

Law 303-001 | Negotiation & Legal Settlement | Spring 2025 | 3 credits

Professor(s): Ben Jacewicz, Attorney & Mediator

Mon. 6:05 – 9:00 pm EST | **Final Exam:** N/A

Reading(s): [REQUIRED]

1. Carrie J. Menkel-Meadow, et al., *Negotiation: Processes for Problem -Solving* (3d ed. 2021) (Negotiation).

Communication(s): bjacewic@gmu.edu

Required Technology: Because you may need to attend class via Zoom, you must have a device with a functional camera and microphone. You also must have the ability to connect via telephone if you experience problems with Zoom.

Schedule Announcement(s): Each week's class will meet in person between 6:05-9:00 p.m. EST, with a 10-minute break included.

COURSE DESCRIPTION & OBJECTIVES

This course will focus on negotiation as it relates to legal practice. Through readings, class discussions, audio-visual presentations, role plays, interactive exercises and written assignments, you will learn (1) theories, models and concepts of negotiation , (2) your legal and ethical duties as a negotiator, (3) problem-solving skills and (4) reflective practice.

ATTENDANCE

Although law school policy allows you to miss up to 20 percent of a course's classes and still receive full credit for completing the course, you are expected to attend all classes in their entirety. In other words, if you do not anticipate attending every class, then you should not take this course. Missing class will preclude you from benefiting from the role plays and interactive exercises designed to meet the course's learning objectives. If an unexpected situation arises that will necessitate your being absent from a ll or part of a class, please notify me as soon as possible.

Remote attendance. If you are unable to attend class in-person, you may send me a request to participate in class via Zoom. Participation via Zoom will count as an absence under the law school's attendance policy.

Inclement weather. Closure of the law school building due to bad weather (or for another reason) does not mean that class is canceled. The law school requires that classes still be held via Zoom at their regularly scheduled times. I will email you about any switch from in-person to Zoom no later than 12:00 p.m. of the day of the class in question.

To comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and respect everyone's personal privacy expectations, please do not record any class meetings.

GRADING & PARTICIPATION

Class Participation (10%)

I will take attendance into account in this portion of your final grade. I also will evaluate your level of engagement in role plays and interactive exercises. Finally, I will consider

whether you make regular and meaningful contributions to class discussions, especially the role play debriefs.

Short Exercises (5%)

You will complete three exercises – an online research exercise, a negotiator worksheet, and a memorandum summarizing a client interview – intended to develop your proficiency as a practitioner.

Negotiation Plan (20%)

You will complete a negotiation plan based upon a role play scenario. You may use the text, handouts, class notes, and any research results in preparing your plan. I will provide you with the negotiation plan template to complete.

Final Paper (20%)

You will submit a 6- to 8-page paper analyzing a real-world negotiation of your choosing. The negotiation may be one in which you have been involved, or one that you have observed or read about. The final paper should provide well-reasoned insights, critiques, conclusions and/or recommendations that apply negotiation concepts, models, skills and/or theories you have learned. You may consult with me in-person and/or via email about your final paper topic any time before April 7.

Problems (20%)

You will answer one or more problems in the text before each class. An answer to a problem should be as long as necessary to address all questions in an organized and well-reasoned manner. A small amount of research may be required to answer some problems. Answer all questions raised in a problem. Failure to do so will result in a lower grade.

Short Essays (25%)

You will write four 2- to 3-page essays in which you should reflect about a negotiation role play experience. For example, an essay might address issues such as what you did well during the negotiation, particular challenges you faced, missteps you later realized you made, or whether ways in which you adjusted your negotiation style, strategy or tactics from a prior role play proved to be effective. An essay that just summarizes what happened during the negotiation, no matter how good, will not receive a grade any higher than a B+.

Written Assignment Guidelines

You will submit each written assignment as a Word or .pdf document to me at bjacewic@gmu.edu. The assignment should be double-spaced, in 12-point font, and with 1-inch margins. It also should be written clearly and concisely, and eschew legal jargon. Any citations should be to specific pages of journals, articles, texts or other sources, preferably in Bluebook form. You must complete all written assignments on your own.

Grading

A: 93-100; A-: 90-92; B+: 87-89; B: 83-86; B-: 80-82; C+: 77-79; C: 73-76; C-: 70-72

The Law School adheres to mandatory mean grading curves. In an elective class of this size (i.e., 6 to 49 students), the curve is a mean between 3.05 and 3.45 (i.e., B/B+). I will

grade each set of assignments with this curve in mind. Only work I deem to among the best I have seen over my time teaching this course will earn an A.

