

# USC Gould School of Law

USC Gould Center for Dispute Resolution

**Negotiation Theory and Application**

**LAW 712**

**Units: 3 – Classroom 130**

**Spring 2025—Thursdays—5:00-7:30 PM**

## **SYLLABUS**

**Instructor:** Professor Brent Peterson

**Office Hours:** By phone appointment on Zoom

**Contact Info:** Email: [bpeterson@law.usc.edu](mailto:bpeterson@law.usc.edu) Cell: 805 835-8905

### **Course Description**

Negotiation Theory and Application is premised on the reality that the practice of law, the enterprise of business, and the work of dispute resolution professionals requires the use of negotiation as a tool to advocate on behalf of clients, act as agents for others, resolve disputes, transact business, manage organizations, and settle legal claims or other disputes. This course introduces students to the process of negotiation, explores the theoretical approaches underlying various systems of negotiating, and cultivates students' negotiation skills to become more effective negotiators. Students will learn each of the major bargaining theories, explore the practical application of each theory in context, and better understand strategic movements in negotiating. Through simulated exercises and reflective discussions, students will also develop skills and confidence as negotiators, both as individuals and/or as client representatives.

### **Learning Objectives**

By the end of this course, students will be able to:

1. Define negotiation and describe the key elements of a negotiation process as measured by weekly chapter quizzes, and regular classroom simulations, discussions, and other activities.
2. Describe and differentiate between the distinct types of negotiation as well as the different strategies utilized by negotiators, as measured by weekly chapter quizzes and regular classroom simulations, discussions, and other activities. class simulations and other course activities.
3. Demonstrate knowledge and emerging negotiation skills associated with the negotiation process and planning by applying the concepts and strategies learned in

the course, as measured by weekly chapter quizzes and regular classroom simulations, discussions, and activities.

4. Demonstrate knowledge and skills necessary in dealing with a negotiator's perceptions, cognitions, and emotions, as well as the biases that frequently arise from them, as measured by weekly chapter quizzes, and regular classroom simulations, discussions, and activities.
5. Demonstrate knowledge and understanding about how relationships, language, culture, and gender impact negotiations as measured by weekly chapter quizzes, and regular classroom simulations, discussions, and activities.

**Co-Requisite (s):** None

**Concurrent Enrollment:** None

**Prerequisite(s):** None

### **Required Readings and Supplementary Materials**

***(EON) Essentials of Negotiation, 7<sup>th</sup> Edition***, Roy J. Lewicki, David M. Saunders, Bruce Barry, McGraw Hill (2021), ISBN 9781260399455 (hardcover), ISBN 9781260512564 (spiral bound), ISBN 9781260512557 (ebook), ISBN 9781260512595 (e-book other). This book is available from Amazon - Amazon link: [https://www.amazon.com/ISE-Essentials-of-Negotiation/dp/1260570452/ref=sr\\_1\\_1?crd=UH3RF0MS9YQW&keywords=Essentials+of+negotiation+7th+edition+lewicki&qid=1641261328&s=books&sprefix=essentials+of+negotiation+7th+edition+lewicki%2Cstripbooks%2C59&sr=1-1](https://www.amazon.com/ISE-Essentials-of-Negotiation/dp/1260570452/ref=sr_1_1?crd=UH3RF0MS9YQW&keywords=Essentials+of+negotiation+7th+edition+lewicki&qid=1641261328&s=books&sprefix=essentials+of+negotiation+7th+edition+lewicki%2Cstripbooks%2C59&sr=1-1)

The link to obtain this book from the publisher McGraw Hill is:

<https://www.mheducation.com/highered/product/essentials-negotiation-lewicki-barry/M9781260399455.html#textbookCollapse>

***(GTY) Getting to Yes, Roger Fisher, William Ury, Bruce Patton, Penquin Publishing (2011)***  
ISBN-13 978-0143118756. Available on Amazon.

