

Negotiation

Academic Year: (2022 / 2023)

Review date: 19-05-2022

Department assigned to the subject: Private Law Department

Coordinating teacher: HERNANDEZ MOURA, BELEN

Type: Compulsory ECTS Credits : 2.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

It is recommended to have passed the Law Degree studies.

OBJECTIVES

CORE COMPETENCES

- Possess and understand knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context
- To be able to apply the knowledge acquired and their problem-solving skills in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their area of study.
- Students are able to integrate knowledge and deal with the complexity of making judgements based on information that, although incomplete or limited, includes reflections on the social and ethical responsibilities linked to the application of their knowledge and judgements.
- Students should be able to communicate their findings and the ultimate knowledge and reasons behind them to specialist and non-specialist audiences in a clear and unambiguous manner.
- That students possess the learning skills that will enable them to continue studying in a largely self-directed or autonomous manner.

GENERAL SKILLS

- Perceive the multidisciplinary nature of the legal system and the necessary interdisciplinary vision of legal problems, especially from an international perspective
- Integrate, manage, identify, organize and analyze legal information
- To make critical judgements, to evaluate them and to communicate their conclusions in a clear and orderly manner.
- To evaluate the development of personal and collective performance, identifying rigorous and well-done work, as well as errors, arguing and proposing alternative solutions to improve processes and results.
- Recognize the growing importance of teamwork and demonstrate initiative, creativity and a sense of responsibility, maintaining interest throughout the process.
- Adaptation and integration in different work groups, maintaining fluid relations and communications, respecting ideas and solutions contributed by others with an attitude of cooperation and tolerance, sharing responsibilities and giving and receiving instructions.
- Developing professional work in interdisciplinary and international teams, acquiring the capacity to integrate diverse contributions in diverse multicultural and legal environments towards a common goal.
- Acquiring an appropriate and correct conduct at international level, especially in the case of regulatory compliance and management of conflicts of interest both in the negotiation of contracts and their execution, as well as in the dispute resolution phase

SPECIAL SKILLS

- To be able to write legal documents in Spanish and English in environments of contract negotiation, carrying out transnational operations, as well as in an international conflict environment.
- Understand the different types of conflicts of interest present in any negotiation or dispute resolution activity within the framework of international law and analyse their influence on the development of the legal service to be provided to the parties involved: companies, the State, or individuals.
- Negotiate to resolve and/or avoid situations of legal conflict, allowing the lawyer to improve the efficiency of his work.
- To know how to present a satisfactory result for the client when the project requires coordinating times and teams with different time zones, jurisdictions, cultures and expectations, in order to finish a project,

consisting of closing an operation, or processing a dispute before different courts.

-Know how to understand and adapt to the legal environment the different phases of a project both in the contractual and in the procedural field: initiation and planning, decision making, management of conflicts of interest, monitoring and control of execution.

-Ability to understand the economic implications of legal decisions, and the financial perspective when considering a client or a project

-Critical analysis of contractual and procedural documents and legal texts of international origin for their correct interpretation and execution.

-Capacity to extract common criteria from diverse sources of different legal traditions, and to formulate proposals and positions not based on arguments of authority, but of coherence.

-To be able to develop interpersonal skills and abilities, which facilitate the practice of transnational law in their relations with clients and other legal operators, as well as the choice of the correct strategy for the defence of clients' rights.

LEARNING OUTCOMES

After passing this subject the student will be able to:

-Know the basic fundamentals of adequate written and oral expression, especially in English, applied both to the writing of legal contractual and procedural documents, and to the oral defence of the client.

-Understand the oral and written techniques that are most appropriate according to the type of situation in an international environment: negotiation of contractual documents and their drafting, drafting of procedural documents, negotiation of agreements, or defence in court or arbitration.

-Understand the various positions and interests that converge in an international negotiation, with special attention to the various cultural and legal aspects involved in transnational operations.

-Applying project management techniques to the issues that they carry or in which they participate.

-To master and understand the importance of cost management, human resources and change of scope in the provision of legal services.

DESCRIPTION OF CONTENTS: PROGRAMME

1. Session

1.1. Introduction to structured and assisted negotiation as a procedure for reaching sustainable agreements.

1.2. Conflict: causes, types, circle

2. Session

2.1. Spectrum of different methods of conflict management

2.2. The human factor in negotiation: verbal and non-verbal communication as a basic tool for inclusive negotiation

2.3. Skills practice: active listening and assertiveness

3. Session

3.1. Styles in conflict management: Thomas-Kilmann test

3.2. Analysis of strengths and weaknesses of each style.

4. Session

4.1. Basic concepts in negotiation: BATNA, ZOPA, reservation price / point.

4.2. Harvard School of Negotiation: the seven elements of inclusive negotiations.

5. Session

5.1. Negotiation: the negotiation process.

5.2. Design and strategy.

6. Session

6.1. Difficult situations in negotiations: structural difficulties and "nightmare techniques".

6.2. Coping strategies.

7. Session

7.1. Role-play: preparation of the initial talks and design of the negotiation strategy.

8. Session

8.1. Role-play: negotiation process and agreement.

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES BY SUBJECT

-Practical classes

-Theoretical and practical classes

-Group work

-Student's individual work

TEACHING METHODOLOGIES BY SUBJECT

- Teacher's presentation with audiovisual support, in which the main concepts of the subject are

developed and the bibliography is provided to complement the students' learning.

