

# ClearAlignment CourseMap®

## Course Name: Negotiation (Junior Level)

This section lays out context and content provided by the original syllabus and school website.

<b>Concentration Description</b>	The Juris Doctor (J.D.) degree at gives you the core knowledge, aptitude and skills to build your career as a profession-ready lawyer in a broad spectrum of fields. Our innovative approach to legal education, our vast and connected alumni network, and our focus on collaboration will help you create the foundation for lifetime of successes.	
<b>Applicable Standards</b>	American Bar Association (ABA) 2015 Standard 302 <ul style="list-style-type: none"> <li>• Knowledge and understanding of substantive and procedural law</li> <li>• Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context</li> <li>• Exercise of proper professional and ethical responsibilities to clients and the legal system</li> <li>• Other professional skills needed for competent and ethical participation as a member of the legal profession.</li> </ul>	
<b>Catalog Description</b>	The course will emphasize learning the skills of negotiation by simulations in which students will negotiate and watch their classmates negotiate. Class members will conduct three negotiations during the weekend – a simple sales contract, a retainer agreement between an attorney and a client, and a complex multi-party dispute.	
<b>Course length</b>	15 weeks	Delivery Goal: Blended
<b>Assignments</b>	<ul style="list-style-type: none"> <li>• Classroom Discussions</li> <li>• Negotiation Preparation Documents</li> <li>• Executive Summaries</li> <li>• Thomas Kilmann Conflict Mode Instrument</li> <li>• Listening Assessment Test</li> </ul>	
<b>Assessment</b>	Peer evaluation	
<b>Textbook</b>	<ul style="list-style-type: none"> <li>• Carrie Menkel-Meadow, Andrea Kupfer Schneider &amp; Lila Porter Love. Negotiation: Processes for Problem Solving, 2<sup>nd</sup> Edition (Aspen 2014) – herein TEXT.</li> <li>• Roger Fisher, William L. Ury &amp; Bruce Patton, Getting to Yes, Negotiating Agreement Without Giving In (Penguin 2011)</li> <li>• Binder et al, Lawyers as Counselors: Client-Centered Approach, 3<sup>rd</sup> Edition, pgs 247-268</li> <li>• Andrea Kupfer Schneider, Teaching a New Negotiation Paradigm, (39 Wash. U. J. L. &amp; Policy 2013)</li> <li>• Elizabeth L. Jeglic &amp; Alexander Jelic, Negotiating with Disordered People NEGOTIATION FIELDBOOK, pgs 335-34</li> <li>• Roger Swartz, The Skilled Facilitator: Practical Wisdom for Developing Effective Groups, pgs 73-209</li> <li>• G. Nicholas Herman, Plea Bargaining, pgs 107-195</li> <li>• Adam Liptak, “Public Defenders Get Better Marks when on Salary,” NY Times, A1, July 14, 2007.</li> </ul>	
<b>Prerequisites</b>	Not known	
<b>Program Name</b>	J.D. Degree	
<b>LMS</b>	Blackboard	

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In this section are recommended changes to the course description, course goal and learning objectives. Recommended course description, course goal and learning objectives are student centric.

Course Component	Original Content from Syllabus and School Website	ClearAlignment Recommendations
Course Description	The course will emphasize learning the skills of negotiation by simulations in which students will negotiate and watch their classmates negotiate. Class members will conduct three negotiations during the weekend – a simple sales contract, a retainer agreement between an attorney and a client, and a complex multi-party dispute.	All people, especially lawyers, negotiate. Negotiation is a skill and, like most skills, can be improved with thought and practice. This course explores the conceptual foundations of various approaches to negotiating and offers students a chance to test these approaches during extensive role-playing exercises. Through a combination of readings, short lectures, role-playing exercises, class discussions, we will analyze the dynamics of negotiations and help you hone your negotiating skills.
Course Goals	NA	Practice the professional skill of negotiation in an ethical and objective manner.
Learning Objectives	<p>By the end of the semester you should</p> <ul style="list-style-type: none"> <li>• understand the theories underlying different types of negotiations and the use of different skills including different styles</li> <li>• understand the difference in duties and skills when negotiating directly as a party as compared to negotiating as lawyer (an agent) for a party.</li> <li>• be able to distinguish between integrative bargaining and distributive bargaining</li> <li>• be able to use basic integrative or distributive negotiation skills depending on the situation and which type of skill better meets the individual needs of the client/party that you are representing.</li> <li>• understand different negotiation styles and when one style may be better to use than another on behalf of your client.</li> <li>• understand the ethical rules applicable to lawyers when negotiating.</li> <li>• be able to recognize barriers to negotiation and analyze what options may overcome those barriers.</li> </ul>	<p><b>Module 1: Engaging in objective negotiation</b>  <i>Learning Objective #1:</i> Using selected assessment tools, determine listening skills and your conflict style.  <i>Learning Objective #2:</i> Based on a selected scenario, apply and provide rationale in your Negotiation Planning Document for the appropriate negotiation theory.</p> <p><b>Module 2: Distinguishing Between Negotiating and Bargaining</b>  <i>Learning Objective #1:</i> Based on a selected scenario, apply and determine appropriate situations in your Negotiation Planning Document for using integrative or distributive negotiation skills.</p> <p><b>Module 3: Negotiating and Relating to Your Client and Counterpart</b>  <i>Learning Objective #1:</i> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies for interpersonal communication styles.  <i>Learning Objective #2:</i> Based on a selected scenario, apply and practice strategies for understanding emotions.</p> <p><b>Module 4: Negotiating Ethically</b>  <i>Learning Objective #1:</i> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies that address culture, gender, and race.  <i>Learning Objective #2:</i> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies that address ethical negotiation.  <i>Learning Objective #3:</i> Based on a selected scenario, apply and describe in your Negotiation Planning</p>

