

COURSE SYLLABUS
CHULALONGKORN UNIVERSITY

- 1 Course Number : 3400655
- 2 Course Credit : 3 Credits
- 3 Course Title : ADR (part 2 Negotiation)
- 4 Faculty/Department : Law
- 5 Semester (First/Second/Summer): Second
- 6 Academic Year : 2559 (2016)
- 7 Instructor/Academic Staff: Catherine Morris (classes 9-16)
- 8 Condition
 - 8.1 PrerequisiteN.A.....
 - 8.2 Corequisite.....N.A.....
 - 8.3 Concurrent.....N.A.....
- 9 Status of the Course : Elective
- 10 Curriculum : LL.M. (Business Law)
- 11 Degree : Master degree
- 12 Hours/Week : Lecture 3 Hours
See schedule below
- 13 Course Description :

This portion of the ADR course explores theory and practice of negotiation including basic strategies and skills for case assessment, preparation and engagement in negotiation of transactions and disputes. The course also explores issues such as gender, culture and ethical challenges in negotiation and dispute resolution.

- 14 Additional Course Description: See below.

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15 Course Measure

15.1 Practical purpose

By the end of this course, it is hoped participants will:

- understand concepts and terms relevant to dispute resolution, particularly negotiation;
- be aware of several approaches to decision making and dispute resolution, including negotiation, mediation (and conciliation), arbitration, litigation and legislation;
- be able to assess a situation to determine its suitability for negotiation;
- understand distributive and integrative approaches to negotiation;
- understand several strategies for negotiation, including competitive and collaborative approaches;
- be able to prepare for negotiation;
- understand and be able to apply a process of integrative negotiation;
- understand several skills for negotiation;
- understand the importance of culture in conflict, and be able to articulate some of the ways culture and gender affects their own perspectives and approaches to negotiation;
- understand some ethical, human rights and public policy issues relevant to negotiation.

15.1 Learning Contents

- *Syllabus*: The syllabus (pdf) is at www.lampion.bc.ca/University/Chulalongkorn/MorrisSyllabus2016.pdf. Also see a link to the syllabus is on the course webpage: www.lampion.bc.ca/University/Chulalongkorn/Negotiation2016.html. Watch for announcements and class powerpoint notes on the course webpage.

Class 9

Tuesday, 25 October 2016, 9 am

Introduction and Foundations for Negotiation

- 30-minute quiz on pre-course readings, 9 am sharp (5% of your grade)
- What is negotiation? Some different definitions
- Negotiation: One of several processes for dispute resolution
- **Required readings for this class (NOTE: *the quiz covers all six readings listed for this class – approximately 120 pages*):**
 - Morris, Catherine. *The Good Negotiator: Negotiation Theory, Processes and Skills for Lawyers*, 2016, available at www.lampion.bc.ca/University/Chulalongkorn/MorrisNegotiationManual2016.pdf (hard copy available at the LLM office), Chapters 1-3, pp 1-64 (64 pages).
 - Book summary: Fisher, Roger, William Ury and Bruce Patton. *Getting to Yes: Negotiating Agreement without Giving In*. 2nd ed. New York: Penguin Books,

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- 1991, www.colorado.edu/conflict/peace/example/fish7513.htm (5 pages).
- UN Human Rights Council, UN *Guiding Principles on Business and Human Rights Implementing: the United Nations “Protect, Respect and Remedy” Framework*, A/HRC/RES/17/4, <http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR-EN.pdf> (40 pages).
 - Frangos, John, and Michael Ramirez. *Anti-Corruption Law in Thailand: A Practical Guide for Investors*. Bangkok: Tilleke and Gibbons, January 2016, Available at http://www.tilleke.com/sites/default/files/2016_Jan_Anti-Corruption%20Law%20in%20Thailand%20-%20A%20Practical%20Guide%20for%20Investors.pdf (7 pages)
 - University of Victoria, Policy on Academic Integrity, <http://web.uvic.ca/calendar2016-09/undergrad/info/regulations/academic-integrity.html>. (7 pages)
 - Course syllabus: www.lampion.bc.ca/University/Chulalongkorn/MorrisSyllabus2016.pdf (7 pages)

Class 10

Wednesday, 26 October 2016, 9 am

Preparation for Negotiation

➤ **Homework Assignment: News “roundup”.**

Find a news article or short report online about a specific case that seems typical of a situation you might like to be able to negotiate. **By 4 pm on 25 October 2016**, please send a **citation to the news article or report and a URL link** to the instructor at cmorris@uvic.ca. The news article you bring could be about a dispute or negotiation (with a connection to Thailand or to your own country) that has posed challenges or in which there has been some success. The article or report could be about:

- a business or consumer dispute or transaction, or
- a negotiation or dispute about a legal, trade, treaty or business-related policy issue, or
- a negotiation or a dispute in an educational or government institution.

