

**SYLLABUS  
NEGOTIATIONS 463  
ZOOM SESSION**

Western State College of Law    Professor Paul Taylor Smith, Esq.  
at Westcliff University        Telephone: 714-381-2258  
Spring 2021                        E-Mail: paultaylor-smith2000@yahoo

**Class Meets Mondays 4:00-6:00 p.m.**

**COURSE COVERAGE & OBJECTIVES:**

This is a course in the theory, practice, science, and art of legal negotiations. The course develops individual and group interpersonal skills in oral presentation and advocacy, effective communication skills, client service skills, as well as the evaluation of legal, economic, and social strengths and weaknesses of a case in order to persuade others. It also emphasizes professional competency and ethical obligations in client representation and advocacy.

**COURSE TEXTS:**

Advanced Negotiation and Mediation Theory and Practice, a realistic integrated approach. 2nd ed. by Paul J. Zwier and Thomas F. Guemsey

Various problem scenarios distributed in class.

**ATTENDANCE, CLASS PARTICIPATION, AND GRADING:**

The first third of the course consist of lectures covering the week's reading assignment combined with in-class demonstrations. The remaining two-thirds of the class will consist of live in-class simulations.

The simulations will be distributed prior to each class. Students should spend at least two hours prior to class preparing for a simulation. Consequently, class attendance is very important and any student who misses more than two class sessions will be dropped.

***In addition, students will be required to expend an additional one hour per week reflecting upon and completing a Preparation and Planning Worksheet (Appendix A of the textbook) and another hour per week reflecting upon and completing a Post Negotiation Worksheet (Appendix B of the textbook. Students are expected to maintain these documents in a journal which will be examined at the end of the course and will constitute a significant part of the course grade.***

**The requirements for the journals are stated on Page 4 of this syllabus.**

Preparation and active participation in the negotiation simulations will constitute 40 percent of the student's grade. Each student must satisfactorily perform an opening offer presentation for 5 percent of the grade. Satisfactory completion of the negotiation notebook will constitute 10 percent of the grade. The remaining 45 percent of the grade will be determined by a written final examination.

Prior to the first class, students should make themselves familiar with (1) the Negotiations 463 Journal Requirements; (2) the WSCL Disability Services Statement; (3) the WSCL-Programmatic Learning Outcomes (PLO's), and (4) the Requirements For Negotiations 643 Zoom Sessions. All of these documents are attached to this syllabus.

#### **IN-CLASS SIMULATIONS:**

Regarding the in-class simulations, these will generally involve student-lawyers being pitted on different sides of an issue. The lawyers for one side will receive information not available to lawyers on the other side, and vice versa. Students must not allow those on the other to have access to this confidential material, as it would provide an unfair bargaining advantage. This means that if a student were to share confidential information, he or she could be giving it to someone who would then directly use it against him or her to negatively affect his or her performance (and ultimately his or her grade).

#### **READING ASSIGNMENTS:**

Below is a listing of weekly reading assignments for the course. This syllabus is intended to be fluid and acts as a guideline. You are responsible to keep track of where we are in class and to continue reading ahead accordingly (approximately one assignment ahead). The pages listed for each assignment refer to the textbook, unless indicated otherwise.

<b>SESSION NO.:</b>	<b>DATE:</b>	<b>READING:</b>
1	1-25-21	CHAPTERS 1 and 2
2	2-1-21	CHAPTER 3,4, and 5
3	2-8-21	CHAPTERS 6,7, and 8

4	2-16-21	<b>President's Day.</b> <b>No Class on Monday the 15<sup>th</sup></b> Class Meets <b>Tuesday 2-16-21</b> CHAPTERS 10 and 12
5	2-22-21	NEGOTIATION EXERCISE
6	3-1-21	NEGOTIATION EXERCISE
7	3-8-21	NEGOTIATION EXERCISE
8	3-15-21	<b>SEMESTER BREAK</b>
9	3-22-21	NEGOTIATION EXERCISE
10	3-29-21	NEGOTIATION EXERCISE
11	4-5-21	NEGOTIATION EXERCISE
12	4-12-21	NEGOTIATION EXERCISE
13	4-19-21	NEGOTIATION EXERCISE (FINAL EXAMINATION REVIEW)
14	4-26-21	NEGOTIATION EXERCISE (FINAL EXAMINATION REVIEW)
15	5-3-21	NEGOTIATION JEOPARDY! (WITH PRIZES!) FINAL EXAMINATION REVIEW  <b>FINAL EXAMINATION AS POSTED</b>

### NEGOTIATIONS 363 JOURNAL REQUIREMENTS

As per the syllabus, the negotiation journals constitute 10 percent of a student's grade. They must conform to the following guidelines:

1. All journals are graded. Consequently, students must use their **current exam numbers** on all submitted journals and not names or other identifying characters.
2. All journal exercises must be **typed**.
3. All journals must be submitted in some form of **binding**.
4. All journal exercises within the journal must be individually **tabbed**.
5. All journals must be turned in to the second-floor faculty secretary on or before **the last day of class**. (This may have to be done by email depending on the conditions.)

**Students who violate the above guidelines will be subject to academic penalty according to the discretion of the professor.**

## **DISABILITY SERVICES STATEMENT:**

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services suite #111. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at [aeasley@wsulaw.edu](mailto:aeasley@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

## **WESTERN STATE COLLEGE OF LAW – PROGRAMMATIC LEARNING OUTCOMES (PLO'S)**

**Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:**

### **1. Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

### **2. Practice Skills**

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business

strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

**3. Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

**4. Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**5. Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**6. Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**7. Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**8. Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

### **REQUIREMENTS FOR NEGOTIATIONS 463 ZOOM SESSIONS:**

- **Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.**
- **Arrive to class early and dressed as you would to attend an in-person class.**
- **Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.**
- **Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.**
- **Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.**
- **If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.**
- **If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.**
- **Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.**
- **Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.**
- **Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.**