

Negotiations
Law 303
George Mason University School of Law
Spring 2009

Instructor: Sam Jackson
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Required Texts

Carrie Menkel-Meadow, et. al., *Negotiation: Processes for Problem Solving* (2006). [“Negotiation”]
Robert H. Mnookin, et al., *Beyond Winning* (paper ed. 2004). [“Beyond Winning”]

Recommended

Roger Fisher & William Ury et. al., *Getting to Yes* (2d ed. 1991).
William Ury, *Getting Past No* (1993).
Deepak Melhotra & Max H. Bazerman, *Negotiation Genius* (paper ed. 2008). [on reserve]
G. Richard Shell, *Bargaining for Advantage* (2d ed. 2006).

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.

Internet policy: Students may not access the internet or send emails or instant messages during class.

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 assigned questions. Each such paper is due at the beginning of class the week after your negotiation. The two papers will count for a total of 25% of your grade. (2) At the end of the semester, you will submit a final paper in which you discuss your experiences in the course and the themes of the course that were raised in the class discussions and the readings. It will count for 50% of your grade. (3) Class participation, contribution and application of skills will count for the remaining 25% of your grade.

Schedule
Spring 2009

Date	Topics	Readings
1/7	Creating and claiming value; negotiation strategy	Beyond Winning 9-43; [optional: Negotiation 171-78]
1/14	Communication skills; information exchange; ethics	Beyond Winning 44-68, 274-90; Negotiation 84-86, 286-94, 297-300
1/21	Assessing information and alternatives; aspirations; psychology of bargaining	Beyond Winning 97-121, [optional: 232-40], 156-67; Negotiation 50-54, 327-33; Leigh L. Thompson, <i>The Mind and Heart of the Negotiator</i> 343-47 (3d ed. 2005).
1/28	Distributive bargaining; power; influence	Negotiation 152-59, 262-65, 270-78; 366-72; Deepak Melhotra & Max H. Bazerman, <i>Negotiation Genius</i> 159-76 (2008).
2/4	Norms	Negotiation 63-70, 74-78
2/11	Integrative bargaining	Negotiation 91-101, 115-19, 125-31, 138-44
		<u>Due: Paper # 1</u>
2/18	Problem-solving techniques; client counseling; apology	Beyond Winning 204-211; Negotiation 209-15, 314-323
2/25	Attorney as problem-solver; reputation; collaborative law	Negotiation 216-22, 229-33, 235-39, 241-46; [optional: William H. Schwab, <i>Collaborative Lawyering: A Closer Look at an Emerging Practice</i> , 4 Pepp. Disp. Resol. L.J. 351-62 (2004).]
3/4	Negotiation media; settlement agreements	Negotiation 256-62, 436-39, 509-24
3/11	No class: spring break	
3/18	Culture; gender	Negotiation 380-91, 406-19; Beyond Winning 167-71
3/25	Negotiation settings	Beyond Winning 295-302; Negotiation 223-26
4/1	Deals	Beyond Winning 127-155
		<u>Due: Paper # 2</u>
4/8	Multiparty negotiations	Beyond Winning 302-314; Negotiation 529-34, 539, 560-67
4/15	Assisted negotiation; hardball tactics	Beyond Winning 211-21; Negotiation 362-5, 372-73, 618-21, 641-42 [optional 646-53]
<u>Due by Friday, May 8 at noon: Final Paper, by email to Mr. Jackson or hand-delivery to Records Office.</u>		