8, 2010 Cutthroat, Cooperation, Creativity: How & when to play another way

- Negotiate Restaurant Riviera; short discussion
- Negotiate Discount Marketplace; debriefing

Preparation for Class 4

Write: Journal Entry on Class 3.

Read: NOTE THAT THE IAN AYRES ARTICLE AND THE CHARLES CRAVER ARTICLE IN THE COURSE READER, REFERENCED BELOW, ARE REQUIRED FOR EVERYONE, EVEN IF YOU ARE GENERALLY USING THE FIELD BOOK. NOTE ALSO, AS INDICATED BELOW, YOU CAN SKIP MAJOR SECTIONS.

In the Reader, but ALL must read:

4.1 Ian Ayres. "Fair Driving: Gender and Race Discrimination in Retail Car Negotiations." HARVARD LAW REVIEW vol.104 no. 4 (February, 1991): pp.817-872.

Instructor's note: For the purposes of this class, you can skip the legal analysis in the article, which begins at page 863. Just focus on the experimental design, implementation, analysis and conclusions. Of course, you are welcome to read the discussion of legal issues as a matter of law student interest.

4.2 C. Craver. "The Impact of Ethnicity and Gender." Effective Legal Negotiation and Settlement 5th edition. Matthew Bender, 2005. pp.385-404.

Also in the Reader, alternative options to The Fieldbook as usual:

[While I understand that many would jump to The Fieldbook here, please note that many students have enjoyed and appreciated the Melissa Nelken article.]

4.3 Melissa Nelken. "Negotiation and Psychoanalysis: If I'd Wanted to Learn About Feelings, I Wouldn't Have Gone to Law School." Journal of Legal Education 46 (1996): pp.420-29.

4.4 L. Kray and C. Locke. "To Flirt or Not to Flirt? Sexual Power at the Bargaining Table." Negotiation Journal Vol. 24; 4 (2008) 483-493.

4.5 F. Greig. "Propensity to Negotiate and Career Advancement: Evidence from an Investment Bank that Women Are on a 'Slow Elevator.'" Negotiation Journal Vol. 24; 4 (2008) 495-508.

4.6 G. Richard Shell. "A Note on Your Personal Negotiation Style." Bargaining for Advantage. New York: Penguin Books, 1999. pp.244-46.

OR

In The Fieldbook:

Deborah M. Kolb and Linda L. Putnam, "Gender is More Than Who We Are," ch. 36, pp. 315-322.

Deborah M. Kolb, Strategic Moves and Turns, ch. 46., pp. 401-406.

OR

In The Handbook:

Deborah M. Kolb and Linda L. Putnam, "Negotiation Through a Gender Lens," ch. 9, pp. 135-149.

Optional additional reading on Gender in Negotiation:

You may also be interesting in reading or consulting any of the following books relating to gender issues. Even if you don't look at them now, you might consider consulting one or more in the future, as we deal with conflict, or for general interest.

Linda Babcock and Sara Laschever. Women Don't Ask: The High Cost of Avoiding Negotiation and Positive Strategies for Change. Bantam Books: 2007.

Carol Gilligan. In a Different Voice. Harvard University Press, 1982.

Deborah Tannen. Gender & Discourse. Oxford University Press, 1994, 1996.

Deborah Tannen. That's Not What I Meant: How Conversational Style Makes or Breaks Relationships. Ballantine Books, 1986.

Class 4 - Sept. 15, 2010 People Negotiate: Personality, Gender, Culture and Conflict - Assumptions, Advantages, and Strategies

- *Kilman Modes* Conflict Assessment Exercise
- This is deal-making; what do people have to do with it?
- Gender and Culture
- Launching a Practical Negotiation Challenge

YOU MAY OPT TO:

Turn in your first four journal entries to TONI McGUIRE on Monday, Sept. 28,

or

Turn in your first FIVE journal entries in CLASS on Monday, October 5.

Preparation for Class 5 (September 22, 2010)

Read: Confidential Instructions for *Harborco*

Selections from Negotiating Rationally: pp.126-39, 140-51.

