

LAWS50131 Negotiations

Credit Points:	12.5															
Level:	5 (Graduate/Postgraduate)															
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus.															
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.															
Prerequisites:	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50
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Corequisites:	None															
Recommended Background Knowledge:	None															
Non Allowed Subjects:	None															
Core Participation Requirements:	Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study at Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/ .															
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475															
Subject Overview:	Negotiation is an essential skill-set for lawyers and the legal profession. Due to negotiations by lawyers, many civil and criminal law cases are settled before the parties even enter the courtroom. Lawyers negotiate on behalf of their client with other lawyers as well as third party non-lawyers. Lawyers must also negotiate internally with their own client as well as other parties to reach consensus. Negotiations also occur in various forms, from traditional settings such as conference rooms and courtrooms, to non-traditional settings such as e-mail and social media communication. Thus, the ability for lawyers to develop and utilise a negotiator's toolbox to negotiate within and among a broad array of environments are essential elements of the legal profession.															

	<p>The aim of this subject is to acquaint students with the theory and practice of legal negotiations as they relate to the strategic legal process. This class will be highly interactive. Students will have the opportunity to read and discuss a variety of written materials, engage in a variety of negotiation simulations (involving role-playing scenarios, case hypotheticals, and experimental games), as well as become intricately involved in other negotiation-related scenarios and situations.</p> <p>Classes will generally comprise (1) concepts/strategies (theory) presented; (2) simulation and role-playing scenarios applying such concepts/strategies (practice); and (3) a de-briefing of the two components (theory and practice). For the negotiation simulations to be as valuable and realistic as possible, preparation and active participation is expected by those negotiating and playing specified roles - for each participant's individual benefit as well as for the benefit of all class participants as a collaborative group.</p>
Learning Outcomes:	<p>On completion of the subject students should have developed the following skills as they relate to the field of law:</p> <ul style="list-style-type: none"> # To analyse and apply competitive (positional bargaining) as well as collaborative (interest-based, problem solving) negotiation skill-sets as legal professionals; # The ability to develop an advanced understanding of the nature of disputes, including ethical, cultural, and economic factors, in one or more legal jurisdictions; # Possess a unique and critical awareness of the emotional and psychological encouragements and barriers to consensus building as well as those involving rational choice theory; # Actively participate in a series of useful, interesting and challenging negotiation concepts, strategies, and simulation negotiation scenarios helpful in the field of law; # Understand the role of lawyers and non-lawyers in identifying and using the negotiation process most appropriate to the particular dispute; # Critically analyse the main theories of influence, sway, and negotiation and their application in the field of law and other related fields; # Work effectively as a team member to resolve dispute resolution challenges as future legal professionals; # Identify and integrate ethical issues arising in dispute resolution contexts in the field of law.
Assessment:	<p>A 4,500 word research paper on a topic approved by the subject coordinator (75%); Participation - based on in-class discussions, negotiation journals, and simulation case participation (25%).</p>
Prescribed Texts:	<p>L Randolph Lowry and Charles Wiggins, <i>Negotiation and Settlement Advocacy</i> (West, 2nd ed, 2004); William Ury, Roger Fisher and Bruce Patton, <i>Getting to Yes</i> (Penguin Books, 2011); In addition, specialist printed materials may be made available by Melbourne Law School and/or the subject coordinator.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Generic Skills:	<p>On successful completion of this subject, students should be able to:</p> <ul style="list-style-type: none"> # Understand how conflict arises within and between legal and other related organisations; # Apply and leverage the main theories related to conflict and its resolution within the contexts of organisations and other diverse environments within law; # Analyse and synthesise negotiation theories, skill-sets, and studies, in conjunction with the ability to evaluate their respective usefulness as future legal professionals; # Develop a value-added negotiation toolbox and confidence as negotiators for application in the legal field; # Apply theories, models and frameworks to understand conflict, influence and negotiation within academic and professional legal settings; # Possess an acute ability to "think like a negotiator" by leveraging, inter alia, a strategic "negotiator's lens" (framework) that will prove beneficial in a wide variety of situations within the field of law.

Notes:

This subject has a quota of 30 students. Details on **quota subject selection** (<http://www.law.unimelb.edu.au/jd/current-students/enrolments/quota-subject-selection/>) are available on the JD website.