

# USC Gould School of Law

## Law 845 – NEGOTIATION SKILLS

Units: 2

Fall 2020 – TUESDAY - 5:00 p.m. – 6:50 p.m. PDT: On-Line Via Zoom

### Instructor: Michael H. Leb

**Office:** Room 411 A & B; (I will not be using these offices while COVID-19 restrictions are in place).

**Office Hours:** While COVID-19 restrictions are in place, I will not hold office hours. I am happy to talk with any student outside of class at a mutually convenient time and place.

**Contact Info:** [michaelhlebb@me.com](mailto:michaelhlebb@me.com); 626-298-5109; Students should feel free to call or e-mail. I will do my best to respond to all calls within several hours and to e-mails by the end of the day received. I am also available via Zoom.

### Course Description

*In the last analysis, you cannot learn negotiation from a book. You must actually negotiate.* – James C. Freund.

Each one of us negotiates more often than we realize. You negotiate with someone almost any time you need something that you cannot get alone. You may negotiate with your spouse, your kids, your parents, your boss, your co-workers, providers of goods or services, and the government.

We begin the course at the beginning – assessing your default negotiation style(s), discussing prior experiences with and beliefs about negotiations, and setting class norms. We quickly move to applied learning, using simulated negotiations to tease out principles, styles and strategies, with the goal of allowing you to explore what is most effective for you.

Please come to the sessions on time, because we often begin immediately with the assigned negotiation exercise.

The simulations and debriefs are central to this course. While COVID-19 restrictions are in place, alternatives will be available for those who are unable to attend the Zoom sessions. If you are unable to attend, you must make reasonable efforts to let the instructor know at least 24 hours before the commencement of the session.

### Learning Objectives

This course is designed to: (1) develop your understanding of negotiation, and your awareness of yourself as a negotiator; (2) give you some tools and concepts for preparing for and analyzing negotiations; (3) enhance

your negotiating skills through frequent (weekly) role plays, reflection and feedback; and (4) teach you how to keep learning from your own negotiating experience. In addition to developing negotiation skills and studying theory, you will be introduced negotiations ethics.

## Course Notes

Please refer regularly to the class activities and assignments on Blackboard. Please expect modifications and additions to the syllabus as each class is different and the number of students as well as each student's background and goals invariably necessitates changes to the planned course outline.

Please turn in all assignments on time and complete the assigned readings before each class. I will make connections to the readings as we debrief simulations, and will look to you to do the same.

Negotiation exercises almost always include confidential information, which is initially for you alone and should not be shared with your counterpart prior to the commencement of the negotiation exercise. It will be up to you to decide how much confidential information to disclose once the negotiation exercise begins.

## Required Readings and Supplementary Materials

The primary book for this course is Shell, "Bargaining for Advantage: Negotiation Strategies for Reasonable People" (3d ed. 2018). References on the syllabus to "Shell" are to the indicated pages of this book. Supplemental readings will be posted.

## Description and Assessment of Assignments

This is an interactive and experiential course designed to help you learn negotiating skills by doing readings outside of class, participating in weekly in-class simulation exercises, preparing short written assignments (usually 2-4 pages) in advance of certain classes, and taking a final examination (Essay question format). Essentially, you will learn by reading about negotiation theories and by applying them in simulations, figuring out with the rest of the class what works and what does not, and then trying again. The final examination will ask you to synthesize and apply what you have learned.

## Grading Breakdown

Assignment	Points	% of Grade
In-Class Negotiations (5 Sessions/5 Points Each)	25	25%
Written Assignments (3 Assignments/5 points each)	15	15%
Final Exam	50	50%
Participation in Discussion Boards and Class	10	10%
<b>TOTAL</b>	<b>100</b>	<b>100%</b>

## Assignment Submission Policy

Due dates and times for assignments are noted in the instructions for each assignment on Blackboard. Assignments should be submitted via Blackboard. It is each student's responsibility to confirm that the instructor actually received the submitted assignment. Ask for confirmation.