In the Reader:

5.1 James K. Sebenius, "A Better Way to Negotiate: Backwards"

5.2 H. Ibarra. "Building Coalitions." Business Fundamentals As Taught at the Harvard Business School: Negotiation. Harvard Business School Publishing, 2001. pp.97-104.

5.3 E. Mannix. “Three Keys to Navigating Multiparty Negotiations.” Negotiation (Feb. 2006) 3-5.

5.4 “Think you’re powerless? Think again.” Negotiation Vol. 12; 2 (Feb. 2009) 1-3.

5.5 “Can’t beat them? Then join a coalition.” Negotiation Vol. 12; 3 (March 2009) 1-4.
(Also read section on page 3 about post-settlement settlements)

OR

In the Fieldbook:

Bernard Mayer, “Allies in Negotiation,” ch. 69, pp. 603 – 613. [Note that this article is not a perfect analog to those in the Course Reader, but reading it with the selections from *Negotiating Rationally* should suffice.

This would be a good week to poke around in The Fieldbook for another article of particular interest as you are synthesizing readings with journal entries (due on Sept. 30). I am sure there will be many.

Note: I will not be in class on Monday Sept. 28 due to the Jewish Holy Day of Yom Kippur. My colleague and friend, James Lawrence, a partner at Frost Brown Todd and esteemed Adjunct Prof of Negotiation at the College of Law (usually in the Spring Semester) will teach this class. If you will not be in class due to the holiday (or any other foreseeable reason, please let me know WELL in advance so that I can arrange a make up.

Class 5 – September 22, 2010 Adding More to the Mix with Multi-Party Negotiation

- Negotiate *Harborco*;
- Debriefing

Preparation for Class Six

Write: Journal Entry on Class 5, due in class on October 5 (if you did not hand in entries 1-4 on Sept. 28)

ALL MUST READ IN THE READER OR FROM TWEN:

6.1 John Carlisle and Neil Rackham. The Behavior of Successful Negotiators: A Report
Purcelleville: Huthwaite, (1994).

In addition to the Carlisle and Rackham article above students may choose from the following selections in the Reader or on TWEN or those from the Fieldbook, listed next.

6.2 Michael Wheeler. “Anxious Moments: Openings in Negotiations.” Negotiation Journal (April 2004): pp.155-68.

6.3 “The Crucial First Five Minutes.” Negotiation Vol. 10; 10 (Oct. 2007) 1-3.

6.4 “How body language affects negotiations.” Negotiation Vol. 11;11 (Nov. 2008) 4-7.

OR

In The Fieldbook:

Linda L. Putnam, “Communication and Interaction Patterns,” ch. 44, pp. 385-394.

Paul J. Taylor and William Donohue, “Hostage Negotiation Opens Up,” ch. 75, pp. 667-674.

Read: Possible new simulation handout

Please revisit your role in Settle for More or Less or Salt Harbor AND Restaurant Riviera or Discount Marketplace – in other words, in one “competitive” context and one largely “integrative” context. Prepare your opening comments and initial moves for the two cases you choose. You will be asked to deliver openings comments and demonstrate initial moves in “fishbowl” format in break out groups or in front of the class.

You should also be prepared to play the role of the convenor in Harborco, just in case we get to revisit that one in fishbowl format.

Class 6 – September 29, 2010 Deep Breath AND Diving Into Fishbowls

- Negotiation Analytics: A Grand Summary
 - From Analysis to Observation and Implementation
 - Fishbowl demonstrations and critique
- In-class movie – STUDENT and LAWYER PRODUCTION

Preparation for Class 7

Write: Journal Entry for Class 6

Read: Confidential Information for MAPO

In the Reader:

7.1 Jeanne M. Brett. “Negotiating Group Decisions.” Negotiation Journal (July, 1991): pp. 291-310. *Course Reader, closed reserve.*

7.2 Irving Janis. Victims of Groupthink. Houghton Mifflin, 1972. pp.8-13, 35-49, 207-24.

7.3 Howard Raiffa. The Art and Science of Negotiation Cambridge, MA: Belknap Press of Harvard University Press, 1982. pp.257-73.