In class on 26 October 2016 (and on other days), we will use the news articles in case study discussions.

- Exercise: "Win as Much as you Can" (handout)
 - “Tit for tat” strategy
 - Three types of negotiation: Hard, soft and “interest-based”
- **Required readings for this class:**
- Morris *The Good Negotiator*, Chapter 3 (**previously read**)

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Class 11 **Thursday, 27 October 2016, 9 am**

Distributive Bargaining

- Bargaining goal, range, limits and alternatives
- Principles of distributive bargaining
- Some "hard bargaining" tactics
- Simulated negotiation and discussion
- **Readings for this class:**
 - Morris *The Good Negotiator*, Chapter 3 (**previously read**)

Class 12 **Friday, 28 October 2016, 9 am**

Integrative Approaches to Negotiation

- Negotiation exercise (handout)
- Principles of integrative negotiation
- Negotiation process in detail (roleplay)
- **Readings for this class:**
 - Morris *The Good Negotiator*, Chapter 3 (**previously read**)
 - Book summary: Fisher, Roger, William Ury and Bruce Patton. *Getting to Yes: Negotiating Agreement without Giving In*. 2nd ed. New York: Penguin Books, 1991, <http://www.colorado.edu/conflict/peace/example/fish7513.htm> (**previously read**)
- **NOTE: Assignment due:** Complete the online survey **by 4 pm, Sunday, 30 October 2016:**
 - **FIRST** read: Salacuse, Jeswald W. "The top ten ways that culture can affect your negotiation." *Ivey Business Journal* (Sept-Oct 2004), <http://iveybusinessjournal.com/publication/negotiating-the-top-ten-ways-that-culture-can-affect-your-negotiation/> (**6 pages**)
 - **THEN**, by Sunday 30 October at 4 pm, please do the confidential survey at <https://www.surveymonkey.com/r/6B5PVD8>. **BEFORE submitting, PRINT** your completed survey.
 - **Bring it to class on Tuesday, 1 November:** In this class you will be asked to participate in a discussion based on the article and survey. Students will find it difficult to participate effectively in this discussion unless they have read the Salacuse article and completed the survey. See list of other readings below.

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Class 13 **Monday, 31 October 2016, 9 am**
Integrative Approaches to Negotiation (continued)

Class 14 **Tuesday, 1 November 2016, 9 am**
Culture, gender and negotiation

- What is “culture”?
- How does culture affect negotiations? Does gender matter?
- Class survey, case study and discussion (see above).
- **Required readings for this class:**
 - Morris, Chapter 4 (**23 pages**)
 - Salacuse, Jeswald W. “The top ten ways that culture can affect your negotiation.” *Ivey Business Journal* (Sept-Oct 2004), <http://iveybusinessjournal.com/publication/negotiating-the-top-ten-ways-that-culture-can-affect-your-negotiation/>

Class 15 **Wednesday, 2 November 2016, 9 am**
Ethics and negotiation

- ethics and negotiation including case studies
- **Required readings for this class:**
 - Morris workshop manual Chapter 5 (**20 pages**)
 - *Regulation of the Law Society Of Thailand Relating To Lawyer Etiquette B.E. 2529*, www.lampion.bc.ca/University/Chulalongkorn/Lawyer-Etiquette.pdf (**4 pages**)
 - International Bar Association. *International Code of Ethics*. 2011, <http://www.ibanet.org/Document/Default.aspx?DocumentUid=1730FC33-6D70-4469-9B9D-8A12C319468C> (**35 pages**)

Class 16 **Thursday, 3 November 2016, 9 am**
Negotiation in the public interest: Business, human rights and corruption

- **Required readings for this class**
 - UN Human Rights Council, *UN Guiding Principles on Business and Human Rights Implementing: the United Nations “Protect, Respect and Remedy” Framework*, A/HRC/RES/17/4, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (**previously read - 40 pages**)
 - Frangos, John, and Michael Ramirez. *Anti-Corruption Law in Thailand: A Practical Guide for Investors*. Bangkok: Tilleke & Gibbons, 2016, www.tilleke.com/sites/default/files/2016_Jan_Anti-Corruption%20Law%20in%20Thailand%20-%20A%20Practical%20Guide%20for%20Investors.pdf (**previously read, 7 pages**)

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Final Exam 4 November 2016, 9 am to 12 noon

Note: The last 90 minutes of ADR final exam will be reserved for the negotiation portion of the course (30 marks)

15 Method of Teaching

This course is taught in English. Methods for teaching include:

- Readings. Course participants are requested to read relevant materials before class.
- Lectures;
- Group discussions and brief, informal student presentations;
- Practice exercises, case studies and negotiation simulations.

