Negotiation
Vermont Law School
March 11-12, 18-19, 2022
2 credits
In-person at Vermont Law School

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Office Hours by Appointment

Introduction to Negotiation Course
Regardless of whether you are training to be an attorney or an activist, a parent or a partner, you negotiate every day. Yet, most people consider negotiation a born talent, a dirty word, or a set of 10 tips that can be learned from a pithy article. Most people do not “practice” negotiation as a skill set.

In this course, we will explore both the theory and the practice of negotiation, examining negotiation from a multi-disciplinary perspective. We will focus on how to negotiate in an integrated, structured, prepared way. We will learn the seven elements of negotiation, then practice how to engage with each element in a way that furthers your own negotiation goals and assists you in assessing the potential for a negotiated outcome. Please bring your own experiences into the course, and integrate both your experiences and the material into your practice.

The length of the day may seem long, yet we will shift activities and learning methodologies every hour or so. Through simulated negotiations and real-life exercises, we will try out different strategies and implement the recommendations of experts in the negotiation field. We will work with different contexts—representational and personal, international and local—to practice skills needed to effectively negotiate for yourself and others.

Objectives
By the end of the course, you will:
- Develop a systematic framework to prepare for, conduct, and evaluate your performance in a negotiation
- Identify and understand how each of the seven elements of negotiation is employed during a negotiation
- Assess barriers to successful negotiating, and problem-solve to better manage them
- Outline and begin to flesh out your own negotiation style
- Practice negotiating in a variety of contexts and roles

Logistics
This course is an intensive one, conducted over four days. We will meet:

Friday, March 11 from 2:10 p.m. - 6:00 p.m.
Saturday, March 12 from 8:00 a.m. - 6:00 p.m.
Friday, March 18 from 2:10 p.m. - 6:00 p.m.
Saturday, March 19 from 8:00 a.m. - 6:00 p.m.

Because it is highly participatory, you will be asked to prepare the readings and negotiation simulations in advance of that day’s session. The final analysis and journal must be conducted by December 10.

If you are experiencing a personal crisis that is interfering with class, please contact the Vice Dean for Students (Joe Brennan) to discuss options.

**Students with Accommodations**
I welcome the opportunity to partner with you to optimize this learning experience. Students with accommodations should go to the office of the Vice Dean for Students (Joe Brennan) for approval as soon as possible. Vermont Law School’s policy provides accommodations for students who have a documented learning disability, special accommodations or for students whose primary language is not English.

**Materials**

**Evaluation**
Students will be evaluated in a few ways.

1. **Attendance (10%)**
   This is a heavily experiential course. Timely attendance at all sessions, for the entire session, is required. We begin promptly so plan on arriving at least 5 minutes early. If you arrive after the start time, you will be marked late. Any absence, except for emergencies, will need to be negotiated in advance of the course beginning, and is not guaranteed to be excused.

2. **Participation (25%)**
   Meaningful participation in the negotiations and class discussions is expected of all students. Thus, please complete all readings assigned and negotiation preparation for that day prior to the class. I will provide a number of ways to participate, to
accommodate different learning styles. Yet, I encourage you to challenge yourself to “step up, step back,” that is, if you are someone who tends to offer a lot of ideas in class, consider stepping back so others may step up. If you are someone who is hesitant to raise your hand or wants to wait to formulate answers, please consider stepping up so others may benefit from your thoughts. I care most about quality comments and questions, not about how many times you raise your hand.

All students are expected to prepare fully for, and participate meaningfully in, the negotiation simulations. Infrequently during the course will you be given the opportunity to prepare during class. If you underprepare, you hurt the learning of yourself and your classmate(s). You will be given some tools to assist you in preparation. A general rule of thumb is that you should spend as much, if not more, time in preparation as you will in the actual negotiation.

Participation evaluation will include in-class discussions, video reviews, the negotiation prep sheet, and email required after The Offer.