***(BFA) Bargaining for Advantage, 2<sup>nd</sup> Edition, G. Richard Shell, Penquin Publishing (2006),***  
ISBN-13 978-0143036975. Available on Amazon.

(Certain chapters of Getting to Yes and Bargaining for Advantage are assigned for different weeks of the course. You may (probably or most certainly will) get more out of the readings in this book if you read the entire book first and then review the specific chapters as they are assigned. Both books are easy reads, inexpensive, and easily attainable. Both books are available on Audible and offered by other audio book providers.

## Description and Assessment of Assignments

There are three components to assignments and grading for this course: *Class Attendance and Participation*, Weekly Non-Graded Chapter Quizzes, and the Final Paper/Exam. These components and criteria for grading are described below:

### **A. Class Attendance and Participation (10x15= 150 possible points-15%)**

Weekly class attendance is required, with the exception of absences caused by COVID 19, or other illnesses. If students are going to be absent for such reasons notice must be given to the instructor if it is feasible to do so.

A total of 10 possible points will be awarded each week for class attendance and participation. All students receive attendance points for Labor Day when class is not held. Because of the large number of students enrolled in this course, class participation points do not require a student to actually speak in class each week. However, students will be called upon during class to answer questions. If a student is asked a question in class by the instructor and is not prepared, or the student has not read the reading assignment for the week, points may be deducted at the discretion of the instructor. Points may also be deducted if a student fails to participate in a class simulation or other in-class activity when requested to do so.

Attendance at all class meetings is required except as provided in attendance policies on page five. If a student is absent without appropriate excuse, and without prior notice to the instructor when feasible, the student will not receive class attendance/participation points for that week.

### **Absence Make-up Policy**

If a student is absent with an “appropriate excuse,” attendance/participation points may be made up by completing the following tasks **within two weeks of the missed class:**

1. Watch the zoom video for the week missed;
2. Submit a two-page reflection paper on the topic(s) for the missed class as described in the syllabus reading assignment for that week. A reflection paper includes your reaction, ideas, and opinions regarding the reading material and/or classroom discussion and discussion board postings. The paper should be double-spaced, 12 point, Times New Roman font, with one-inch margins.
3. It is the student’s responsibility to follow the make-up policy by submitting the required reflection paper via email to the instructor and

to the course TA in a timely manner.

**The two-week deadline cannot be extended so plan carefully.**

“Appropriate excuse” for an absense includes religious observance, illness, family emergency, or other unavoidable or reasonable causes as approved by the instructor. SEE ATTENDANCE POLICY under “Other Policies” on page 5 below:

***B. Midterm – Essentials of Negotiation (200 possible points- 20%)***

The Midterm will be based upon the ***Hamilton Property*** Simulation to be conducted during our class session on February 20, 2025. For your Midterm, draft a negotiation preparation plan for the Hamilton Simulation from the perspective of your assigned role (CEO of Estate One – Buyer or VP of Pearl Investments – Seller). Drawing on key concepts from our readings, integrate both distributive bargaining (e.g., defining reservation points, managing concessions) and integrative negotiation strategies (e.g., uncovering shared interests, exploring value creation to be claimed by the parties).

Your plan should clearly outline how you will:

1. Determine and justify your target and resistance points.
2. Develop opening offers and responses.
3. Manage information exchange.
4. Identify potential trade-offs and invent options to both create and claim value.

Use specific references from the course materials to support and illustrate your preparation methods. Demonstrate a clear understanding of how these strategies will help you reach an optimal outcome that achieves or exceeds your target resolution point. Submit your plan in writing at the beginning of the February 20, 2025 class session. (To be no more than 7 pages)

**STUDENTS MAY NOT COMMUNICATE OR COLLABORATE WITH ANY OTHER STUDENT OR PERSON IN DRAFTING THEIR MIDTERM ASSIGNMENTS.**

***C. Final Paper/Exam (650 possible points – 65%)***

The final paper/exam consists of five questions (with or without sub-parts) about a negotiation or dispute narrative. Students are required to analyze and discuss each question (and subparts if included), applying the material learned in the course. The final paper is an open-book take-home assignment. The use of course texts and materials, as well as personal student notes is permitted. Students are not permitted to receive assistance from any person, and are not permitted to communicate with any other person about the assignment.

