

**Advanced Negotiation Class**  
**Professor Nina Meierding MS, JD**

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**PLEASE NOTE THERE IS A READING ASSIGNMENT FOR THE FIRST  
NIGHT OF CLASS**

Welcome to the Advanced Negotiation class. Attached are the syllabus and reading assignments. Some of the assignments are from a course manual that I have prepared – others are from the assigned textbook, **Negotiation: Theory and Practice**, by Melissa Nelkin, published by Lexis Nexis. The textbook was designed for law students, but due to the number of excellent excerpts by top dispute resolution experts, I have decided to “cut and paste” pertinent articles to our specific topics. Please read them in the order I have indicated in your class agenda.

You will notice that there is a section on culture and gender in the textbook. This section is not required because there is a specific Cross Culture and Gender Issues course offered as part of the SMU program. However, I think there are many valuable insights in the section and would encourage you to read it (in all your free time!)

There is also a section on The Lawyer-Client Relationship. This is interesting if a) you are a lawyer, or b) you want to know how lawyers think. However, this will be only be touched on briefly in class (so this section is optional reading) and we are using only one required excerpt from this section on communication skills.

The section on Mediation (pages 435-465) is a good review, but not required, as I assume you will have a firm foundation in mediation from your earlier coursework. If you are not familiar with the Riskin grid (styles of mediators) please read Riskin’s excerpt beginning on page 452.

This is an advanced course. I will presume that you have had the basic negotiation course, the mediation course and the initial ADR survey course. If you have not already read **Getting To Yes**, please read it before class begins. If you have not taken the mediation course, read the entire mediation section (435-465) in your textbook.

As you are all aware, the SMU model of teaching is highly interactive – with many simulations, exercises, and role-plays. You will be practicing negotiation skills in pairs, in mediations, in multi-party situations, and in team bargaining. **20% of your grade is based on class participation.** Attendance is essential and required. You may not miss more than four hours of class in order to receive a grade. If an emergency arises and you need to miss any portion of class, please notify me as soon as possible.

**30% of your grade will be on a negotiation journal/log and 50% of your grade will be a final paper.**

Assignments:

- The negotiation journal should be a minimum of 10 pages of observations of negotiations (at work, with family, while driving, between friends, etc.) The negotiation journal is due October 1, 2013, 5:00 Central time, emailed to [nina@meierding.com](mailto:nina@meierding.com).

- The final paper should be a minimum of 12 pages of analysis and content in which you will be researching a negotiation (not one of your own), plus a bibliography of your sources. Footnote citations should be at the end of the paper not at the bottom of each page. Some topics have included: sports contracts between a player and a team, a labor negotiations between union and management, entertainment contracts, international peace talks, environmental and public policy negotiations, etc. We will talk more about topics the first night of class. The final paper is due October 11<sup>th</sup> at 9:00am Central Time, emailed to [nina@meierding.com](mailto:nina@meierding.com).
- Both papers should be 12-point type, double-spaced and standard 1” margins. Some topics have included: sports contracts between a player and a team, a labor negotiations between union and management, entertainment contracts, international peace talks, environmental and public policy negotiations, etc. We will talk more about topics the first night of class.

I look forward to working with all of you. It is always a pleasure to come to SMU.

Regards,  
Nina Meierding

### **GOALS AND OBJECTIVES:**

Students will review basic negotiation concepts of distributive and integrative bargaining and demonstrate knowledge through class discussion and role-plays.

Students will learn about the dynamics of power, the differences between innate power and situational power, and how to deal with power imbalances both in negotiations and mediations.

Students will learn how emotions impact negotiation and how to deal with tactics that create emotion in negotiations. Through small group discussion, students will explore how their own emotions can impact a negotiation.

Students will learn specific causes of resistance and impasse. Through interactive discussion, students will diagnose the source of resistance and practice the most effective techniques to move towards resolution.

Students will break down the components of apologies and the timing, sincerity, and effectiveness of apologies in negotiation. Students will explore apologies that worked and apologies that didn't work - both in personal, national, and international negotiations.

Students will learn the dynamics of multi-party negotiation and team bargaining and how it differs from two-party negotiation. Through an extensive role-play, students will pre-plan a negotiation with their team and then demonstrate negotiation skills in a multi-party negotiation.

## GRADING SCALE

93-100 = A Exceptional	A superior / outstanding performance. Has mastered the concepts and adds unique contributes to class discussions.
90-92 = A- Excellent	A very good / admirable performance. Displays understanding in all areas of the class, and contributes successfully to class discussions.
87-89 = B+ Outstanding	Above average performance. A few insignificant flaws may appear, but overall has great application of the field.
83-86 = B Good	A generally satisfactory, intellectually adequate performance. Few significant flaws in performance.
80-82 = B- Adequate	A barely satisfactory performance. Contributes little to class discussions and lacks a clear understanding of concepts.
77-79 = C+ Not sufficient	An unacceptable performance. Unable to engage in class discussions and has little comprehension of theories.