15.1 Teaching Material

- Morris, Catherine. *The Good Negotiator: Negotiation Theory, Processes and Skills for Lawyers*. Victoria, BC: Lampion Pacific Law Corporation, November 2014. (Linked on the course website <http://www.lampion.bc.ca/University/Chulalongkorn/Negotiation2016.html>. Direct link to the Manual: www.lampion.bc.ca/University/Chulalongkorn/MorrisNegotiationManual2016.pdf (pick up a hard copy at the LLM office)
- Online articles listed in this syllabus.
- Other readings may be provided.

15.2 Grading Measure (50 marks)

- **(5 marks) Pre-course reading assignment and exam on Tuesday 25 October 2016:**
Before the course begins, please carefully read:
 - *The Good Negotiator: Negotiation Theory, Processes & Skills for Lawyers*, available at www.lampion.bc.ca/University/Chulalongkorn/MorrisNegotiationManual2016.pdf
Please read Chapters 1-3 of the course manual;
 - Book summary: Fisher, Roger, William Ury and Bruce Patton. *Getting to Yes: Negotiating Agreement without Giving In*. 2nd ed. New York: Penguin Books, 1991, available at www.colorado.edu/conflict/peace/example/fish7513.htm
 - UN Human Rights Council, UN *Guiding Principles on Business and Human Rights Implementing: the United Nations "Protect, Respect and Remedy" Framework*, A/HRC/RES/17/4, www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
 - Frangos, John, and Michael Ramirez. *Anti-Corruption Law in Thailand: A Practical Guide for Investors*. Bangkok: Tilleke and Gibbons, January 2016, Available at http://www.tilleke.com/sites/default/files/2016_Jan_Anti-Corruption%20Law%20in%20Thailand%20-

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[%20A%20Practical%20Guide%20for%20Investors.pdf](#)

- University of Victoria, Policy on Academic Integrity, available at <http://web.uvic.ca/calendar2016-09/undergrad/info/regulations/academic-integrity.html>.
 - The complete course syllabus found at www.lampion.bc.ca/University/Chulalongkorn/MorrisSyllabus2016.pdf (7 pages)
 - You are expected to be familiar with all these readings by the first day of class. There will be a 30-minute, open book, short-answer quiz based on these readings on Tuesday, 25 October 2016 at 9 am sharp.
 - If you have any questions about the readings or the quiz, you are very welcome to email the instructor at cmorris@uvic.ca.
- **(15 marks) Class attendance and participation.** Criteria for evaluation of classes 9 to 16 of the ADR course include:
- On-time attendance at all classes for the entire class, good class preparation including readings and completion of homework assignments, readiness for informed discussion when the classes begin, attentiveness, respectful listening to all class members, and cooperation with all others in class.
 - Students may also be requested to make short, informal presentations on readings or findings of class exercises. To ensure that students feel comfortable speaking out and practicing, students are not graded on their performance in class presentations, discussions, practice exercises or simulated negotiations.
 - Homework assignment **due by 4 pm on 25 October 2016**: News round-up for discussion on 26 October 2016 and other days as may be assigned (see below).
 - Homework assignment **due by Sunday 30 October 2015 at 4 pm and class exercise on 1 November 2016**: Class survey and discussion on culture and negotiation:
 - Read: Salacuse, Jeswald W. “The top ten ways that culture can affect your negotiation.” *Ivey Business Journal* (September-October 2004), <http://iveybusinessjournal.com/publication/negotiating-the-top-ten-ways-that-culture-can-affect-your-negotiation/>
 - Complete the online survey and submit it by Sunday, 30 October 2016 at 4 pm. Print your completed survey, and bring it to class on 1 November 2016:
 - On 1 November in class, you will be asked to participate in a discussion and a negotiation exercise based on the article and survey.
- **(30 marks) Final Examination on Friday, 4 November 2016, from 9 am to noon.** This examination covers the whole ADR course. The last 90 minutes of the exam will be reserved for the negotiation portion of the course and will be open book.

16. List of Supporting Textbooks:
See teaching materials above.