**Use of AI (Artificial Intelligence) for the Final Take-Home Exam is Prohibited**

All students are strictly prohibited from using any artificial intelligence tools or software to complete the final take-home examination. Any attempts to incorporate AI-generated responses, content, or other forms of assistance constitute academic dishonesty. Submissions must reflect the student’s independent reasoning, research, and writing.

Violations could be subject to disciplinary action, which may include failing grades, academic probation, or further penalties as determined by the institution. By submission of the final examinations, students acknowledge their responsibility to abide by these guidelines and uphold academic integrity. No exceptions will be granted.

## Grading Breakdown

Grading is based upon the *Exam and Grading Policies* as provided in Section 6, of the law school *Student Handbook*. In determining a final grade for the course, assignments will be weighed as follows:

Assignment	Points	% of Grade		
Class Attendance & Participation	150	15		
Midterm- Hamilton Property -Paper	200	20		
Final Exam	650	650		
<b>TOTAL</b>	1000	100		

## Assignment Submission Policy

Assignments are due on the date and at the time specified. Late submissions may not be accepted or may be subject to a reduction of points, at the discretion of the instructor.

## Additional Policies

### **Attendance**

*Attendance at every class meeting is important.* If a student must be absent for unavoidable reasons the student is expected to contact the instructor in advance. Students should be knowledgeable about, and review requirements for course attendance in the USC Law School Student Handbook, Section 5.0. According to the “general rule,” which is adopted for this course, Students may miss one class session per course unit-hour without an excuse. Nevertheless, if a student is absent from class without excuse, participation points will not be awarded and may not be made up for that class meeting. Class participation points may be made up for excused absences that are approved in advance by the course instructor.

### **Absence Make-up Policy**

If a student is absent without appropriate excuse, and without prior notice to the instructor, the student will not receive class attendance/participation points for that week. “Appropriate excuse” includes religious observance, illness, family emergency, or other causes as approved by the instructor.

If a student is absent with an “appropriate excuse,” attendance/participation points may be made up by completing the following tasks within two weeks of the missed class:

1. Watch the zoom video for the week missed. If a Zoom recording is unavailable, prepare your reflection paper per paragraph 2 below based upon your reading and study of the material covered for the class period missed.
2. Submit a two-page reflection paper on the topic(s) for the missed class as described in the syllabus reading assignment for that week. A reflection paper includes your reaction, ideas, and opinions regarding the reading material and/or classroom discussion and discussion board postings. The paper should be double-spaced, 12 point, Times New Roman font, with one-inch margins.

### ***Class Participation***

Students are expected to read all materials assigned for each class meeting and are expected to be prepared to participate in discussions, simulations and presentations when called upon.

### ***Communication with Instructor***

Students are encouraged to contact Professor Peterson with any questions or concerns regarding the course, materials for the course, assignments, etc. via email, text, or cell. Telephone calls and emails will typically be responded to the same day or at the latest within 24 hours (weekends excepted).

Email: [bpeterson@law.usc.edu](mailto:bpeterson@law.usc.edu)

Cell: (805) 835-8905

### ***Classroom Computer Usage***

You may use your laptop computer during class for the purpose of taking notes or other tasks directly related to, and supportive of your participation in class. The use of a computer in class for activities or purposes unrelated to the course causes a significant distraction for other students and severely disrupts the ability of those students to participate fully in class. Therefore, any improper use of a computer during class (including, but not limited to, composing, sending, or reading emails; instant messaging; searching or browsing the Internet; playing games; and/or viewing movies) is prohibited.

