

# COURSE SYLLABUS

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## LAW 7313 PRACTICE FOUNDATION II: CONFLICT RESOLUTION AND NEGOTIATION

UNT Dallas College of Law  
106 South Harwood Dallas, Texas 75201  
Spring 2021

Mondays 6:15pm -7:15 pm Rooms (TBA)  
Wednesdays 6:15pm – 8:15 pm (All Zoom sessions)

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### COURSE PROFESSOR

Prof. Laura A. Frase  
Office location: Room 411  
Office Hours: M/W/F 1:00 – 3:00 pm via Zoom or by appointment.  
Zoom link: <https://untdallas.zoom.us/j/81513530358>  
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### ADMINISTRATIVE SUPPORT:

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**COURSE PREREQUISITES:** Law 7312 - Practice Foundation I  
**CREDIT HOURS:** three credit hours

### COURSE DESCRIPTION

Welcome to LAW 7313 - Practice Foundation II: Conflict Resolution and Negotiation. Practice Foundation II provides a foundation for understanding and effectively engaging in essential lawyering skills of negotiation and conflict management, including principles and concepts relating to these essential skills, emphasizing simulation and practice exercises.

We negotiate every day, whether it be in our jobs, with others on the road, when we buy and sell items or with friends and family on where to go out to eat or go on vacation. No matter the area of law in which you intend to engage, negotiation proficiency will be a vital part of your practice.

Negotiation is an intentioned skill that requires planning and practice. It is also a nuanced, rhythmic dance, one easily learned by enthusiasts. You are already well on your way in your journey as a negotiator as several of the soft skills you learned in Practice Foundation I are fundamentally essential in enhancing your negotiation skills. In this course, you will become better at what you already, intuitively, know.

## LEARNING OUTCOMES

- Identify your natural bargaining and conflict resolution style and learn to employ multiple styles that assist in managing disputes;
- Understand the general principles of conflict resolution and negotiation, including an understanding of the factors that facilitate and those that hinder effective negotiation;
- Learn specific skills and tactics for distributive and integrative bargaining, including planning, conducting, and closing negotiations effectively;
- Understanding how soft skills, such as listening, silence, and perspective-taking enhance negotiation results;
- Understand the importance of the ethical obligations that attorneys have to their clients and others, especially the disciplinary rules that relate to negotiation;
- Understand the emotional and cognitive barriers to successful negotiation results;
- Facilitate complex problem solving in a methodical way to produce lasting solutions; and
- Develop an appreciation for and encourage the habit of self-assessment and reflection.

## COURSE DESIGN

To achieve these goals, the course is specifically designed to focus on negotiation and conflict management. Generally, the Monday classes will discuss the phases and components of negotiation and conflict management that will be the subject of the Wednesday small group sessions. While some of the Monday classes will be in lecture format, class participation and an exchange of ideas is vital. We all learn best when we learn from each other.

Short lectures introducing various negotiation concepts will be pre-recorded. It is intended that these recorded lectures augment our discussions and not replace class time. You are responsible for reviewing those lectures prior to class in which these concepts will be discussed. You may also have quizzes or pre-class assignments required to be completed before class that will help facilitate discussions.

**Wednesday Group Simulations.** In the Wednesday small group sessions, you will conduct simulated negotiations, largely representing the individual or organization described in your fact pattern. You must fully prepare and actively participate in the exercises. The purpose of these simulations is to give you, in your role of attorney, an opportunity to experiment with various styles and approaches and hone your skills in negotiating with another. You may be nervous. You may mess up. And that is the point of these exercises. These simulations are a safe place to struggle, practice and ultimately succeed. Only by stepping out of your comfort zone will you truly flourish in negotiating on behalf of clients.

These opportunities to learn should also be extended between classes. Many of the skills you learned in PF I also apply to negotiation. You should practice between simulations to truly see and experience improvement. Practice with each other in your study groups. Practice with your friends and family. You may be surprised that, even during these COVID times, there are many opportunities to get better. As you have heard me repeat, the neurons that fire together wire together.

Some of the finest attorneys and judges in Dallas will work with you as Adjunct Professors. During these simulations, you will be assessed on your demonstrated skills and will receive contemporaneous feedback from them. They are there to guide and mentor you through this process. Also, they will grade you on your successful demonstration of the skills learned. Take this opportunity to learn from the best, and develop a network for your future practices.