7.4 Scott Plous. “*Group Judgment Decisions.*” The Psychology of Judgment and Decision Making. McGraw Hill, 1993. pp.205-14.

OR

In The Fieldbook:

David F. Sally and Kathleen M. O’Connor, “Negotiating in Teams,” ch. 62., pp. 547-554.

Howard S. Bellman, “Internal Conflicts of The Team,” ch. 64, pp. 561-563.

David F. Sally, “The Theory of Mind,” ch. 43, pp. 377-383.

Depending upon what occurred in your Harborco negotiation, you might like to reference any of the following, also in The Fieldbook:

Chris Guthrie, “Courting Compliance,” ch. 42, pp. 371-376, and/or

Donna Shetowsky, “Psychology and Persuasion,” ch. 41, pp. 361-370.

Back in the Reader: Optional for most, but required for the member of any group who would like to serve as facilitator of team meetings, or meetings of both negotiation teams
Instructor’s note: Anyone may choose to comment on this reading.

7.4 Michael Doyle and David Straus. How to Make Meetings Work. New York: the Berkley Publishing Group, 1982. pp. 83-124

Instructor’s note: Prepare for the MAPO negotiation by thoroughly reviewing and analyzing the facts and the numbers, and considering your approach before you meet with your team.

Class 7 - Oct 6, 2010 Lego at the Law School - Who could have guessed?

- Let’s Play Lego!
- Revisiting Process and Setting in Deeport and before
- Making meetings work
- MAPO Team preparation begins

Receive and review instructions for Bio-Con v. Microtex, our “real” business client negotiation exercise, just in case you have any questions. You should meet with your clients during the week of November 9, and the negotiations must take place during the week of November 16.

Preparation for Class 8

Write: 7th Journal Entry

Prepare for MAPO Negotiation

Read: *Selections from Negotiating Rationally*: pp.31-48, review pp.33-39.

In The Reader:

8.1 D. Malhotra. "The Fine Art of Making Concessions." Negotiation (Jan. 2006) 3-5. .

Optional, but required for students assigned to facilitate group meetings or negotiations:

8.2 Roger M. Schwarz. The Skilled Facilitator. Jossey Bass: John Wiley and Sons, 1994.
pp. 67-88.

See Doyle and Straus article on facilitation, referenced in preparation for Class 6.

Instructor's note: I have the Straus and Doyle book in my office and am willing to lend it to interested students.

OR

In The Fieldbook:

Julie McFarlane, "The New Advocacy," ch. 59, pp. 513-523.

Phyllis E. Bernard, "Power, Powerlessness and Process," ch. 29, pp. 257-263.

Daniel L. Shapiro, "Untapped Power: Emotions in Negotiation," ch. 30, pp. 263-270.

Nancy A. Welsh, "Perceptions of Fairness," ch. 19, pp. 165-174.

Class 8 -Oct. 20, 2010 A Team of Hard-Nosed Problems

- Negotiate MAPO to conclusion!
- Remember that some negotiations will be videotaped!

Preparation for Class 9

Assuming that we video-taped and they are likely to be of interest: Review MAPO video-tape: select clip for class “consumption” on November 4. Please provide short summary of your tape to Professor Aaron by c.o.b. November 3.

Write: Journal Entry for Class 8.

Read: *Selections from Negotiating Rationally*: pp.171-75.

In The Reader:

9.1 Richard Birke. “Settlement Psychology: When Decision-Making Processes Fail.” Alternatives 18 (December 2000): p.203.

OR

In The Fieldbook:

Russell Korobkin and Chris Guthrie, “Heuristics and Biases at the Bargaining Table,” ch. 40, pp. 351-360.

Class 9 – October 27, 2010 Process, Context, Results - Facilitation; organization; process

- Debrief MAPO; reality presentation
- Guest speaker (or two)!
- Facilitation skills and theory

Preparation for Class 10

Write Journal Entry for Class 9. Note that entries for classes 6 - 9 are due on November 6.