### ***BRIGHTSPACE INSTRUCTIONS:***

1. Go to <https://brightspace.usc.edu/d2l/login> to login. You can also find Brightspace on myUSC.
2. Enter your USC Net ID to access
3. Begin navigating through Brightspace

I also encourage you to download the mobile app, Brightspace Pulse, available in both the [Apple App Store](#) and [Google Play](#).

### ***Support Resources***

Do you want to learn more about Brightspace? Check out training and resources in the [Brightspace Student Tutorials](#). Find technical support information below:

Student Guides: [Brightspace Student Guides](http://www.brightspacehelp.usc.edu/students/) ([www.brightspacehelp.usc.edu/students/](http://www.brightspacehelp.usc.edu/students/))

Brightspace Technical Support Line: 888-895-2812

Brightspace Email Support: [usc@d2l.com](mailto:usc@d2l.com)

## Course Schedule and Assignments: A Weekly Breakdown

- *Power Point slides will be posted on Brightspace for each week.*

Week/Date	Topics/Daily Activities	Readings and Homework	Deliverable/ Due Dates
<b>Week 1</b> <b>1-16-25</b>	<b>The Nature of Negotiation - EON</b>  The First Foundation: Your Bargaining Style It's Your Move; – BFA  Don't Bargain Over Positions – GTY	EON Chapter 1, Pages 1-25  BFA Introduction and Chapter 1, Pages XV-25  GTY – Chapter 1 Pages 1-15; Chapter 3 Pages 42-57	1. Reading 2. Complete the four-step bargaining assessment in Appendix A of Bargaining for Advantage
<b>Weeks 2-3</b> <b>1-23-25</b> <b>1-30-25</b>	<b>Strategy and Tactics of Distributive Bargaining – EON</b>  The Second Foundation: Your Goals and Expectations - BFA	EON Chapter 2, Pages 26-58  BFA Chapter 2 Pages 26-39	1. Reading
<b>Weeks 4-5</b> <b>2-06-25</b> <b>2-13-25</b>	<b>Strategy and Tactics of Integrative Negotiation – EON</b>  The Third Foundation: Authoritative Standards and Norms – BFA  Focus on Interests, Not Positions Invent Options for Mutual Gain Insist on Using Objective Criteria	EON Chapter 3, Pages 58-87  BFA – Chapter 3 Pages 40-57  GTY – Chapters 3, 4 and 5	1. Reading  2. Purchase Coursepaks for the Hamilton Property Simulation – based upon assigned roles

<p><b>Week 6</b> <b>2-20-25</b></p>	<p><b>Negotiation: Strategy and Planning— EON</b></p> <p>The Fourth Foundation: Relationships</p> <p>What If They Are More Powerful – Develop your BATNA – Best Alternative to a Negotiated Agreement</p>	<p>EON Chapter 4 Pages 87-111</p> <p>BFA – Chapter 4 Pages 58-75</p> <p>GTY—Chapter 6 Pages 99-108</p>	<p>1. Reading 2. Hamilton Property Simulation (Midterm Paper Due- Preparation and Strategy for Negotiation).</p>
<p><b>Week 7</b> <b>2-27-25</b></p>	<p><b>Ethics of Negotiation - EON</b></p> <p>Bargaining with the Devil Without Losing Your Soul - Ethics in Negotiation</p>	<p>EON Chapter 5 Pages 112-135</p> <p>BFA – Chapter 11</p>	<p>1. Reading</p>
<p><b>Week 8</b> <b>3-06-25</b></p>	<p><b>Perception, Cognition, and Emotion- EON</b></p>	<p>EON Chapter 6 Pages 136-160</p> <p>GTY &amp; BR TBD</p>	<p>1. Reading</p>
<p><b>Week 9</b> <b>3-13-25</b></p>	<p><b>Communication – EON</b></p>	<p>EON Chapter 7 Pages 161-176</p> <p>GTY &amp; BR TBD</p>	<p>1. Reading</p>



