

August 23, 2010

FR: Professor Marjorie Corman Aaron
TO: Students in the Negotiation Course
RE: Attendance, Participation, Reading, Grading and the Journal

I look forward to working with you in this semester's Negotiation Course. Now that you've enrolled, it seems appropriate to review grading, writing requirements, and other important policies relating to the course.

Attendance and Participation

It is absolutely essential that you come to class, and that you are *ready, willing, and able to participate fully each week*. Because we meet for a single three-hour session, missing one class is equivalent to missing two in a more traditional course format. If you must be absent, please let me (the professor) know in advance.

Absences will be "excused" for things like serious illness and extreme family emergencies. Unexcused absences will dramatically affect your grade. You will usually be expected to "make up" a missed class, after conferring with me about appropriate ways to do so for the particular class. The make-up assignment generally involves figuring out an alternative way for you to experience any in-class negotiation. At some point, however, even excused absences will make it impossible for you to pass the course. In short, in order to negotiate, you have to be there.

If you are absent, whether excused or not, **you are responsible for obtaining any handout of your assigned negotiation role information for the next week's class and completing necessary preparation**. If at all possible, please try to arrange this with a classmate who can pick up your role in class and get it to you. **PLEASE DO NOT LEAVE THIS TO THE MORNING BEFORE CLASS**, and come to my office looking for a copy. What if I'm not there? Plus, then I'll know you weren't terribly well prepared.

"Ready, willing, and able" to participate fully means that you must have prepared for the week's negotiation by reading any instructions handed out the week before, preparing your role, and conferring with a partner or team, if that was part of the assignment. If you are unprepared to negotiate, you will unfairly diminish your classmates' ability to learn from the in-class negotiation.

What is participation (in addition to being there)? Participation means being fully engaged in any in-class exercises or negotiations, as well as subsequent class discussion. When you negotiate, you should "take on" the assigned role. If you do not take it seriously, the value of the negotiation/exercise will be lessened for all. When we are "debriefing" a negotiation, or simply discussing the readings or negotiation paradigms they suggest, participation means talking, disagreeing, expressing criticism or your own frame on the topic. (If you have done the reading, you are far more likely to make a valuable contribution to class discussion.) Class comments incorporating and referencing the reading will be positively noted! The quantity and quality of your class participation will be recorded as the course progresses.

Good participation requires and includes preparation, **particularly preparation with your clients from UC's business school**, when we move into the latter portion of the course. During the first week in November, you will be required to prepare with a REAL FAKE client (most likely a business school student) and then to participate in a negotiation session with your client, and opposing counsel and his/her/their client. Depending upon whether class members are working as co-counsel or solo counsel for their clients, this will mean coordinating two to three and then four to six people's schedules. In my mind, a client prep meeting and the negotiation are part of required participation.

Class participation will "count" as up to 25% of your final grade.

Reading

The bad news: the reading is "required" unless listed as optional. The good news: the reading is generally pretty interesting, REALLY!

What does "required" mean? I would be lying if I said that in each week's class, someone will be asked recite the thesis and argument stated in an article, similar to recitation of facts and holding of a decision in many law school courses. During some weeks (including the first week of class!), readings will be explicitly discussed. Many other weeks, this will not be true. However, your ability to speak well in class (even referencing an article or two) will be enhanced if you have read them. Just as important, your journal should include discussion of the readings and how these did or didn't relate to the negotiation analyzed in your journal entry.

Please note: You may hear from current 3L's – Oh, Prof Aaron really doesn't emphasize the readings – don't bother. Not so, particularly this year, as the syllabus includes additional readings as well as student choice among them.

