

SYLLABUS

DEPARTMENT OF LEGAL STUDIES AND BUSINESS ETHICS
THE WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA
NEGOTIATION

LECTURER: ERIC MAX, ESQ.

OIDD 291- Summer 2

1. INSTRUCTOR

Lecturer: Eric Max, Esq.

Email: emax3@wharton.upenn.edu (best method of contact)

Office hours: By appointment (Zoom)

2. CLASS MEETING TIMES AND LOCATION

Every Monday, Wednesday, and Friday 3:30 PM-6:00 PM EST (July 6- August 7)

All classes will be conducted via Blue Jeans (which can be accessed through Canvas).

3. COURSE OBJECTIVES

Negotiation is more an art than a science. We negotiate every day in both our personal and professional lives. Effective negotiation can be the cornerstone of successful business and personal relationships. There is no “right way” to negotiate. Different approaches and styles may be more effective in certain situations. This course will give you the tools necessary to be able to analyze a negotiation and apply the appropriate skills to make it as productive as possible. This course is designed to help you:

- Gain confidence as a negotiator
- Determine your own strengths and weaknesses as a negotiator
- Improve your ability to negotiate effectively
- Analyze different negotiation situations
- Develop a strategic plan for effective negotiation
- Gain an intellectual understanding of negotiator behavior

4. COURSE FORMAT

This class will consist of:

- We will negotiate in every class using role plays.
- Each class will follow this schedule: 1) during the first half of class students will read the role play and conduct the negotiation; 2) during the second half of class we will debrief the negotiation and discuss the readings.

5. TEXT AND COURSE MATERIALS

Getting to Yes: Negotiating Agreement Without Giving In, by Roger Fisher, Bill Ury and Bruce Patton, (3d ed. Penguin 2011) ["GTY"].

Canvas course site: The course site on canvas includes assignments, additional readings, announcements, and other information. Please visit the course site regularly because it will be updated often.

6. VIRTUAL CLASSROOM EXPECTATIONS

Attendance and preparation: This class is very interactive and relies on the preparation and participation of all students in the class. Thus, it is extremely important for you to attend class and to be prepared to participate in a meaningful way. The more you put into this class, the more you will get out of it! Excused absences include: Family or personal medical emergencies and religious holidays. Job interviews are *not* excused absences. It is the student's responsibility to email me with any excused absences. (If you live in a different time zone, or miss the class due to an excused absence, please email me to discuss alternative times to conduct the negotiations.)

Confidentiality: You will be asked to sign a Non-Disclosure Agreement regarding the information you learn in connection with the simulated negotiations. The bottom line is that, unless I specifically direct you otherwise, you may not share confidential information you receive in connection with a negotiation simulation with anyone, including classmates who are playing the same role. Your honesty, integrity, and ethical conduct in this regard will count in your grade and will affect your reputation with your peers and your instructor. If you have any questions about the confidentiality of any facts, please ask me.

Ethics and Use of Prior Materials: Do not discuss cases with or borrow notes from people outside of class, and do not share any information about these simulations with students who have not taken this class. It is a violation of the University Code of Academic Integrity to post anything about the negotiation simulations on a public website, or to conduct internet/Google searches about simulations.

Rules for negotiating: You are not allowed to make up facts which are not in the exercises to improve your bargaining position. For example, if the role-play states that you are selling an airplane, you cannot add a 10-year warranty to the deal unless it is specifically stated in your fact pattern. Similarly, you may not add the fact that the land you are buying is contaminated if it does not state this in your fact pattern. If the other person asks you a question that your

role-play does not address, just respond that you do not have that information. However, you can lie or bluff regarding your true motivations, how you value an item, your budget, and other offers.

Do not assume that the negotiation is over when you think it is over. When you have completed a negotiation, please do not reveal your confidential information to your counterparts, or to members of another team, before returning to the virtual classroom for the formal debrief session with me. The simulations do not always end when you sign an agreement. After we debrief the simulations you are free to discuss the case further with members of our class.

7. GRADING

There are no exams in this course. However, four short papers are required. Your grade will be based on a 100-point scale. Please note that Wharton utilizes a grading curve where the average grade in the class cannot exceed a B+.

These rules apply to all papers submitted in the course: During the course, you will be asked to write several papers. All papers must be submitted via Canvas in Word format (not .pdf). The format should be double spaced, 12-point font, 1-inch margins, page numbers in the top right corner. Key words, concepts and paragraph headings should be put in bold and a word count should be at the top of the paper. Always use paragraph headings to indicate which question you are answering. Papers that exceed the page limits stated in the assignment will not have the excess pages considered. Footnotes will only be required for the final paper and should be listed at the end of the paper.

Time extensions to submit papers: If you receive an extension on when you can submit a paper, you must put a note on the top of the paper stating this.

Late papers: Late papers (without time extensions) will be penalized 2 points for every 24 hours they are late. It is always better to hand in papers late than not at all.