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	<ul style="list-style-type: none"><li>• have a basic understanding of how to negotiate in a multi-cultural environment by recognizing how gender, ethnicity, and culture may impact negotiation</li></ul>	Document strategies that address barriers to negotiation. <i>Learning Objective #4:</i> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies that address negotiating multi-party cases and plea bargaining.
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## Aligned CourseMap: Module 1 - Engaging in objective negotiation

This section aligns Module 1 learning objectives with lecture content, readings, assignments and assessments.

<p><b>ABA Standard:</b></p> <ul style="list-style-type: none"> <li>Other professional skills needed for competent and ethical participation as a member of the legal profession.</li> </ul>	<p><b>Module 1: Module 1 - Engaging in objective negotiation</b> Weeks 1-2</p>
	<p><b>Learning Objective #1:</b> Using selected assessment tools, determine listening skills and your conflict style.</p>
	<p><b>Lecture Content</b></p> <ul style="list-style-type: none"> <li>Application of listening skills and conflict resolution</li> </ul>
	<p><b>Reading Assignment:</b></p> <ul style="list-style-type: none"> <li>TEXT, pgs 3-40</li> <li>Binder et. al., pgs 247-268</li> </ul>
	<p><b>Assignment:</b></p> <ul style="list-style-type: none"> <li>Thomas Kilmann Conflict Mode Instrument</li> <li>Listening Assessment test</li> </ul>
	<p><b>Assessments:</b></p> <ul style="list-style-type: none"> <li>In-class role play emphasizing listening and conflict resolution</li> </ul>
<p><b>ABA Standard:</b></p> <ul style="list-style-type: none"> <li>Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.</li> </ul>	<p><b>Learning Objective #2:</b> Based on a selected scenario, apply and provide rationale in your Negotiation Planning Document for the appropriate negotiation theory.</p>
	<p><b>Lecture Content</b></p> <ul style="list-style-type: none"> <li>Negotiation theories</li> </ul>
	<p><b>Reading Assignment:</b></p> <ul style="list-style-type: none"> <li>TEXT pgs 41-77</li> <li>Binder et al pgs 247-268</li> </ul>
	<p><b>Assignment:</b></p> <ul style="list-style-type: none"> <li>Negotiation Planning Document 1</li> </ul>
	<p><b>Assessments:</b></p> <ul style="list-style-type: none"> <li>In-class role play emphasizing negotiation theories</li> </ul>

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## Aligned CourseMap: Module 2 - Distinguishing Between Negotiating and Bargaining

This section aligns Module 2 learning objective with lecture content, readings, assignments and assessments.

<p><b>ABA Standards:</b></p> <ul style="list-style-type: none"> <li>• Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.</li> <li>• Exercise of proper professional and ethical responsibilities to clients and the legal system.</li> <li>• Other professional skills needed for competent and ethical participation as a member of the legal profession.</li> </ul>	<p><b>Module 2 - Distinguishing Between Negotiating and Bargaining</b> Weeks 3 - 4</p>
	<p><b>Learning Objective #1:</b> Based on a selected scenario, apply and determine appropriate situations in your Negotiation Planning Document for using integrative or distributive negotiation skills.</p>
	<p><b>Lecture Content:</b></p> <ul style="list-style-type: none"> <li>• Integrative and distributive negotiation skills</li> </ul>
	<p><b>Reading Assignment:</b></p> <ul style="list-style-type: none"> <li>• TEXT, pgs 79-160</li> </ul>
	<p><b>Assignment:</b></p> <ul style="list-style-type: none"> <li>• Negotiation Planning Document 2</li> </ul>
	<p><b>Assessments:</b></p> <ul style="list-style-type: none"> <li>• In-class role play emphasizing integrative and distributive skills</li> <li>• Executive Summary 1</li> </ul>

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## Aligned CourseMap: Module 3 - Negotiating and Relating to Your Client and Counterpart

This section aligns Module 3 learning objectives with lecture content, readings, assignments and assessments.