So why does the syllabus say required, if we may not directly discuss a particular reading? The readings are designed to assist your effective participation in negotiation exercises and in journal analysis. Also, to be a negotiation student of any seriousness, you should have encountered certain authors and concepts. When the course is done, and someone asks if you have heard of Howard Raiffa, Roger Fisher, William Ury, James Sebenius, Michael Watkins, Max Bazerman, Margaret Neale, Jeanne Brett, Deborah Kolb, Charles Craver, to name a few, I want you to be able to say "yes." You might view this course as a chance to dabble a bit in negotiation literature. Some of it will be good cocktail party filler (I promise), and who knows, it might help you negotiate better!

Access to the readings:

The required course text is Max Bazerman and Margaret Neale, Negotiating Rationally (Free Press, 1992). This book should be available at the bookstore or through any popular website: Amazon, Barnes and Noble, etc.

As detailed in the syllabus, the other reading will be available in a course reader – with articles in a notebook on closed reserve in the library or on TWEN in pdf, coded by the week – or in one of two new books, easy to purchase through Amazon (etc.) or on closed reserve. Again, see the syllabus for details.

Please note that a few years ago, I worked with a student research assistant to determine the cost of obtaining copyright permissions needed to make up a course reader for purchase by each student. The total was approximately \$90, and the class voted to stick with the reserve reading system. So, the articles are up on TWEN.

The optional readings referenced in the course syllabus are also on closed reserve.

Journals

Your course journal will be **the** major component of your grade. Thus, it seems fair to explain my expectations for the journal.

There is no single format to a successful journal. Here are some guidelines.

- **Do** write in your journal every week. While there is no real minimum or maximum, entries generally average three to four pages. Some weeks, you may have little to say. In other weeks, you may wish to write much more.
- **The journal should be self-reflective: reflecting on your negotiation experience during and outside the workshop.** WHILE YOU NEED NOT INCLUDE A BLOW-BY-BLOW DESCRIPTION OF EVERYTHING THAT HAPPENED DURING A PARTICULAR IN-CLASS NEGOTIATION, IT IS USEFUL FOR YOU TO PROVIDE ENOUGH DETAIL ABOUT YOUR NEGOTIATION PROCESS FOR ME TO UNDERSTAND YOUR REFLECTIONS AND CONCLUSIONS. (Imagine if you were the professor and had to read dozens of those.) **Rather, the journal should discuss what you learned - what you will integrate from a particular experience to your negotiations in the future.**
- You are free to describe a particular event or dialogue that occurred in an in-class negotiation, if that is the basis for the thoughts and reflections that follow. However, a mere recitation of the end result is NOT sufficient.

Thus, you might choose to write about:

An in-class negotiation:

- What worked in your in-class negotiation (for you, your partner/team, or the other side) and WHY it was effective?
- What didn't work, and WHY.
- Obstacles to progress or a good outcome in the negotiation and how you overcame (or wished you had overcome) them.

An out-of-class negotiation you attempted or anticipate, or that is ongoing:

- What works, what has failed, what you might (or have now) done differently?
- Why and how it works or fails (or anything in between)?

This might be at work with a colleague, customer, client, superior, etc. (or past history, at a former job), reflections on buying or selling a house or a car (or other transaction), difficult negotiations with a spouse, roommate, friend or family member. I am interested in your testing the concepts and analytical framework conveyed in class and in the readings to "real life" situation.

If you are going to write about a "real life" negotiation, it is helpful if that negotiation presents challenges/issues that are related to the course negotiation challenges/issues at this approximate time.

DO reference and integrate the course readings from the texts and/or concepts discussed in class into your journal discussion. *I am increasing my emphasis on the readings this year. As a rule of thumb, each journal entry should integrate discussion of significant readings – a minimum of two of the shorter articles plus any required text assignment.* The two article minimum should be a rough average. In some weeks, there are many, many shorter articles and you might want to discuss more than two. In another week, you might have found a particular, longer article to be fascinating and you might choose to discuss only that article.

Note, that "reference and integrate" does not mean simply summarizing but rather, referencing and incorporating some of the article's terms or concepts into your journal entry's discussion of the in-class or out of class negotiation experience. A journal that consistently and intelligently references and incorporates the central points of many readings into its text will earn a better grade. A journal that is too "light" on discussion of articles will receive a lower grade.

