

LAWS 7042 ADVANCED LEGAL NEGOTIATION

Credit Points 10

Legacy Code 201062

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Description This subject examines how conflict arises and engages students to apply the main theories related to conflict and its resolution within diverse practical environments. Students will analyse and synthesise negotiation theories, skill-sets and studies, and will evaluate their respective usefulness as future legal professionals. Students will develop a value-laden negotiation toolbox and will grow in confidence in negotiations within a broad array of environments essential to the legal profession. Students will examine written scholarship, engage in negotiation simulations involving role- scenarios, case hypotheticals, experimental games, and will become intricately involved in other negotiation-related scenarios. Classes will include presentation of conceptual and strategic theories, simulations and role-playing scenarios applying these theories, and de-briefing of the theoretical and practical components of legal negotiation.

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Postgraduate Coursework Level 7 subject

Pre-requisite(s) LAWS 7044

Restrictions

Students must be enrolled in program 2826 Juris Doctor.

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Apply competitive and collaborative negotiation skill-sets most appropriate to the particular dispute as future legal professionals;
2. Develop an advanced understanding of the nature of disputes, including ethical, cultural, and economic factors of disputes, in one or more legal jurisdictions;
3. Demonstrate a critical awareness of the emotional and psychological encouragements and barriers to consensus building as well as those involving rational choice theory;
4. Critically analyse the main theories of influence, sway, and negotiation and their application in the field of law and other related fields;
5. Work effectively as a team member to resolve dispute resolution challenges as future legal professionals.

Subject Content

1. Elements of negotiations
2. Positional Bargaining and Interest-Based Bargaining
3. Power and weakness
4. Nature of disputes - the ethical, cultural and economic dimensions

5. Consensus - the emotional and psychological encouragements and barriers
6. Core tasks in reaching agreement: Information exchange, solution-seeking, concession management
7. Ways to manage a negotiation
8. Tactics: People and Processes
9. Deal design: Value and Substance
10. Setup: Scope and Sequence
11. Common Barriers to Agreement
12. Game Theory
13. Bargaining Strategies
14. Distributive Negotiation
15. Personality and persuasion
16. Seven Elements of Effective Negotiations: Relationship, Communication, Interests, Options, Alternatives, Legitimacy, Commitment
17. Best Alternative to Negotiated Agreement (BATNA)
18. Coalitions
19. Multiparty Negotiations
20. Strategic Management and resolution of deadlocked negotiations

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/ Group Task
Essay	2,000 words	25	N	Individual
Professional Task	1 hour	25	N	Individual
Professional Task	1 hour	25	N	Individual
Professional Task	1.5 hours	25	N	Individual

Prescribed Texts

- Fells, Ray and Noa Sheer, *Effective Negotiation: From Research to Results* (4th ed, Cambridge University Press, 2020).