- Critical reading of texts recommended by the teacher of the subject: press articles, reports, manuals and/or academic articles, either for their later discussion in class, or to extend and consolidate the knowledge of the subject.
- Resolution of practical cases, problems, etc. raised by the teacher individually or in groups.
- Exposure and discussion in class, under the teacher's moderation, of topics related to the content of the subject, as well as practical cases
- Preparation of papers and reports individually or in groups

TUTORING: Students will have access to tutorials with the person responsible for coordinating the subject. With the tutoring it is intended to organize the teaching and learning processes that are based on the interaction between the student and the teacher in order to: (i) Guide the autonomous and group work of the students (ii) Deepen in different aspects of the subject (iii) Guide the academic and comprehensive training of the student. The tutorials will take place at the time and under the conditions determined by the teacher in Aula Global.

ASSESSMENT SYSTEM

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- SE1 Participation and engagement in class
- SE2 Individual or team work done during the course
- SE3 Final exam

Evaluation systems	Minimum weigh (%)	Maximum weigh (%)
SE1	20%	40%
SE2	40%	50%
SE3	10%	40%

PLEASE NOTE: The Master in International Law is a master's degree that is taught in person. Therefore, students are obliged to attend all the theoretical and practical classes that the Master has programmed. A student can only be absent without a justified reason from a maximum of 15 percent of the class hours (that is, not from sessions or days) in each subject. In case of justified absences, the total maximum will be 25 percent. If the student has more than the indicated number of absences, a "0" will be computed in the continuous assessment grade. Likewise, absences below these percentages may be taken into account when modulating the grade of the continuous assessment downwards, especially if it includes a participation grade.

In the extraordinary call the weighting will be:

- Final exam: 60%.
- Continuous evaluation: 40%.

% end-of-term-examination:	40
% of continuous assessment (assignments, laboratory, practicals...):	60

BASIC BIBLIOGRAPHY

- Douglas Stone, Bruce Patton, Sheila Heen, Roger Fisher Difficult Conversations: How to Discuss What Matters Most, XX, Nov 01, 2010
- Douglas Stone, Bruce Patton, Sheila Heen, Roger Fisher Difficult Conversations: How to Discuss What Matters Most, Penguin, 2010
- Edward De Bono Six Thinking Hats: An Essential Approach to Business Management, Little, Brown, & Company, 1985. ISBN 0316177911
- Edward de Bono Conflicts: A Better Way to Resolve them, Penguin (UK), 1st Edition November 21st 1985
- Edward de Bono Conflicts: A Better Way to Resolve them, Penguin, 1985
- Henry Brown; Arthur Marriott ADR: Principles and Practice , Sweet & Maxwell, 2011
- Henry Brown; Arthur Marriott, QC ADR: Principles and Practice , 3rd Edition Sweet & Maxwell, 2011
- Howard Raiffa The Art and Science of Negotiation, Harvard University Press, 1982
- Marshall B. Rosenberg Nonviolent Communication: A Language of Life, Encinitas, CA: PuddleDancer Press, Third Edition, 2015. ISBN 978-1892005281
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Press, 2015

- Max Bazerman, Margaret Neale Negotiating Rationally, Simon & Schuster, 1993
- Robert H. Mnookin, Scott R. Peppet Andrew S. Tulumello Beyond Winning: Negotiating to Create Value in Deals and Disputes, Harvard University Press, 04/15/2004. ISBN 9780674012318
- Robert H. Mnookin, Scott R. Peppet Andrew S. Tulumello Beyond Winning: Negotiating to Create Value in Deals and Disputes, Harvard University Press, 2004
- Roger Fisher & William Ury Getting to Yes: Negotiating Agreement without Giving in, Harvard University Press, 12 dic 1991
- Roger Fisher and Elizabeth Kopelman Beyond Machiavelli : Tools for Coping With Conflict, Harvard University Press, January 1, 1994
- Roger Fisher and Elizabeth Kopelman Beyond Machiavelli : Tools for Coping With Conflict, Harvard University Press, 1994
- Roger Fisher, William Ury Getting to yes: Negotiating agreement without giving in, Penguin, 1992
- Stephen Covey The 3rd Alternative: Solving Life's Most Difficult Problems, Free Press, October 4th 2011
- Stephen Covey The 3rd Alternative: Solving Life's Most Difficult Problems, Free Press, 2011
- Stephen R. Covey The 7 Habits of Highly Effective People; Powerful Lessons in Personal Change, Simon and Schuster, November 9, 2004
- Stephen R. Covey The 7 Habits of Highly Effective People: Powerful Lessons in Personal Change, Simon and Schuster, 2004
- William Ury Getting to yes with yourself (and Other Worthy Opponents), HarperOne, January 20th 2015. ISBN 0062363387
- William Ury Getting to yes with yourself (and Other Worthy Opponents), HarperOne, 2015

ADDITIONAL BIBLIOGRAPHY

- J Kim Wright Lawyers as Peacemakers: Practicing Holistic, Problem-solving Law, ABA American Bar Association, 2010
- Linda Alvarez Discovering Agreement: Contracts That Turn Conflict into Creativity, ABA American Bar Association, July 1, 2016
- Moser & Mcilwrath Negotiating International Commercial Contracts: Practical Exercises, Eleven International Publishing, 2021

BASIC ELECTRONIC RESOURCES

- International Mediation Institute . International Mediation Institute : <https://imimmediation.org/>
- The Program on Negotiation (PON) of Harvard University . The Program on Negotiation (PON) of Harvard University: <https://www.pon.harvard.edu>