In the Reader:

10.1 Wayne Brazil, “Professionalism and Misguided Negotiating,” ch. 78, pp. 687-697, in *The Fieldbook*, but copied into *The Reader* and on TWEN.

10.2 Russell Korobkin, *The Role of Law in Settlement*, ch. 17, pp. 254-276 in *The Handbook* but copied into the *Reader* and on TWEN).

OR

In the Fieldbook:

Wayne Brazil, “Professionalism and Misguided Negotiating,” ch. 78, pp. 687-697.

Daniel Rose, "Ulysses and Business Negotiation," ch. 79, pp. 697-711.

Additional Reading and Preparation TO BE ANNOUNCED.

JOURNAL ENTRIES 6-9 ARE DUE FRIDAY, October 29

Preparation for Class 10

Read & prepare: lawyer & client role information for Mumbai Partners & Med Pro

Write: Journal Entry for Class 9.

Bio-Con v. Microtex Client Meetings and Preparation:

Lawyers do research necessary for successful "real fake" negotiations in Bio-Con v. Microtex. **THIS WEEK, lawyers and business school clients meet to prepare for that negotiation. Complete case evaluation if you have not already done so, and hand it in prior to your negotiation, which will take place sometime during the week of Nov. 18 .**

Read:

Selections from Negotiating Rationally: pp.49-64.

In The Reader:

11.1 D. Shapiro. "A Negotiator's Guide to Emotion: Four laws to effective practice." Dispute Resolution Journal 7 (Winter 2001): pp.3-8. *Course Reader, closed reserve.*

11.2 *The Fish and Dragonfly Exercise*- excerpted by Mary Thompson from Marla Del Collins. "Transcending Dualistic Thinking in Conflict Resolution. " Negotiation Journal (April 2005): pp.263-80.

11.3 ALI-ABA. "Client Interviewing." in Skills and Ethics in the Practice of Law, 3-13. American Law Institute-American Bar Association, 1993.

11.4 Scott Plous. The Psychology of Judgment and Decision Making McGraw Hill, 1996. pp. 64-76.

OR

In The Fieldbook

Sheila Heen and Douglas Stone, *Perception and Stories*, ch. 39, pp. 343-350.

Jennifer Gerarda Brown and Jennider K. Robbennolt, "Apology in Negotiation," ch. 49, pp. 425-434.

Ellen Waldman and Frederic Luskin, "Unforgiven: Anger and Forgiveness," ch. 50, pp. 435-443.

Christopher Honeyman, "Using Ambiguity," ch. 53., pp. 461-466.

John H. Wade, "Crossing the Last Gap," ch. 54, pp. 467-474.

Note that a number of other previously referenced articles might be helpful here also, such as Shetowsky's, "Psychology and Persuasion," Guthrie's "Courting Compliance," and Shapiro's on "Emotions in Negotiation."

Class 10 – November 3, 2010

Negotiating with and on behalf of Clients

Practice and Demonstration in Mumbai Partners vs. Med Pro

Preparation for CLIENT NEGOTIATION EXERCISE (meets during class week 11)

Write: Journal Entry regarding Class 10 and your client preparation experience in Bio-Con Microtex. While Journal Entries for classes 10, 11 and 12 may eventually be combined into one longer entry on the entire Bio-Con Microtex Negotiation, it is VERY VERY important to draft a segment of that entry on your client meeting and preparation.)

Read:

In the Reader:

11.1 M. Watkins. "Dynamic Negotiation: Seven Propositions About Complex Negotiations." Business Fundamentals As Taught at the Harvard Business School: Negotiation. Harvard Business School Publishing, 2001. pp.119-136.

Or

In the Fieldbook:

M. Wheeler. "Closing the Deal." Negotiation (Apr. 2006) 3-5.

Scott R. Peppet and Michael L. Mofitt, "Learning How to Learn to Negotiate," ch. 70, pp. 615-626. [Note that this is not exactly as synthesis/summary piece, as is the Watkins article listed first in The Reader selections for the week. Another option would be Bruce Patton's article entitled "Negotiation," ch. 18 in The Handbook, pp. 279-303.]