## Course Schedule: A Weekly Breakdown.

**Please note – There is work to be completed before the first class.**

Class Session /Date	Topics/Class Activity	Readings and Preparatory Work to be Completed Prior to The Week's Class
<b>Week 1</b> August 25	-Course Overview and Expectations -Listening  <b>Class Activity</b> -Listening/Interview Exercise	Watch Videos in Blackboard Folder -Ury, "The Power of Listening" (about 16 minutes) -Treasure "5 Way to Listen Better" (about 11 minutes)  <b>Prepare and turn in on Blackboard before class a 250-500 word personal statement as described on Blackboard. (1<sup>st</sup> written assignment)</b>
<b>Week 2</b> Sept. 1	Reflective Listening  <b>Class Activity</b> -Reflective Listening "Workshop"	Watch Videos in Blackboard Folder -Ebner, "Active Listening in Negotiation – Listening" (about 24 minutes) and "Reflecting (about 17 minutes) -Ebner – "Reflective Listening" -Lambert – "Reflective Listening Skills Combined." (about 10 minutes)  Read Harvard Business Week Article – "What Great Listeners Actually Do."  <b>Complete Quiz (1<sup>st</sup> quiz)</b>  Read "Learning to Negotiate"

Class Session /Date	Topics/Class Activity	Readings and Preparatory Work to be Completed Prior to The Week's Class
<b>Week 3</b> Sept. 8	-Six Foundations of Negotiation -Bargaining Styles  <b>Class Activity</b> <i>Win As Much As You Can</i>	Read Shell – “It’s Your Move” (pp. xvii – xxii) and Chapter 1 (“Your Bargaining Styles” – pp. 3-26)  Read Shell, Appendix A (pp. 203-216)  <b>Complete the bargaining style survey (pp. 204-206), Record your scores (p. 206) and plot them (p. 207). Turn in on Blackboard</b>
<b>Week 4</b> Sept. 15	-Goals and Expectations -Preparation  <b>Class Activity</b> <i>Theotis Wiley Negotiation (1<sup>st</sup> scored negotiation)</i>	Read Shell – Chapter 2 – “Your Goals and Expectations (pp. 27-40)  Read <i>Theotis Wiley Negotiation Materials</i>  Prepare <i>Theotis Wiley Negotiation Plan</i>  <b>Complete Quiz (2nd quiz)</b>
<b>Week 5</b> Sept. 22	-Standards and Norms.  <b>Class Activity</b> <i>67 Fish Pond Lane Negotiation (2<sup>nd</sup> Scored Negotiation)</i>	Read Shell, Chapter 3 (“Authoritative Standards and Norms” – pp. 41-55)  Read <i>67 Fish Pond Lane Negotiation Materials</i>  Prepare for 67 Fish Pond Lane Negotiations with Partner  <b>Post to Discussion Board</b>
<b>Week 6</b> Sept. 29	-Relationships -Other Party’s Interests -Leverage  <b>Class Activity</b> Hans Brandt	Read Shell, Chapter 4 (“Relationships” – pp. 56 – 70); Chapter 5 (“The Other Party’s Interests” – pp. 71-81; Chapter 6 (“Leverage” – pp. 82 – 100)  <b>Complete Quiz (3<sup>rd</sup> quiz)</b>