<b>3-20-25</b>	<b>Spring Break No Class Meeting</b>		
<b>Week 10 3-27-25</b>	<b>Finding and Using Negotiation Power – EON</b>	EON Chapter 8 Pages 177-196  GTY & BR TBD	1. Reading
<b>Week 11 4-03-25</b>	<b>Relationships in Negotiation – EON</b>	EON Chapter 9 Pages 197-213  GTY & BR TBD	1. Reading
<b>Week 12 4-10-25</b>	<b>Multiple Parties, Groups, and Teams in Negotiation – EON</b>	EON Chapter 10 Pages 214-234  GTY & BR TBD	1. Reading
<b>Week 13 4-17-25</b>	<b>International and Cross-Cultural Negotiation – EON Best Practices in Negotiations – EON</b>	EON Chapter 11 Pages 235-261  EON Chapter 12 Pages 263-273  GTY & BR TBD	1. Reading

<p><b>Week 14</b> <b>4-24-25</b></p>	<p><b>Review</b>  <b>Last Day of Class</b></p>	<p><b>Review</b></p>	<p><b>Review</b></p>
<p><b>Start:</b> <b>May 2,</b> <b>2025,</b> <b>12 Noon</b></p> <p><b>End:</b> <b>May</b> <b>15,</b> <b>2025</b> <b>12 Noon</b></p>	<p><b><u>Take-Home Final Paper/Exam</u></b></p> <p>The format for the final paper/exam will include a dispute narrative that you will be given with approximately 5 questions/prompts (and subparts) that you will respond to in analyzing the narrative and applying material learned, discussed, and practiced in class. The narrative will be provided at the beginning of the exam period and you will have the final exam period to complete your final assignment. This assignment is completely open book allowing for reference to course material as well as outside sources. Use of internet is permitted. You are not allowed to consult with or discuss your assignment with any other person <i>or use AI to develop your answers</i>. Finally be careful about plagiarism.</p>		

**Additional Reading Resources:** (not required or expected to be read during the course)

Difficult Conversations and Beyond Reason-Using Emotions as You Negotiate, should be included as essential books in the library of any dispute resolution professional. I do not rank one higher than the other. The two selected as required for this course were included because of the negotiation focus of this course.

- Stone, Patton and Heen, *Difficult Conversations, How to Discuss What Matters Most*, Penguin Books, 2010. Available on Amazon.
- Fisher and Shapiro, *Beyond Reason, Using Emotions as You Negotiate*, Penguin Books, 2006. This book is available in several formats including audio on Audible. If you get an audio book, I highly recommend you also get the book in print. You can usually buy a used paper-back copy under \$10.00 or new with free shipping \$15.00 Available on Amazon.
- Robert Cialdini, **Influence: The Psychology of Persuasion**, Harper Business, May 2021. (New Edition) This book is available in several formats including audio on Audible. If

you get an audio book, I highly recommend you also get the book in print. Available on Amazon. Last time I checked it was about \$20.00.

- Daniel Kahneman, **Thinking Fast and Slow**, Farrar, Straus, and Giroux, April 2013. This book is available in several formats including Audible. A paperback copy is about \$12.00 on Amazon.

## 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 in *SCampus* in Part B, Section 11, “Behavior Violating University Standards” <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>.

### Sharing of Course Materials Outside of the Learning Environment

USC has a policy that prohibits sharing of any synchronous and asynchronous course content outside of the learning environment.

SCampus Section 11.12(B)

Distribution or use of notes or recordings based on university classes or lectures without the express permission of the instructor for purposes other than individual or group study is a violation of the USC Student Conduct Code. This includes, but is not limited to, providing materials for distribution by services publishing class notes. This restriction on unauthorized use also applies to all information, which had been distributed to students or in any way had been displayed for use in relationship to the class, whether obtained in class, via email, on the Internet or via any other media. (See Section C.1 Class Notes Policy). <https://policy.usc.edu/scampus-part-b/>

### Security

Remember that your password is the only thing protecting you from pranks or more serious harm.