The simulations will be observed by your classmates. Because we always benefit from feedback from others' observations of our efforts, students must participate in oral feedback of your classmates.

For negotiation examples, you may want to google ABA Negotiation Competition videos which are typically recordings of the final rounds of various negotiation competitions. Take note, these videos may be student competitions so not all you will see are exemplary examples of negotiation skills.

**On-Line Negotiation.** Everyone will also actively participate in an On-line Inter-School Negotiation Practicum led by South Texas College of Law, Houston. This is a unique opportunity wherein, you will negotiate with someone from another school. Last term, over 17 different law schools participated. Typically, UNT Dallas COL students find this opportunity is a very valuable experience as it closely mimics real world negotiation opportunities. This negotiation will likely occur over the month of March. Each of you will register for the Practicum (I will provide the requisite links). I will be informed of those who do not go through with the negotiation. While the exercise is not graded, failing to participate will impact your grade. At the conclusion you will write a letter to the client you represented as an assignment, outlining the results of the negotiation. A rubric is provided.

**Assignments.** Periodically, you will review your notes, the recordings of your session and feedback and write about your experience. It is important that you be objective, truthful, and candid in those assessments. My grading will focus on what you have learned, the relationship of that learning to you personally, how the learning applies outside of class and what you can do to improve. An updated rubric is posted. The purpose of these self-assessment/reflective papers is to encourage regular analysis of your efforts and learning that is unique to you.

You will also write a memo to the file relevant to a simulation. These writing assignments are geared to instill:

1. Good habits in documenting client conversations;
2. Good writing skills;
3. An appreciation for how others will rely upon this documentation; and
4. An understanding of the ethical consequences of documenting client conversations.

All assignments are published on Canvas along with all of the deadlines. I strongly encourage you to record the due dates of all assignments now on your calendar, along with reminders. Please carefully review my Course Policies on assignments, including any that are late. **Assisting or suggesting ideas or subject matter to another classmate(s) upon which to write constitutes cheating and, therefore, a violation of the Honor Code. It is vital that you do your own work.**

## PARTICIPATION AND ATTENDANCE LIVE OR VIA ZOOM

Classes will be delivered simultaneously live in class rooms and on line via Zoom. All Wednesday night classes are delivered solely via Zoom, including the simulations.

**To connect to the Live Class sessions on Mondays via Zoom, please use the following link:**  
<https://untdallas.zoom.us/j/82830358204>

**To connect to the Live Class sessions on Wednesdays on Jan. 20<sup>th</sup> and Jan. 27<sup>th</sup> via Zoom, please use the following link:** <https://untdallas.zoom.us/j/81444621888>

These meetings links are also captured in Canvas under the Zoom tab.

**Class Participation.** All students are to fully participate and engage in class. This means you cannot conduct any other activity not related to class while in class. I will devote my full energy and attention to you and the learning and I expect each of you to do likewise. Please see the Course Policies.

For those engaging in class via Zoom, you are required to turn on your video during the sessions and attend the entire class. Failure to do either may mean that you are marked absent. Zoom records your attendance time and I will confirm during class that you are visible on camera. Roll will also be taken of those attending in the classrooms. You are welcome to create whatever background you would like as long as it is not distracting to me or other students and does not violate UNT Dallas College of Law or UNT Dallas policies. You will also have your video turned on during all group simulations, even if you are not actively conducting a negotiation. If personal circumstances require you to turn off your video, you must contact me to seek permission to do so before class.

**Zoom Negotiation Simulations.** You will receive a Zoom invitation to register for the Zoom simulation sessions. You must register to participate. Once you register, you will receive a link to the Zoom simulation sessions. **The link is unique to you and you will use the same link to join each simulation class, unless I instruct otherwise. It is therefore important that you keep up with your individual links.** You must log into the simulation session using the same email address you used to register. The individual links for the Wednesday simulation sessions are provided by LET personnel. If you have any difficulty with the link, you will need to contact LET.

