

COURSE TITLE

NEGOTIATION WORKSHOP

Instructor Name:

Ewa Gmurzyńska, JD, PhD, LLM

Professor of Law

Faculty of Law and Administration

University of Warsaw

ewagmurzynska@gmail.com

(48) 501 70 22 96 (Poland)

(404) 630 79 19 (US)

Office hours: Mondays, after email notification. Zoom personal room link for office hours will be provided.

COURSE DESCRIPTION:

Course Description

Negotiation is an essential skill across all professions and plays a vital role in business and work environments, as well in legal disputes. It is a core component of Alternative Dispute Resolution (ADR), which includes not only negotiation but also mediation, arbitration, and other conflict resolution processes.

This 1-credit course introduces students to key negotiation strategies, with a focus on both interest-based and position negotiation. Drawing on negotiation theory, the course explores how strategic choices influence outcomes in business and work controversies.

Students will learn about the common dilemmas faced by negotiators, typical mistakes made during negotiations, and the cognitive and professional barriers that can hinder effective communication. During the course, mediation will also be introduced as a form of enhanced negotiation, highlighting its benefits and distinctions by comparison to negotiation.

Depending on the composition of the class, elements of cultural and international negotiation dynamics may also be explored.

This course is designed as an interactive workshop in which active participation of the students is important. It will allow students to engage with the material through experiential learning.

Students will participate in role-plays - negotiation and mediation simulations, group work, video analysis, and class discussions. Self-reflective writing assignments will also support personal and professional growth.

This 1- hour credit class includes a maximum four classes online – each 2 hours 30 minutes and 30 hours (1800 minutes) of out of class work which include reading materials, watching video clips, preparing reflective papers, and taking part in simulations.

Course Objectives and Learning Outcomes

The objective of this course is to introduce students to negotiation as an effective tool for conflict resolution in business and workplace settings. The course also provides an introduction to other forms of Alternative Dispute Resolution such as mediation and arbitration.

By the end of the course, students will be able to:

- Understand the major strategies used in negotiation, including positional and interest-based approaches.
- Recognize cognitive and professional barriers that can hinder successful negotiations.
- Know major concepts in negotiation
- Identify the most common mistakes made by negotiators and understand key negotiation dilemmas.
- Learn about mediation as enhanced negotiation and its benefits
- Distinguish between negotiation, mediation, and arbitration, and understand their respective advantages and limitations.
- Reflect on personal negotiation style and approach to conflict resolution and identify areas for development.

REQUIRED AND RECOMMENDED READINGS

Roger Fisher, William L. Ury and Bruce Patton. *Getting to Yes*, 2011

Bruce Patton, *Seven Elements of Negotiation* (electronic version provided)

Dwight Golan, *Cognitive Barriers to Effective Negotiation and How to Overcome Them* (ADR Currents, 2001 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1854685)

Mediation – OpenStax Business Law I Essentials
<https://openstax.org/books/business-law-i-essentials/pages/2-2-mediation>

Roger H. Mnookin, *Why Negotiation Fails*
<https://kb.osu.edu/server/api/core/bitstreams/b70279c4-d3fc-5f77-b403-2b101d6f5a22/content>

Kenneth Arrow at all, *Barriers to Conflict Resolution* (electronic version provided)

Roger Fisher, David Shapiro, *Beyond Reason* (electronic version provided)

Michael Leathes, Dispute Resolution Mules; <https://imimmediation.org/wp-content/uploads/2017/11/dispute-resolution-mules-final-.pdf>

Summary by Tanya Glaser of Moore, Christopher W. – *The Mediation Process: Practical Strategies for Resolving Conflict*

Link: <https://www.beyondintractability.org/bksum/moore-mediation>

Florida Courts – Basics of Mediation

Link: <https://www.flcourts.gov/Services/alternative-dispute-resolution/mediation>

WEEKLY COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS, INCLUDING A LIST OF IMPORTANT DEADLINES:

The class will meet online 4 times during the semester.

Each session will last up to 2 hours 30 minutes.

Classes will be recorded and provide to the students.

Participation in the class is recommended, specially when simulation of negotiation or mediation is planned.

There will be several reflective papers required during the class. The format for the papers is as follows:

Font: Times New Roman, size 12; Line spacing: 1.5

The dates and timing of two March classes will be determined through doodle pool at the beginning of the semester.

The following topics will be covered during the class, using primarily interactive teaching methods such as role plays, group discussions, video clip analyses.

NEGOTIATION WORKSHOP OUTLINE

Week of January 19 – Basics of Negotiation

Readings

- R. Fisher, W. Ury, *Getting to Yes*, pp. 1–82

Lecture

- Watch Professor William Ury's lecture "Transforming conflict in three steps"
- Link: <https://www.youtube.com/watch?v=jEUopLA3UoM> Assignment
- Write a 3-page paper on the major elements of successful negotiation based on the readings and lecture of Professor Ury

Due Date: January 20, by the end of the day

Submission to : ewagmurzynska@gmail.com

Week of January 26 – Position-Based and Interest-Based Negotiation

Readings & Media

- Bruce Patton, *Seven Elements of Negotiation* (electronic version provided)

- Watch movie: *Position vs. Interests – Harvard Law School*
<https://youtu.be/BLBRRNwMZNE>

Online Class – January 29 Thursday at 7 pm (2.5 hours, including simulation)

- Understanding negotiation as a process of mutual decision-making
- Basic Types of Negotiation:
 - Problem-Solving (Integrative) Negotiation – focus on mutual gains and interests
 - Positional (Distributive) Negotiation – focus on claiming value and fixed outcomes
- The Negotiator's Dilemma:
 - Balancing cooperation and competition
 - Strategic tensions in negotiation
- **In-class simulation**