- Don't share your password with anyone .
- Change your password if you think someone else might know it.

- Always log out when you are finished using the system.

### ***General Guidelines***

When communicating online, you should always:

- Treat your instructor and classmates with respect in email or any other communication.
- Use clear and concise language.
- Remember that all college level communication should have correct spelling and grammar (this includes discussion boards).
- Avoid slang terms such as “wassup?” and texting abbreviations such as “u” instead of “you.”
- Use standard fonts such as Ariel, Calibri or Times new Roman and use a size 10 or 12 pt. font
- Avoid using the caps lock feature AS IT CAN BE INTERPRETTED AS YELLING.
- Be cautious when using humor or sarcasm as tone is sometimes lost in an email or discussion post and your message might be taken seriously or sound offensive.
- Be careful with personal information (both yours and other’s).
- Do not send confidential information via e-mail.

### ***Email Netiquette***

When you send an email to your instructor, teaching assistant, or classmates, you should:

- Use a descriptive subject line.
- Be brief.
- Avoid attachments unless you are sure your recipients can open them.
- Avoid HTML in favor of plain text.
- Sign your message with your name and return e-mail address.
- Think before you send the e-mail to more than one person. Does everyone really need to see your message?
- Be sure you REALLY want everyone to receive your response when you click, “reply all.”
- Be sure that the message author intended for the information to be passed along before you click the “forward” button.

## ***Message Board Netiquette and Guidelines***

When posting on the Discussion Board in your online class, you should:

- Make posts that are on topic and within the scope of the course material.
- Take your posts seriously and review and edit your posts before sending.
- Be as brief as possible while still making a thorough comment.
- Always give proper credit when referencing or quoting another source.
- Be sure to read all messages in a thread before replying.
- Don't repeat someone else's post without adding something of your own to it.
- Avoid short, generic replies such as, "I agree." You should include why you agree or add to the previous point.
- Always be respectful of others' opinions even when they differ from your own.
- When you disagree with someone, you should express your differing opinion in a respectful, non-critical way.
- Do not make personal or insulting remarks.
- Be open-minded.

## **Support Systems:**

***Counseling and Mental Health - (213) 740-9355 – 24/7 on call***

[studenthealth.usc.edu/counseling](http://studenthealth.usc.edu/counseling)

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

***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 and Sexual Violence Prevention Services (RSVP) - (213) 740-9355(WELL), press "0" after hours – 24/7 on call***

[studenthealth.usc.edu/sexual-assault](http://studenthealth.usc.edu/sexual-assault)

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

***Reporting Incidents of Bias or Harassment - (213) 740-5086 or (213) 821-8298***

[usc-advocate.symplicity.com/care\\_report](http://usc-advocate.symplicity.com/care_report)

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office of Equity and Diversity | Title IX for appropriate investigation, supportive measures, and response.

**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/>

**Diversity at USC**

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

**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/>

**USC Office of the Ombuds**

If you are experiencing a university-related concern, conflict, or challenging situation, please feel free to contact the Office of the Ombuds, at either UPC or HSC. Our office is open to all members of the USC community with a campus related issue.  
<https://ombuds.usc.edu/>

**Disability Statement**

The USC Gould School of Law is committed to providing reasonable accommodations for members of the student body who have disabilities, to ensure that students are given an equal opportunity for learning and pursuing their academic interests. Such circumstances may include, but are not limited to, permanent or temporary physical disabilities, learning disabilities, and pregnancy.

Any student with a documented disability (physical, learning, or psychological) needing academic accommodations should contact USC Disability Services and Programs office (DSP) [http://sait.usc.edu/academicsupport/centerprograms/dsp/home\\_index.html](http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html) and meet with a DSP Counselor to discuss the student's request for accommodations. **All students requesting permanent or temporary accommodations must register with DSP to be eligible for accommodations.** See *USC Law Student Handbook, Section 7.1.*