<p><b>ABA Standards:</b></p> <ul style="list-style-type: none"> <li>• Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context</li> <li>• Exercise of proper professional and ethical responsibilities to clients and the legal system.</li> <li>• Other professional skills needed for competent and ethical participation as a member of the legal profession.</li> </ul>	<p><b>Module 3 - Negotiating and Relating to Your Client and Counterpart</b> Weeks 5-8</p>
	<p><b>Learning Objective #1:</b> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies for interpersonal communication styles.</p>
	<p><b>Lecture Content:</b></p> <ul style="list-style-type: none"> <li>• Communicating for information exchange, trust, apology, and power</li> </ul>
	<p><b>Reading Assignments:</b></p> <ul style="list-style-type: none"> <li>• TEXT, pgs 161-201</li> <li>• Andrea Kupfer Schneider</li> </ul>
	<p><b>Assignment:</b></p> <ul style="list-style-type: none"> <li>• Negotiation Planning Document 3</li> </ul>
	<p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>• In-class role play emphasizing interpersonal communication skills</li> </ul>
	<p><b>Learning Objective #2:</b> Based on a selected scenario, apply and practice strategies for understanding emotions.</p>
	<p><b>Lecture Content:</b></p> <ul style="list-style-type: none"> <li>• Understanding emotions</li> </ul>
	<p><b>Reading Assignment:</b></p> <ul style="list-style-type: none"> <li>• TEXT, pgs 202-313</li> </ul>
	<p><b>Assignment:</b></p> <ul style="list-style-type: none"> <li>• Negotiation Planning Document 4</li> </ul>
<p><b>Assessments:</b></p> <ul style="list-style-type: none"> <li>• In-class role play emphasizing the impact of emotions during negotiations.</li> <li>• Executive Summary 2</li> </ul>	

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## Aligned CourseMap: Module 4 - Negotiating Ethically

This section aligns Module 4 learning objective with lecture content, readings, assignments and assessments.

<p><b>ABA Standards:</b></p> <ul style="list-style-type: none"> <li>• Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.</li> <li>• Exercise of proper professional and ethical responsibilities to clients and the legal system.</li> <li>• Other professional skills needed for competent and ethical participation as a member of the legal profession.</li> </ul>	<p><b>Module 4 - Negotiating Ethically</b> Weeks 9-15</p>
	<p><b>Learning Objective #1:</b> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies that address culture, gender, and race.</p>
	<p><b>Lecture Content:</b></p> <ul style="list-style-type: none"> <li>• Impact of culture, gender and race during negotiations</li> </ul>
	<p><b>Reading Assignment:</b></p> <ul style="list-style-type: none"> <li>• TEXT, pgs 353-389</li> </ul>
	<p><b>Assignment:</b></p> <ul style="list-style-type: none"> <li>• Negotiation Planning Document 5</li> </ul>
	<p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>• In-class role play emphasizing the impact of culture, gender, and race when negotiating.</li> </ul>
	<p><b>Learning Objective #2:</b> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies that address ethical negotiation.</p>
	<p><b>Lecture Content:</b></p> <ul style="list-style-type: none"> <li>• Ethical negotiation</li> </ul>
	<p><b>Reading Assignment:</b></p> <ul style="list-style-type: none"> <li>• TEXT, pgs 393-429</li> </ul>
	<p><b>Assignment:</b></p> <ul style="list-style-type: none"> <li>• Negotiation Planning Document 6</li> </ul>
	<p><b>Assessments:</b></p> <ul style="list-style-type: none"> <li>• In-class role play emphasizing the ethical negotiations.</li> <li>• Executive Summary 4</li> </ul>
	<p><b>Learning Objective #3:</b> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies that address barriers to negotiation.</p>
	<p><b>Lecture Content:</b></p> <ul style="list-style-type: none"> <li>• Negotiation barriers</li> </ul>
	<p><b>Reading Assignments:</b></p> <ul style="list-style-type: none"> <li>• TEXT, pgs 315-351</li> <li>• Elizabeth L. Jeglic &amp; Alexander Jelic</li> </ul>
	<p><b>Assignment:</b></p> <ul style="list-style-type: none"> <li>• Negotiation Planning Document 7</li> </ul>
	<p><b>Assessments:</b></p> <ul style="list-style-type: none"> <li>• In-class role play emphasizing barriers to negotiations.</li> <li>• Executive Summary 5</li> </ul>
<p><b>Learning Objective #4:</b> Based on a selected scenario, apply and describe in your Negotiation Planning Document strategies that address negotiating multi-party cases and plea bargaining.</p>	
<p><b>Lecture Content:</b></p> <ul style="list-style-type: none"> <li>• Multi-party cases and plea bargaining</li> </ul>	
<p><b>Reading Assignments:</b></p> <ul style="list-style-type: none"> <li>• TEXT, pgs 469-508</li> <li>• Roger Swartz</li> <li>• G. Nicholas Herman</li> </ul>	

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	<ul style="list-style-type: none"><li>• Adam Liptak</li></ul>
	<b>Assignment:</b> <ul style="list-style-type: none"><li>• Negotiation Planning Document 8</li></ul>
	<b>Assessments:</b> <ul style="list-style-type: none"><li>• In-class role play featuring a multi-party case resulting in plea bargaining.</li><li>• Peer evaluation</li></ul>