The Zoom Chat function will be enabled for all classes. Private chats are not permitted. Any comment in the Chat box must be directed to everyone. Recall that all comments in the chat box are recorded while the Zoom session is recording. **Unless I say otherwise, chats using other media (text, etc.) during class or the simulations is not permitted.**

Each simulation session will be recorded. During the small group simulations, I will request that a student record that session. It is that student's responsibility to make sure the recording is uploaded to Canvas in the correct team folder for viewing by your team mates.

## REQUIRED TEXTBOOKS

G. Richard Shell *BARGAINING FOR ADVANTAGE: NEGOTIATION STRATEGIES FOR REASONABLE PEOPLE*, Penguin Books, Third Edition, 2018 (hereinafter referred to as “*Bargaining*”). Make sure you buy the version with the blue cover.

Roger Fisher and William Ury *GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN*, Penguin Books, Third Edition, 2011 (hereinafter referred to as “*GTY*”).

Additional materials may be assigned throughout the semester and will be posted to Canvas.

## MIDTERM AND FINAL EXAM

The Midterm and Final Exams will be conducted in ExamSoft. These exams will include multiple choice questions and an analysis of a fact pattern.

## HONOR CODE

By enrolling at the UNT Dallas College of Law, all students accept and agree to abide by the College of Law Honor Code. The Honor Code requires that students behave with academic integrity. This requirement of academic integrity means that a student shall not cheat, plagiarize, or falsify in any academic matter. The Honor Code also requires all students to report any violations they see others commit. For my class, the Honor Code also specifically applies to all simulations and negotiation exercises. Unless instructed otherwise by me, you cannot discuss these fact patterns with fellow classmates or those who have previously taken this course. Any effort made to acquire information about a fact pattern (such as searching for it on line or acquiring the fact pattern from other sources independent of this class) or sharing information in the fact pattern with others is a violation of the Honor Code. The full Honor Code is available in the COL Student Handbook and on the COL website. For more information, please see the Course Policies.

## COURSE POLICIES

Please see the Course Policies for the full statement of Academic Performance Expectations, Disability Polices and other vital information. You are to be familiar with the academic performance expectations and these course policies and to conduct yourselves accordingly. **You are required to read and acknowledge the Course Policies as one of your assignments.**

## GRADING

**Only the Midterm and Final exams are graded anonymously.** Effort will be made to grade your Canvas Submissions anonymously but cannot be guaranteed.

Students are expected to come to class fully prepared to discuss all readings and to participate actively in class sessions. If you should come to class unprepared, it is in my discretion to mark you absent from class for being unprepared.

**Ungraded Assignments.** Some assignments are ungraded or graded on a complete/incomplete basis. Students are expected to put forth a good faith effort in all projects and assignments, whether they are graded or not. Failure to do so will negatively impact your grade, as determined at my discretion, including an issuance of an unexcused absence or issuance of an incomplete. An incomplete is calculated as a zero.

Your grade in this course will be based on the following:

Quizzes and assignments other than graded assignments	5%
Periodic reflective self-evaluations	20%
Weekly simulations, periodically graded	40%
Midterm exam	15%
Final exam	20%

This allocation of percentages may change depending upon the inclusion of additional assignments or for other reasons. Grades will be impacted by unexcused tardiness/absence or turning in work late. Deadlines and timeliness are integral to the practice of law. Start acquiring those good habits now. See Course Policies for further information.

**Adjunct Professor Grading.** The simulations in this course are graded by Adjunct Professors. Many of your Adjunct Professors have extensive experience practicing law in a variety of practice areas. They have earned and deserve the same respect you show your full time professors. Each Adjunct Professor is responsible for and has sole discretion on grading your Simulation efforts. If you have any concerns about any grades or feedback you receive from any Adjunct Professor, you must discuss the issue with that Professor first. I will not change any Adjunct Professor's grades unless there are extraordinary circumstances involved.

Below is my grade scale:

Score	Grade
97.00-100%	A+
93-96.99%	A
90-92.99%	A-
87-89.99%	B+
83-86.99%	B
80-82.99%	B-
77-79.99%	C+
73-76.99%	C
70-72.99%	C-
60-69.99%	D

## COURSE COVERAGE

This syllabus is an approximation of what we will cover and when. It may be supplemented and is subject to change as we progress through the semester. I will announce any updates during class meetings or via Canvas. The expectations, descriptions, and due dates for assignments are posted now. Most of your submissions must likewise be uploaded to Canvas.