3. **Negotiation Analysis (35% total; 10% for first analysis, 25% for second analysis)**
Throughout the course, you will analyze two negotiations in which you participated. You should explore what you did well, and what you would like to do differently if you conducted the negotiation again. You should analyze your planning and preparation, articulate your anticipated strategy and how it actually played out in practice. You should assess both the outcome of the negotiation and the process that led to the outcome. For the first analysis, you may select any negotiation in the course. For the second analysis, you will be required to prepare for and conduct a real-life negotiation on your own behalf or on behalf of another person. We will discuss this assignment further the first day of class.

4. **Reflection Journals (30% total; 15% apiece)**
After each week, you will complete a reflection journal of 4-6 pages in length. The reflection does not need to examine everything we have explored in the week, nor should it be a play-by-play of what happened in the negotiation. Rather, the reflection can focus on a few themes or points in the negotiations/readings/lectures/discussions that resonated with you. The reflections need not be wholly positive; rather, they should mirror your thoughts and feelings about the material, its application, and the questions or challenges you have around it. They should include citations to our readings, but these are not research papers.
Class Agenda
Subject to adjustments based on the objectives of the course and emergent questions or issues. Any changes will be communicated in advance.

Day 1: CREATING Value in Negotiation
Read:
- Getting to Yes, Part I and II
Listen:
- interview with Sheila Heen

2:00 Introductions & Group Norms
2:30 Mini-Lecture: Defining Negotiation
3:00 Negotiate Inside Out
3:50 Break
4:00 Debrief Inside Out
4:40 Mini-Lecture: Creating Value
5:00 Prepare Diego Primadonna
5:15 Negotiate Diego
5:45 Debrief Diego
6:00 Enjoy the evening

Homework
- Prepare to negotiate Kesnia
DAY 2: CLAIMING VALUE IN NEGOTIATION

**Read:**
- Dividing the Indivisible

8:00-10:00 Tape Kesnia negotiations

10:00 Regroup

10:10 Debrief Kesnia

11:00 Mini-Lecture: Objective, Subjective, Reliable Criteria

12:00 Lunch. Review your video with your group.

1:00-4:00 Video review

4:00 Mini-Lecture: Listening Well

4:20 Active Listening Labs

5:30 Break

5:45 Logistics

6:00 Enjoy the weekend

**Homework**
- Reflection Journal #1 due by March 17, 11:59 p.m.
- Optional: analysis of in-class negotiation, due by March 17, 11:59 p.m.
- Conduct The Offer negotiation. Email me results by March 17, 12:00 p.m.
- Take an IAT
DAY #3: MANAGING CHALLENGING BEHAVIORS

Read:
- Getting to Yes, Part III
- Negotiation via Email

Watch:
- The Danger of a Single Story

2:00   Debrief The Offer
2:45   Mini-lecture: Decision, and other, biases
       Debrief the IAT
3:25   Strategies to manage challenging behaviors
4:10   Break
4:25   Challenging behaviors labs
5:15   Mini-lecture: Relationship and Communication
5:45   Logistics
6:00   Enjoy the evening

Homework
- Prepare for Chestnut Drive
- Prepare for Teller
- Draft a prep sheet for real-life negotiation
**Day #4: When You Are Not Negotiating Only for Yourself**

**Read:**
- The Strategic Use of Interests, Rights and Power to Resolve Disputes

8:00   Chestnut Drive

10:00  Debrief Chestnut Drive

11:00  Case studies in power

12:00  Lunch

1:00   Mini-lecture: Being an Advocate

1:20   Negotiate Teller

3:30   Debrief Teller

4:20   Coaching for your real-life negotiations

5:00   Break

5:15   Logistics

5:45   Wrap up and celebration

6:00   Go forth and negotiate

**Homework**
- Prep sheet for real-life negotiation, due by April 1, 11:59 p.m.
- Analyses of in-class negotiation and real-life negotiation, due by May 2, 4:59 p.m.
- Reflection #2, due by May 2, 4:59 p.m.