Week of February 1

Assignment 1

- Reflection paper on negotiation simulation (approx. 2 hours)

Due Date: February 4, by the end of the day

Submission: ewagmurzynska@gmail.com

Assignment 2

Watch the video by Bob Bordone on preparation for negotiation

https://www.youtube.com/watch?v=ELiqKebGzQo&list=PL1Wc3h8pnkB86HkJB5GR9doU__z_wjkYjW

Week of February 9 – Preparation, Stages, and Main Concepts of Negotiation

Online Class – February 12 Thursday (2.5 hours, with simulation)

- Stages of negotiation
- Effective preparation for negotiation
- Key concepts: BATNA, WATNA, ZOPA
- In-class simulation

Weeks of February 16 & February 23 – Effective Communication and Persuasion in Negotiation

Readings

- Active Listening Handout (electronic version provided)

Assignment 1

- After receiving scenarios from the instructor, paraphrase or reframe in writing what the other person is saying
- **Submission to:** ewagmurzynska@gmail.com by February 18

Assignment 2

- Group work (pairs): One student tells a story, the other practices active listening techniques. You can also work with a family member or friend.
- Reflection paper: Which techniques were effective and how they encouraged storytelling
Submission to: ewagmurzynska@gmail.com by February 28

Assignment 3

- Watch movie on bargaining strategies:
<https://www.youtube.com/watch?v=BA0DParCiww>
- Write a reflective paper on bargaining tactics in the video. Identify which tactics in negotiation were most effective.
- **Submission to:** ewagmurzynska@gmail.com by February 22

Week of March 2 – Mediation as Enhanced Negotiation

Readings/Media

Mediation – OpenStax Business Law I Essentials

<https://openstax.org/books/business-law-i-essentials/pages/2-2-mediationRequired> / Assigned Resources

Summary by Tanya Glaser, Conflict Research Consortium of Moore, Christopher W. – *The Mediation Process: Practical Strategies for Resolving Conflict*

Link: <https://www.beyondintractability.org/bksum/moore-mediation>

ADR Court-Annexed Mediation (Video / Program)

Link: <https://www.google.com/search?q=basics+of+court+annexed+mediation>

Florida Courts – Basics of Mediation

Link: <https://www.flcourts.gov/Services/alternative-dispute-resolution/mediation>

Assignment

- Watch movie on commercial mediation (link to be provided)
 - Prepare notes for class discussion on:
 - Stages of mediation
 - Role of the mediator
 - Role of the parties
 - Role of lawyers(approx. 2 hours)
-

Week of March 9

Online Class (date and time TBD) (2.5 hours, including mediation simulation)

- Negotiation as part of ADR (Alternative Dispute Resolution)
 - Overview of ADR
 - Mediation as ADR and enhanced negotiation:
 - Stages
 - Rules
 - Role of a neutral third party
 - **Mediation simulation**
-

Week of March 16

Assignment

- Reflection paper on mediation simulation
 - **Submission to:** ewagmurzynska@gmail.com by March 20
-

Week of March 23 – Conflict and Barriers to Resolution

Readings

- R.H. Mnookin, *Why Negotiation Fails*
<https://kb.osu.edu/server/api/core/bitstreams/b70279c4-d3fc-5f77-b403-2b101d6f5a22/content> – 1 hour
- K. Arrow, *Barriers to Conflict Resolution* (electronic version provided) – 1 hour
- R. Fisher, D. Shapiro, *Beyond Reason* (electronic version provided) – 30 minutes
- Dwight Gollan, *Cognitive Barriers to Effective Negotiation and How to Overcome Them*
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1854685

Assignment

- A copy of the test on approaches to conflict modes will be provided. Please complete the test and keep it for your reference. During the next class, the instructor will discuss the results

Week of April 6 – Theory of Conflict and Conflict Resolution

Online Class (2.5 hours) – date and time tbd

- Understanding conflict: definitions and key concepts
- Approaches to conflict resolution
- Barriers in negotiation and conflict resolution
- Class discussion

Week of April 13 – Course Review

- Review of course materials
- Final reflection paper on negotiation/mediation
Due Date: April 20
(Topic will be provided at a later time)

CLASS ATTENDANCE & MAKEUP POLICIES:

Students are strongly encouraged to attend all classes online, due to interactive from of the class. All classes will be recorded and made available for the students.

In the case of absence during the class due to an important matters, students are asked to inform the instructor about the absence. Because active participation is an essential part of the course,

students who miss a class may be asked to complete additional home assignment to make up for the missed content and activities.

Observance of Religious Holidays:

UF Law respects students' observance of religious holidays. Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

EVALUATION METHODS

After completing the class, students will receive a final grade. The final grade will be based on:
class discussion participation (10%)
writing assignments (50%)
participation in simulations and role plays (40%)

EXAM DELAYS AND ACCOMMODATIONS:

The law school policy on exam delays and accommodations can be found [here](#).

STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES:

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean Brian Mitchell. Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available [here](#).

STUDENT COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments.

UF students are also bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’” The Conduct Code specifies a number of behaviors that are in violation of this code and the possible sanctions. [Click here to read the University Conduct Code](#). If you have any questions or concerns, please consult with the instructor in this class.

RECORDINGS:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student.

RESOURCES:

Wellness:

U Matter, We Care: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.

Counseling and Wellness Center: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.

Student Health Care Center: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).

GatorWell Health Promotion Services: For prevention services focused on optimal wellbeing, including Wellness Coaching for Academic Success, visit the [GatorWell website](#) or call 352-273-4450.

Academic & Tech Support Resources:

E-learning technical support: Contact the [UF Computing Help Desk](#) at 352-392-4357 or via e-mail at helpdesk@ufl.edu.

On-Line Students Complaints: [View the Distance Learning Student Complaint Process](#).