

Negotiation & Legal Settlement
George Mason University School of Law
Fall 2006

Instructor: Sam Jackson
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Required Text

Carrie J. Menkel-Meadow, et. al., *Negotiation: Processes for Problem Solving* (2006) ['Text']

Recommended

Roger Fisher & William Ury et. al., *Getting to Yes* (2d ed. 1991).
Robert Mnookin, et al., *Beyond Winning* (paper ed. 2004).
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 and 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 observances, 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 counterpart(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 should be typed, double-spaced, with one inch margins. Each paper must be your own independent work. 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 that responds to certain questions given to you when the negotiation assignment is distributed. Each such paper is due at the beginning of class the week after your negotiation. Each paper will count for 15% 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 40% of your grade. (3) Class participation, contribution and application of skills will count for the remaining 30% of your grade.

Schedule
Fall 2006

Date	Topics	Readings
8/23	Creating and claiming value; negotiation strategy	Text 169-78, 184-88
8/30	Information exchange; ethics; approaches to conflict	Text 39-43, 148-50, 280-300, 435-36, [skim 438-45], 671-72 (Rule 4.1)
9/6	Aspirations; alternatives; evaluation; biases; framing	Text 43-59, 327-335; Richard Birke & Craig R. Fox, <i>Psychological Principles in Negotiating Civil Settlements</i> , 4 Harv. Negot. L. Rev. 1, 5-20, 42-47 (1999).
9/13	Distributive bargaining techniques; power; influence	Text 152-60, 262-65, 270-78, 362-65; Chris Guthrie, <i>Principles of Influence in Negotiation</i> , 87 Marq. L. Rev. 829 (2004).
9/20	Norms in negotiation	Text 63-70, 74-78
9/27	Integrative bargaining	Text 91-101, 115-119, 125-28, 138-44 Due in class: Analysis of 9/20 negotiation
10/4	Problem solving techniques; apology	Text 102-113, 314-323
10/11	Attorney as problem solver; reputation; collaborative law	Text 216-222, 229-33, 235-39; William H. Schwab, <i>Collaborative Lawyering: A Closer Look at an Emerging Practice</i> , 4 Pepp. Disp. Resol. L.J. 351-62 (2004).
10/18	Culture; gender	381-91, 406-420
10/25	Negotiation counseling; settlement agreements	Text 209-211, 213-15, 436-38, 486-90, 509-524
11/1	Trust; emotions	Text 250-55, 302-06
11/8	Deal making negotiations	Text 27-29; Robert Mnookin et al, <i>Beyond Winning</i> 127-155 (2004) [on reserve] Due in class: Analysis of 11/1 negotiation
11/15	Multiparty negotiations	Text 528-539, 597-99
11/22	No class: Have a nice Thanksgiving!	
11/29	Assisted negotiation; hardball tactics	Text 366-73, 618-21, 641-42, 646-53
		Due by 12/21: Final Paper, by email to Mr. Jackson or hand-delivery to Records Office.