By the way, you don't have to AGREE with all of the articles. Some are included to be provocative. Critical reflection is fine!

On the topic of incorporating discussion of the readings: you will see that in some instances, the readings listed for a class session more closely relate to the previous class'

session. You may also notice that some readings listed early in the syllabus may involve themes that “pop up” in numerous negotiations. Don’t worry about precise placement in the syllabus. Sometimes I put a reading in post-class because I didn’t want to give away a punch line. Other times, I saw a “light” reading week, and inserted an article relating to many of our negotiations (for example, an article on ethics).

Remember (and please be assured that I am aware) that your negotiation or our class discussions may NOT hit the theme of a particular article in the syllabus on a given week. Life and negotiation are like that: not always predictable, not necessarily conforming to plan. Don’t worry. Just reference an article where it does fit.

- Regarding the journal text itself, and what you choose to reflect upon: Given that you have not been, and will not always be *only* law students, you *may* choose to reflect on negotiation issues in light of other study or interests. For example, students with interests in philosophy, psychology, history or religion may wish to relate negotiation analysis to those disciplines or frameworks.
- You should also use the journal to raise questions you have had (from the class exercises, debriefing and readings) and to consider why these questions persist and how you might be able to address them.
- You should use the journal to reflect upon your own strengths, weaknesses, and tendencies, and your strategy (throughout the course) to capitalize on strengths, overcome weaknesses, and expand your repertoire.
- You should feel free to use the journal to critique any or all ideas discussed in class.

The journal should be a progressive and cumulative self-examination of the analytical and skill-based lessons you want to retain from your experience (in-class and outside) for negotiations in the future.

Please note that final annotated journals are due on December 7, 2009. Twice during the course, on September 28 or October 5, and on November 6, you will be required to turn in your journals to date. I will hand these back, with some comments and questions. This feedback should help insure that your journal-writing is on the right track.

As the course proceeds and after it is concluded, you should “annotate” your journal. This means that, with the benefit of the “full wisdom” of your experience from the entire course, you may go back and comment on any or all of your original entries. You might want to respond to questions or issues I raised in marginal comments, or simply to add your own additional thoughts. These annotations should be in a different

typeface or italicized, so that the professor can tell the original entry from the annotations. Your final, annotated journal should include a final, summary entry (approximately 3 pages).

Possible Practical Reality Exercise

A few years ago, I set up various “Practical Reality” exercises in which groups of student would negotiate for the purchase of a house, or perhaps a car, or perhaps for a business contract. Some of these exercises were more successful than others. This year, I am encouraging your initiative and creativity. If you would like to opt for an “off line” negotiation from “real life”, please see me so that we can formulate a plan. I am happy to try to put you in touch with professionals in your area of interest. We can negotiate a substitution of this exercise (and its write up) for a certain number of journal entries.

Perhaps I should note that there is a new negotiation software available that I am interested in using in my class in future years. Students interested in experimenting with this software are also encouraged to talk with me for more information. Once again, I am prepared to negotiate a project utilizing the software as substitution for an appropriate number of journal entries.

If you need to reach me

I am in faculty office 402. My office telephone # is 556-0114. E-mail is Marjorie.Aaron@uc.edu. My home number is 351-0227. Cell phone is 253-4013.

While I do not establish set office hours, I am generally in the office unless I am teaching or have an outside meeting scheduled. Feel free to stop by or leave a message, by phone or by e-mail.

If you need to reach me anytime and do not find me in the office, you are *welcome* to call me at home. (I sometimes leave early to pick up a child from school, and then work at home. I know that students often come looking for professors in the late afternoon - so please do feel free to call me at home or in the evening.)

Once again, I look forward to learning, working, and negotiating with all of you this semester.

Marjorie Aaron