I will deduct 10 points for any written assignment submitted up to 24 hours after its deadline and 5 points for part or all of each 24 -hour period thereafter. If you cannot meet a deadline for an assignment, then you should email me with a request for an extension. I will base my decision on whether to grant such a request on the totality of relevant factors, including but not limited to, the length of the extension sought, the reason for the extension and the fact that meeting deadlines is critical to success in legal practice.

I will email general feedback on assignments to everyone and specific feedback to each of you individually. General feedback will discuss larger issues raised by the assignment . Specific feedback will focus on issues unique to your work. It may pose questions . These questions seek to encourage you to think more deeply about an issue. They should not be taken as criticism.

COURSE SCHEDULE & ASSIGNMENTS

JANUARY 27

Week 1: Conflict Theory

Assignments:

Negotiation, pp. 3-38

Answer Problem 1-1 in *Negotiation*

Role Play:

“Singer’s Contract”

FEBRUARY 3

Week 2: Distributive Negotiation

Assignments:

Negotiation, pp. 153-181 and 229-241

Answer Problems 6-1 and 8-3 in *Negotiation*

Role Play:

“The Model A”

FEBRUARY 10

Week 3: Negotiation Ethics

Assignments:

Negotiation, pp. 341-374

Answer Problem 12-6 in *Negotiation*

Complete online research exercise

Role Play:

“Lake Drive”

FEBRUARY 17**Week 4: Integrative Negotiation**Assignments:

Negotiation, pp. 91-152

Answer Problems 4-3 and 5-1 in *Negotiation*

Complete short essay on “Lake Drive”

Role Play:

“Puppy Peril”

FEBRUARY 24**Week 5: Distributive vs. Integrative Negotiation**Assignments:

Negotiation, pp. 211-229 and 243-276

Answer Problem 9-4 in *Negotiation*

Complete negotiator worksheet for “Opa Catering”

Role Play:

“Opa Catering”

MARCH 3**Week 6: Countering Hard Bargaining Tactics**Assignments:

Negotiation, pp. 57-65, 183-208 and 300-308

Answer Problem 7-7 in *Negotiation*

Role Play:

“In re Estate of Gale”

SPRING BREAK – NO CLASS MARCH 10**MARCH 17****Week 7: Cognitive Barriers to Success in Negotiation**Assignments:

Negotiation, pp. 277-300

Answer Problem 10-4 in *Negotiation*

Complete short essay on “In re Estate of Gale”

Role Play:

“Moving to Minsk”

MARCH 24**Week 8: Dealing with Differences: Culture, Gender, Race and Others**Assignments:

Negotiation, pp. 309-337

Answer Problem 11-6 in *Negotiation*

Role Play:

“Java Jive Internet Services”

MARCH 31

Week 9: Legal Representation in Negotiation

Assignments:

Negotiation, pp. 39-57 and 67-90

Answer Problems 2-5 and 3-5 in *Negotiation*

Complete short essay on “Java Jive Internet Services”

Role Plays:

“Hector Homerun”

APRIL 7

Week 10: Negotiated Agreements

Assignments:

Negotiation, pp. 375-406

Answer Problem 13-2 in *Negotiation*

Role Plays:

“The Strategic Security Institute and Dr. Hannah White”

“Laura/Lamar Dresden” and “Jamie Shelton”

APRIL 14

Week 11: Multiparty Negotiation

Assignments:

Negotiation, pp. 409-447

Answer Problem 14-3 in *Negotiation*

Prepare attorney memorandum summarizing client interview completed during last week’s class (“Laura/Lamar Dresden” or “Jamie Shelton”)

Role Plays:

“Fairview City”

“Laura/Larry Nichols” and “Avery Brown”

APRIL 21

Week 12: International Negotiation

Assignments:

Negotiation, pp. 449-479

Answer Problem 15-2 in *Negotiation* (See Andrea Kupfer Schneider, *Getting to Nafta: a Review of Interpreting Nafta* by Frederick W. Mayer, 17 Berkeley J. Int’l L. 330 (1999), for more information about two-level bargaining theory.)

Complete short essay on “Fairview City”

Role Plays:

“Bio-Tech Solutions and Global Shipping Logistics”

“Addison Sullivan” and “Home Sweet Home”

APRIL 24

Week 13: Mediation and Negotiation

Assignments:

Negotiation, pp. 481-516

Answer Problem 16-9 in *Negotiation*

Complete negotiation plan

Role Plays:

“Uptown Media and ‘Monsoon’ Mike Storm”

“Casey Foster” or “Quinn Cozart”

FINAL PAPERS DUE AT 5:00 P.M. ON APRIL 30, 2025