

## NEGOTIATION AND MEDIATION

LAWS 4460

Fall 2019

Professor Wesley Parks

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Mondays and Wednesdays, 7:30 p.m. to 8:45 p.m.

Dear Students:

Welcome to Negotiation and Mediation. I hope you all had a restful summer break.

This semester, you will learn fundamental lawyering skills related to representing clients in negotiation and mediation settings, as well as acquire basic proficiency in mediation practice. Although many law schools teach negotiation and mediation as independent courses, in practice, these two processes are often inextricably intertwined. Negotiation is, after all, the foundation for mediation.

Throughout the course, we will conduct negotiation and mediation simulations where you will have the opportunity to play the roles of attorney advocate, negotiator, mediator, and client. The course builds cumulatively from simple negotiations to those of greater complexity, starting with two-party, single-issue negotiations and building toward multi-party, multi-issue mediations that evolve over time and frequently involve party advocates. The course progresses step-by-step through the negotiation and mediation processes.

If you have not yet purchased your required textbooks, you should do so as soon as possible. Readings will be assigned from the required textbooks and additional required readings will be posted on Canvas. The required textbooks are listed below:

*Getting to Yes: Negotiating Agreement Without Giving In*

Roger Fisher, William L. Ury, Bruce Patton

Publisher: Penguin Books; Updated, Revised Edition (May 3, 2011)

ISBN-10: 0143118757

ISBN-13: 978-0143118756

*Getting Past No: Negotiating in Difficult Situations*

William Ury

Publisher – Bantam; Revised Edition (January 1, 1993)

ISBN-10: 0553371312

ISBN-13: 978-0553371314

*Mediation: Practice, Policy, and Ethics* (hereinafter “*Mediation*”)

Carrie Menkel-Meadow, Lela Porter Love, Andrea Kupfer Schneider

Publisher: Wolters Kluwer; 2nd Edition (August 22, 2013)

ISBN-10: 1454802626

ISBN-13: 978-1454802624

**Remember: Additional required course readings and materials will be posted on Canvas. Please check Canvas frequently.**

The course begins on day one with a focus on conflict and an assessment of your own conflict style. Your first in-class negotiation exercise will occur on day two. You will find your assignments for the first week of class below:

<b>Class</b>	<b>Topics and Assignments</b>
Class 1: August 19	<p data-bbox="558 558 1377 632"><b><i>Introduction to the Class, Class Overview, and Understanding your Personal Conflict Style</i></b></p> <p data-bbox="558 667 732 701"><b>Assignment:</b></p> <ul data-bbox="558 705 1421 1251" style="list-style-type: none"><li data-bbox="558 705 1073 739"><input type="checkbox"/> Read <i>Mediation</i>, Chapter 1, pp. 3-33</li><li data-bbox="558 779 1421 852"><input type="checkbox"/> Read <i>Style Matters™: the Kraybill Conflict Style Inventory</i>, pp.1-23, and take the conflict style assessment, on CANVAS</li><li data-bbox="558 892 1421 1062"><input type="checkbox"/> Prepare to be interviewed by a classmate, who will introduce you to the class. You will be asked: (1) What is your name and year in law school; (2) Where is your hometown; (4) Why are you taking this class; and (5) What is your Kraybill style of responding to conflict?</li><li data-bbox="558 1102 1159 1136"><input type="checkbox"/> In class, Group Project partner assignments</li><li data-bbox="558 1176 1321 1251"><input type="checkbox"/> In class, obtain instruction sheet on proposals for Group Project</li></ul>
Class 2: August 21	<p data-bbox="558 1291 1317 1325"><b><i>Overview of Negotiation Processes; Stages of Negotiation</i></b></p> <p data-bbox="558 1360 732 1394"><b>Assignment:</b></p> <ul data-bbox="558 1398 1409 1619" style="list-style-type: none"><li data-bbox="558 1398 1081 1432"><input type="checkbox"/> Read <i>Mediation</i>, Chapter 2, pp. 35-52</li><li data-bbox="558 1472 1409 1545"><input type="checkbox"/> Read Menkel-Meadow <i>et al.</i>, <i>Negotiation</i>, Chapter 1, pp. 31-36 on CANVAS</li><li data-bbox="558 1585 1159 1619"><input type="checkbox"/> In class, <i>Bargaining Negotiation Simulation</i></li></ul>

I look forward to meeting you all.

Sincerely,

Wesley Parks