## Written Guidelines for Negotiation Journals

	100-90	89-83	82- Below
<b>Depth of Thought and Analysis 40%</b>	Journal entries are constructed in a coherent fashion. Analysis flows in succinct and meaningful statements.	Ideas are started clearly. Remarks show a degree of analysis. Some areas of the paper lack supporting and rational support.	Ideas are vague and under developed. Paper lacks the level of effort for original graduate work.
<b>Personalization 40%</b>	Personal history is appropriately integrated into the narrative.	There is some attempt on the writer' part to utilize personal examples within the content.	Little to no personal history appears in the paper.
<b>Clarity of Writing and Mechanics 20%</b>	Writing is crisp, clear, and succinct. No spelling, grammar, or punctuation errors are made.	Unnecessary words and ambiguous statements are made. Meaning is unclear in parts of the paper. Some spelling and grammar errors are made.	It is hard to know what the writer is trying to express. Writing is convoluted. Misspelling words, incorrect grammar, and improper punctuation are frequent.

## Written Guidelines for Final Paper

	100-90	89-83	82- Below
<b>Depth of Thought and Analysis 30%</b>	Paper is constructed in a logical and coherent fashion. Conclusions flow from a well-executed plan, in succinct and meaningful statements.	Topic is started clearly. Remarks show a degree of analysis. Some areas of the paper lack supporting and rational support.	Topic is vague and under developed. Paper lacks the level of effort for original graduate work.
<b>Synthesis and Congruency 25%</b>	Paper is well integrated and flows as one complete narrative. Paper flows from general ideas to specific conclusions.	Sections of the paper connect, however, not all sections or paragraphs fall in a natural or logical order.	The paper appears to have no direction, with subtopics appearing disjointed.
<b>Thoroughness 25%</b>	The appropriate content is covered in depth without being redundant.	Essential material is not covered to the degree to explain the topic thoroughly.	Major sections are omitted, glossed over, or unnecessarily repeated.
<b>Clarity of Writing and Mechanics 20%</b>	Writing is crisp, clear, and succinct. No spelling, grammar, or punctuation errors are made.	Unnecessary words and ambiguous statements are made. Meaning is unclear in parts of the paper. Some spelling and grammar errors are made.	It is hard to know what the writer is trying to express. Writing is convoluted. Misspelling words, incorrect grammar, and improper punctuation are frequent.

### **HONOR CODE**

Students are reminded of the SMU Honor Code as referenced in the *Student Hand Book*. Intellectual integrity and academic honesty are both the foundations and the goals for this program. Please reference and review the university policies on the responsibilities, policies, and penalties regarding academic honesty found at:

[http://www.smu.edu/studentlife/PCL\\_05\\_HC.asp](http://www.smu.edu/studentlife/PCL_05_HC.asp)

### **NOTIFICATION OF ABSENCE DUE TO RELIGIOUS HOLY DAY(S)**

Students who will be absent from class for the observance of a religious holiday must notify the instructor in advance. Please refer to the Student Obligations section of the university catalog for more explanations. You are required to complete any assignments or take any examinations missed as a result of the absence within the time frame specified by your instructor.

### **DISABILITIES ACCOMMODATIONS**

Students needing academic accommodations for disability must contact Ms. Rebecca Marin, Coordinator of Services for Students with Disabilities (214-768-4557) to verify the disability and establish eligibility for accommodations. They should then schedule an appointment with the professor to make appropriate arrangements.

### **ADD/DROP POLICY**

If you are unable to complete this course, you must officially withdraw by the university deadline; the last day to Add/Drop regular courses without a grade record or Billing. Withdrawing is a formal procedure which you must initiate; your instructor cannot do it for you.

### **GRADE OF INCOMPLETE**

A student may receive a grade of I (Incomplete) if at least 50 percent of the course requirements have been completed with passing grades, but for some justifiable reason, acceptable to the instructor, the student has been unable to complete the full requirements of the course. At the time a grade of I is given, the instructor must stipulate in writing to the student and to the University registrar the requirements and completion date that are to be met and the grade that will be given if the requirements are not met by the completion date. The maximum period of time allowed to clear the Incomplete grade normally is 12 months. If the Incomplete grade is not cleared by the date set by the instructor or by the end of the 12-month Policies and Procedures 25 deadline, the grade of I will be changed to the grade provided by the instructor at the time the Incomplete grade was assigned or to a grade of F if no alternate grade was provided. The grade of I is not given in lieu of a grade of F or W, or other grade, each of which is prescribed for other specific circumstances.