Grading Criteria for Papers: Papers will be graded on the following criteria:

- 1) Did the paper answer the questions presented in the order presented? (50%)
- 2) What was the depth of analysis and how interesting was the negotiation discussed? (25%)
- 3) Was the paper well written and grammatically correct (25%)

Requests for regrades: If a student feels that there was a mistake in the grading of a paper, he/she must email me within one calendar week following the grade for the paper being posted. Late requests will not be considered. The request must state specifically where the grading error may have occurred. An example would be: "I discussed the concept of "positions/interests" in the third paragraph of my paper but had points deducted for not including it."

Graded Items (100-point scale):

A. Class Participation (15 points)

Learning to negotiate is based on doing the role-plays and debriefing them in class. Thus, it is essential that you attend every class and conduct every negotiation that is assigned to you. Participation is the most important part of this course. Students that miss a class or a negotiation (without an excused absence) will lose 3 points off their class participation score for each class or role play missed. In addition, the quality of student's class discussion, more than the quantity, will also be considered in assessing the class participation grade.

B. Paper #1-Ethics paper (20 points)

Write a 2-3-page paper on the fact pattern that I present to you on canvas. Discuss how you would act in the situation and why. Make sure to discuss all three schools of ethics described in the handout entitled "Bargaining with the Devil-Ethics." Due July 17th at noon.

C. Paper #2-Negotiation bargaining styles paper (20 points)

You will be filling out a handout called the "bargaining style assessment." Write a 2-3-page paper about your own bargaining style and how you see it as a positive or a negative in the negotiations that you have conducted in class or in real life. Give specific examples. What are the pros and cons of your negotiation style? Do you have more than one negotiation style? Does your negotiation style change depending on where and what you are negotiating? How can you compensate for any weaknesses in your negotiation style? How does the negotiation style of your adversary impact on you? Due July 24th at noon.

D. Paper #3-Negotiation notebook paper (20 points)

You will be asked to keep a negotiation notebook throughout the semester. In the notebook you will be recording all the offers, counteroffers and results that take place in each of the negotiations that you conduct. Write a 2-3-page paper discussing what you learned from your negotiation notebook, citing specific examples from negotiations we have conducted in class to illustrate your points. Discuss your strengths and weaknesses as a negotiator. Be specific. For example, you might want to discuss expectations, opening offers, counter-offers, ZOPAs, getting deals done and trust. Discuss how you think you can improve your negotiation results in the future. Due July 31st at noon.

E. Paper #4-“Getting to Yes” paper (25 points)

The primary purpose of this 3-4-page paper is to show me that you have read “Getting to Yes” and can apply its key terms and concepts to an actual negotiation(s) you conducted in real life or role play(s) we did in class. You are free to accomplish the above in any manner you choose. You can write a planning memo or a reflection memo. You can write about a past negotiation or one you are planning for in the future. You can also do a combination of any of the above. Just make sure you cover all the major principals discussed in “Getting to Yes” in the same order they are presented in the book. Also, include a discussion on whether you agree/disagree with the approach to negotiation advocated for in “Getting to Yes” and why. Please note that I am not looking for you to recite to me the definitions of the terms in the book but rather to apply the terms and concepts to an actual negotiation(s) or role play(s). Include at least nine footnotes in this paper. Due August 7th at noon.

COURSE OUTLINE AND ASSIGNMENTS BY DATE:

The first half of each class will be dedicated to conducting negotiation role-plays. (Role-play facts will be handed out at the beginning of class.) The second half of each class will be dedicated to debriefing the role plays and discussing the readings.

July 6: Read "Getting to Yes" Ch. 1 and 2

July 8: No readings.

July 10: Read "Getting to Yes" Ch. 3

July 13: Read hand-out on negotiation ethics "Bargaining with the Devil-negotiation ethics" (on Canvas)

July 15: No readings.

July 17: Read "Getting to Yes" Ch. 4. Due at noon: Negotiation ethics paper.

July 20: Fill out negotiation style assessment questionnaire (on Canvas).

July 22: No readings.

July 24: Read "Getting to Yes" Ch. 5. Due at noon: Negotiation Styles paper.

July 27: Read "Getting to Yes" Ch. 6

July 29: No readings.

July 31: Read "Getting to Yes" Ch. 7. Due at noon: Negotiation Notebook paper.

August 3: Read "Getting to Yes" Ch. 8 and 9

August 5: No readings.

August 7: (Last class) No readings. Due at noon: "Getting to Yes" paper.

ABOUT THE INSTRUCTOR:

Eric Max, Esq. is a Lecturer at the Wharton Business School at the University of Pennsylvania where he teaches negotiation to MBA and undergraduate students. Mr. Max also provides negotiation training to hundreds of business executives from around the world as part of Wharton's Executive Education Program. These trainings have included: top sales executives from Facebook and IBM, lobbyists from the pharmaceutical industry, senior business managers from Mexico, real estate executives from China, Professors from Shanghai University, top performers at securities firms, and medical professionals from the Hospital at the University of Pennsylvania. In addition to teaching negotiation, Mr. Max has also served as a court-appointed mediator for the last 30 years. In this capacity, Mr. Max has negotiated the settlements of hundreds of lawsuits involving claims exceeding \$1 billion. Mr. Max received a national award for his mediation of lawsuits involving issues of public importance.