It is your responsibility to read and understand the additional materials on Canvas. Materials may be added during the term. Please regularly check to make sure you are up to date on the postings and all reading materials.

<b>Date</b>	<b>Course Subject</b>	<b>Assignment</b>
Class 1 Jan. 20	Overview - Negotiation and Bargaining Styles, Preparation and Terms	<i>Bargaining</i> , Ch. 1-5, App. A <i>GTY</i> Ch. 6 Materials on Canvas
Class 2 Jan. 25	Negotiation Preparation and Terms Continued	Materials on Canvas
Class 3 Jan. 27	Distributive Bargaining Meet the Adjuncts	<i>Bargaining</i> , Ch. 7-8 & App. C Materials on Canvas
Class 4 Feb. 1	Power of Questions, Listening and Silence	Materials on Canvas
<b>Feb. 3</b>	Simulation # 1	
Class 5 Feb. 8	Opening and Closing with Authority	<i>Bargaining</i> , Ch. 9-10 Materials on Canvas
<b>Feb. 10</b>	Simulation #2	
Class 6 Feb. 15	Leverage	<i>Bargaining</i> Ch. 6 Materials on Canvas
<b>Feb. 17</b>	Simulation # 3	
Class 7 Feb. 22	Breaking Impasse	<i>Bargaining</i> , Ch. 11
<b>Feb. 24</b>	Simulation #4	
Class 8 March 1	Persuasive Techniques	Materials on Canvas
<b>March 3</b>	Simulation #5	
March 8-12	MIDTERM WEEK	
Class 9 March 15	Conflict Resolution Models and Strategies	Materials on Canvas
<b>March 17</b>	Simulation # 6	
Class 10 March 22	Integrative Bargaining and Brainstorming	<i>GTY</i> Ch. 1-5 Materials on Canvas
<b>March 24</b>	Simulation #7	
Class 11 March 29	Continue Integrative Bargaining	Materials on Canvas

<b>Date</b>	<b>Course Subject</b>	<b>Assignment</b>
<b>March 31</b>	Simulation # 8	
Class 12 April 5	Ethics in Negotiation	<i>Bargaining</i> , Ch. 12 & App. B Materials on Canvas
<b>April 7</b>	Simulation #9	
Class 13 April 12	Negotiating Plea Bargains	Materials on Canvas
<b>April 14</b>	Simulation #10	
Class 14 April 19	Emotions and Barriers in Negotiations	<i>GTU</i> Ch. 7-8 Materials on Canvas
<b>April 21</b>	Simulation # 11	
Class 15 April 26	Multi-party Negotiations, Forming Coalitions, Final Thoughts and Review	<i>Bargaining</i> , Conclusion <i>GTU</i> Conclusion & 10 Questions Asked, Materials on Canvas
<b>April 28</b>	Simulation # 12	
May 3	READING DAY	
TBD	FINAL EXAM	

## COMMUNICATIONS

You are welcome to meet with me at any time, even outside of my normal office hours. I do not believe I will be regularly found in the building or in my physical office. To ensure we have sufficient time to talk, please make an appointment, if possible. Given the issues with COVID-19 this term, any person to person meetings with me will be conducted in private conference rooms rather than my office. I also have regular Zoom office hours as indicated on page one. Out of an abundance of caution, if you want to meet with me during Zoom office hours, please email me ahead of time so I leave space available for you. Email is the best way to contact me for an appointment. Any email correspondence should include the class name in the subject line. Further, telling me about an issues before or after class will mean your concerns are not memorialized. You should not rely on my memory concerning your issues. Please also do not rely only on office voice mail.

You are also welcome to contact me via email with any issues and concerns. If you have not received an answer from me via email in 24 hours during the business week, please email me again. I do not always check my emails over the weekends. I do not regularly check other programs that may have an email or message interface. For example, I do not check Canvas for messages, so please email me directly.

I also regularly communicate with the class via Canvas Announcement. Please thoroughly review any announcement I circulate. A lot of your questions about assignments and simulations will be answered there.

I look forward to working with you in PF II.