

**Negotiation & Legal Settlement**  
**George Mason University School of Law**  
**Fall 2005**

Instructor: Sam Jackson  
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### **Required Texts**

Robert H. Mnookin, et al., *Beyond Winning* (Paper ed. 2004). [“Beyond Winning”]  
Russell Korobkin, *Negotiation Theory and Strategy* (2002). [“Negotiation Theory”]

### **Recommended**

Roger Fisher & William Ury et. al., *Getting to Yes* (2d ed. 1991).  
William Ury, *Getting Past No* (1993).  
Robert B. Cialdini, *Influence: Science and Practice* (4th ed. 2001).

### **Course Policies**

**Regular class attendance.** We will spend a significant part of each class engaged in negotiation simulations or similar activities. Class attendance, therefore, is *mandatory*. Absence or lateness will have a significant negative effect on your grade (excused absences are limited to religious observations or medical or family emergencies). If you expect to miss a class, you must notify Mr. Jackson prior to the class you will miss.

**Participation in negotiations.** Before each negotiation, you will receive some “confidential information.” Please do not discuss the “confidential information” with your classmates, except during the negotiation with your assigned counterparts(s). In addition to doing the assigned readings for the class, you are expected to prepare for and participate in each negotiation.

**Written papers.** The written papers must be your own independent work. When an assignment is due in class, it is due at the beginning of the class. An assignment due in the Registrar’s Office must be turned in by that office’s close of business on the due date. If you turn your assignment in late, there will be a significant negative effect on your grade.

**Grades.** Your final grade for the class will be based on the following components. (1) For two of the negotiations, you will prepare a paper. Each paper will consist of two parts. Before you negotiate, you will submit the “planning” part of the paper showing your planning for the negotiation; the week after the negotiation, you will submit your “analysis” of the negotiation. These 2 two-part papers (i.e., all four parts) will count for 30% of your grade. (2) At the end of the semester, you will submit a final paper in which you reflect upon your experiences in the course in light of the themes raised in the class discussions and the readings. It will count for 35% of your grade. (3) Class participation, contribution and application of skills will count for the remaining 35% of your grade.

## Schedule

Date	Topics	Readings
8/24	Creating and claiming value; strategy	Beyond Winning 9-27 [Optional: Negotiation Theory 224-31]
8/31	Information exchange; planning; ethics	Negotiation Theory 7-16 Beyond Winning 44-68, 276-90
9/7	Distributive bargaining; evaluating alternatives	Negotiation Theory 21-25, 37-52, 67-75, 94-102, 347-50; Beyond Winning 97-111
9/14	Dispute resolution	Negotiation Theory 57-63; Beyond Winning 111-26
9/21	Power & influence in negotiation	Negotiation Theory 163-178, 87-94; 184-195; Russell Korobkin & Chris Guthrie, <i>Heuristics And Biases At The Bargaining Table</i> , 87 Marq. L. Rev. 795 (2004); Chris Guthrie, <i>Principles Of Influence In Negotiation</i> , 87 Marq. L. Rev. 829 (2004).
9/28	Convention; fairness	Negotiation Theory 195-96, 203-214  <b>Due 9/28: Negotiation paper – planning part</b>
10/5	Integrative bargaining	Negotiation Theory 17-21, 110-47; Beyond Winning 27-43  <b>Due 10/5: Negotiation paper – analysis part</b>
10/12	Reputation; good faith; collaborative law	Negotiation Theory 298-303, 399-404; William H. Schwab, <i>Collaborative Lawyering: A Closer Look at an Emerging Practice</i> , 4 Pepp. Disp. Resol. L.J. 351-62 (2004)
10/19	Creative problem solving; culture	Negotiation Theory 270-282; Jennifer Gerarda Brown, <i>Creativity And Problem-Solving</i> , 87 Marq. L. Rev. 697 (2004).
10/26	Settlement law & agreements	Eugene Lynch et al., <i>Negotiation and Settlement</i> 571-72, 578-79, 581-82, 583-84, 587, 616-18, 640-43 (2d ed. 2005).
11/2	Attorneys as bargainers	Negotiation Theory 295-298, 310-324; Beyond Winning 167-71, 295-302  <b>Due 11/2: Negotiation paper – planning part</b>
11/9	Deals	Beyond Winning 127-155; Negotiation Theory 303-9  <b>Due 11/9: Negotiation paper – analysis part</b>
11/16	Multiparty negotiations	Negotiation Theory 329-40; Beyond Winning 302-14
11/23	No class: Have a nice Thanksgiving!	
11/30	Assisted negotiation; hardball tactics	Negotiation Theory 345-56; Beyond Winning 211-223
		<b>Due: 12/22 in Registrar's Office -- Final Paper</b>