<b>Week 7</b> Oct. 6	<b>Class Activity:</b> Systematic Preparation	Read Shell, Chapter 7 ("Preparing Your Strategy" – pp. 103-116); Chapter 8 ("Exchanging Information" – pp. 117-130); Chapter 9, ("Opening and Making Concessions" – pp. 145-158); Chapter 10 ("Closing and Gaining Commitment" – pp. 145-158)  Review Documents on Blackboard - Negotiation Preparation Checklist and "Cheat Sheet."  <b>Complete Quiz (4<sup>th</sup> Quiz)</b> <b>Post to Discussion Board</b>
<b>Week 8</b> Oct.13	<b>Class Activity</b> <i>The Negotiator - Debrief</i>	<b>Before class:</b> Watch the film: "The Negotiator" and <b>submit a 1000-1500 word paper analyzing the various negotiations in the film using the six foundations of negotiation. (2<sup>nd</sup> written assignment)</b>  <b>Prepare to present and discuss your analysis in class.</b>
<b>Week 9</b> Oct. 20	<b>Class Activity</b> <i>Tendley Contract Negotiations (3<sup>rd</sup> Scored Negotiation)</i>	Prepare for <i>Tendley Contract Negotiations</i> using materials on Blackboard  <b>Submit a plan for your negotiation based on the "Cheat Sheet." (3<sup>rd</sup> Written Assignment)</b>  <b>Post to Discussion Board</b>
<b>Week 10</b> Oct. 27	-Gender and Race Issues in Negotiations  <b>Class Activity</b> <i>Guest Lecture: Victoria Pynchon</i>	Readings to be assigned by guest lecturer.  <b>Complete Quiz (5<sup>th</sup> Quiz)</b> <b>Post to Discussion Board</b>
<b>Week 11</b> Nov. 3	<b>Class Activity</b> <i>The Power Screen Problem: Negotiation and Debrief (4<sup>th</sup> scored negotiation)</i>	Read the Power Screen Problem and prepare for negotiation  Read Shell Chapter 11 <b>Complete Quiz (6<sup>th</sup> Quiz)</b>

<b>Week 12</b> Nov. 10	-Negotiation Ethics  <b>Class Activity:</b> Discussion on Ethics	Read Shell, Chapter 12 (“Ethics . . .” – pp. 173-194)  Read “Negotiation Ethics: How to be Deceptive without Being Dishonest”  <b>Post to Discussion Board</b>
<b>Week 13</b> Nov. 17	-Negotiation Ethics  <b>Class Activity</b> <i>DONS Negotiation: Negotiations and Debrief</i> <b>(5<sup>th</sup> scored negotiation)</b>  -Course Wrap UP	Prepare for DONS Negotiation Using Documents on Blackboard
<b>Week 14</b> Nov. 24	<b>Class Does Not Meet</b>	Read Shell, Conclusion (“Becoming an Effective Negotiator”, pp. 195-201)  Review Blackboard Materials to Prepare For Final Exam
<b>Week 15</b> Dec. 3	<b>Final Examination</b>	The final examination will be 2 hours and will be a combination of essay and fill-in-the blank questions

## Statement on Academic Conduct and Support Systems

### Academic Conduct:

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism here <https://policy.usc.edu/scampus-part-b/>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct>.

### Support Systems:

*Student Counseling Services (SCS) - (213) 740-7711 – 24/7 on call*

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention. <https://engemannshc.usc.edu/counseling/>

*National Suicide Prevention Lifeline - 1-800-273-8255*

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. <http://www.suicidepreventionlifeline.org>

*Relationship & Sexual Violence Prevention Services (RSVP) - (213) 740-4900 - 24/7 on call*

Free and confidential therapy services, workshops, and training for situations related to gender-based harm. <https://studenthealth.usc.edu/sexual-assault/>

*Sexual Assault Resource Center*

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: <http://sarc.usc.edu/>

*Office of Equity and Diversity (OED)/Title IX compliance – (213) 740-5086*

Works with faculty, staff, visitors, applicants, and students around issues of protected class. <https://equity.usc.edu/>

*Bias Assessment Response and Support*

Incidents of bias, hate crimes and microaggressions need to be reported allowing for appropriate investigation and response. <https://studentaffairs.usc.edu/bias-assessment-response-support/>

*Student Support & Advocacy – (213) 821-4710*

Assists students and families in resolving complex issues adversely affecting their success as a student EX: personal, financial, and academic. <https://studentaffairs.usc.edu/ssa/>

*Diversity at USC*

Tab for Events, Programs and Training, Task Force (including representatives for each school), Chronology, Participate, Resources for Students. <https://diversity.usc.edu/>

*USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call*

[dps.usc.edu](https://dps.usc.edu), [emergency.usc.edu](https://emergency.usc.edu)

*Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.*

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call

[dps.usc.edu](https://dps.usc.edu)

*Non-emergency assistance or information.*