If the student's work is incomplete, poor quality and not acceptable, a grade of F will be given. The grade of I does not authorize a student to attend the course during a later term. Graduation candidates must clear all Incomplete grades prior to the deadline in the Official University Calendar, which may allow less time than 12 months. Failure to do so can result in removal from the degree candidacy list and/or conversion of the grade of I to the grade indicated by the instructor at the time the grade of I was given.

For graduate students, a maximum of two (six hours) concurrently held grades of Incomplete in courses other than thesis is allowed. If this maximum is reached, the student will be allowed to take only one three-hour course per term until the Incomplete total is reduced. Students who accumulate a total of three grades of Incomplete in courses other than thesis will be put on probation and not allowed to enroll further until the total is reduced.

**Statement on Class Decorum:**

Please turn off (or set on vibrate) all cell phones. Do not receive or send text messages during class – if it is an emergency, please leave the room to receive or send texts.

Please do not read outside reading material during class, nor use laptops for non-class related activities during class. Walking into class late is disruptive, as is leaving early, so please avoid this whenever possible. If you have to leave early, make arrangements before class begins. Attendance is mandatory - roll will be taken. Professional respect and courtesy for your fellow students is expected at all times.

**And, although it seems like there are lots of rules and requirements, the number one goal is to learn information that is relevant and practical and to have fun while you are learning! You will retain more information when you directly apply the skills you learn to both your professional and personal life. You have been negotiating since you were born – we are going to take those “intuitive” skills and make them strategic, mindful and thoughtful.**

## **Syllabus and Readings for Advanced Negotiation Course**

**September 13 Please note:** Today’s readings should be read before the **first night of class**

Introduction of Course, Professor and Student Goals  
Class Requirements  
Negotiation as A Process  
Review Axelrod’s Theory of Avoiding Exploitation  
Review of Distributive and Integrative Bargaining

**Readings: Theory and Practice**

Eisenberg 4-9  
Williams 19-27  
Chpt. 5 Intro 197-202  
Mnookin 211-219

**Manual**

Articles: What Makes a Great Negotiator – Pynchon  
Introduction to Negotiation Theory Section

**September 14** The Predictability of Distributive Bargaining  
Role-play and Debrief  
The Opening Offer  
Role-play and Debrief  
Tactics  
Ethics of Competitive Bargaining  
Small Group Work  
Role-play and Debrief

Readings: **Theory and Practice**

Introduction to Chapter 2 33-48  
Goodpaster 61-77  
Goodpaster 84-90  
Lax 53-54  
Schneider 58-61  
Lowenthal 77-80  
Conclin 182 – 187  
Friedman 137-142  
Wetlaufer 402-406  
Law 410-417

**Manual**

Articles: No Way Out – Parselle  
Negotiating Techniques  
Saying No to Demands – Ury  
Interpersonal Deception Theory - Hearn  
Distributive Bargaining Section

**September 15** Integrative Bargaining  
Four Steps of Integrative Bargaining  
Review Getting to Yes  
Role-play  
Emotions in Negotiation  
Power in Negotiation

Readings: **Theory and Practice**

Menkel-Meadow 80-84  
Menkel Meadow 103-111  
Greenhalgh 111-118  
Nadler 142-143  
Brown 119-124  
Benjamin 349-358  
Moffitt 144-148  
Adler 235-245  
Lytle 171  
Fisher 124-137

**Manual**

Integrative Bargaining Section

Power Section  
Emotions Section

**September 27** Impasse in Negotiation  
Causes of Resistance  
Specific Techniques to Overcome Impasse  
Cross Cultural Issues in Negotiation

Readings: **Theory and Practice**

Korobkin 55-58  
Rosenstein 190-196  
Mnookin 231-234

**Manual**

Impasse Section  
Culture Section

**September 28** Apology in Negotiation  
Types of Apology  
Timing, Sincerity, Effectiveness  
Small group work  
Working with Attorneys  
Multiparty Negotiations and Team Bargaining  
Components of Multi-party Negotiations  
Changing Dynamics  
Working as a Team (Internal Team Bargaining)

Readings: **Theory and Practice**

Chapter 10 – Intro (B is optional) 475-487  
Brett 487-490  
Sally 496-500

**Manual**

Why Don't They Listen to Us  
Apology Section  
Multi-party Section

**September 29** Continuation of Multi-party and Internal Team Bargaining  
Putting it All Together  
Role-play  
Evaluations  
Concluding Remarks