Week of November 8-12, 2010 - REAL CLIENT NEGOTIATION EXERCISE

BEFORE YOUR NEGOTIATION

Remember: Fill out and hand in case assessment form for Bio-Con/Microtex (and collect and

hand in your client's form) BEFORE you start negotiating.

THERE WILL BE NO IN-CLASS meeting, though you may (and are encouraged to) use the class meeting to negotiate the Real Client Negotiation Exercise. These negotiations should, if at all possible, be concluded by c.o.b. Friday, November 11, or at the latest, by Monday evening, November 15.

AFTER YOUR NEGOTIATION: EMAIL YOUR RESULTS, INCLUDING ANY SETTLEMENT AGREEMENT TO PROFESSOR AARON ASAP! If you did not negotiate to a settlement, please write up a brief description of the last offer and counter offer at which your negotiations ended. If you did, please DO draft formal settlement language and have the document signed by your clients. If signatures are not logistically possible, you can give me a copy of the email approval by your clients.

Write: Journal Entry for Class 11 (Note that Journal Entries for classes 10-11-12 may be combined into one entry, including the Bio-Con/Microtex client preparation phase, the negotiation itself, and post-negotiation reflections.)

Read: Article on drafting - to be announced.

Class 12 - November 17, 2010 Keeping it Real - Negotiating Contract Language

- Debrief Real Client Negotiation Exercise
- Examine Process Options
- Negotiating settlement agreements
- Negotiation Ethics

Preparation for Class 13

Write Journal Entry on Class 12, including insights gained from debriefing as they relate to the Bio-Con/Microtex exercise. Note that this may constitute the third phase of a combined journal entry on Bio-Con Microtex.

Read:

In The Reader:

13.1 Kathleen McGinn, Elizabeth Long Lingo, and Karin Ciano. "Transitions through Out of Keeping Acts." Negotiation Journal (April 2004): pp171-184.

13.2 Edward DeBono. Parallel Thinking: From Socratic to DeBono Thinking 2d edition. Penguin Books, 1995. pp.25-35, 117-29.

OR

In The Fieldbook:

Maria Volpe, Jack J. Cambria, Hugh McGowan & Christopher Honeyman, "Negotiating with the Unknown," ch. 74, pp. 657-666.

Jennifer Gerarda Brown, "Creativity and Problem-Solving," ch. 47, pp. 407-414.

Michelle LeBaron and Christopher Honeyman, "Using the Creative Arts," ch. 48, pp. 415-424.

Class 13 – November 24, 2010 Or December 1, 2010

In the Moment and In Real Time to the End of Our Time

(Depending upon people's Thanksgiving holiday preferences, we may reschedule this class to December 1)

Write: SUMMMARY JOURNAL ENTRY (you do not have to write a separate entry for the final class, though you may include themes from the final class in your SUMMARY JOURNAL ENTRY). The final entry should synthesize analytical and practical lessons learned, including those more general and those more particular to your own negotiation strengths and challenges.

Also, DO REMEMBER TO ANNOTATE JOURNAL ENTRIES FROM THE SEMESTER, AS APPROPRIATE. REMEMBER THAT SUCCESSFUL JOURNALS WILL DISCUSS AND INTEGRATE COURSE READINGS, as stated in the course memorandum.

Note that as you prepare and annotate your final journals, you might want to read a few of my favorites in **The Handbook**:

Sheila Heen and John Richardson, "I see a Pattern Here and the Pattern is You": Personality and Dispute Reoslution, ch. 3, pp. 35-51, and

Keith Allred, Relationship Dynamics in Disputes: Replacing Contention with Cooperation, ch. 6., pp. 83-98.

Clark Freshman, Identity, Beliefs, Emotion, and Negotiation Success, ch. 7, pp. 99-117.

Douglas Stone and Sheila Heen: Bone Chips to Dinosaurs: Perceptions, Stories, and Conflict, ch. 10, pp. 150 – 170.

Final Annotated Journals are due to Professor Aaron by 5:00 p.m. on Monday, December 6. Please hand into Toni McGuire on the Fourth Floor. You should use your name, NOT a student number.