

Assessment of Stone Soup Course Experience

This questionnaire is for faculty who have used a “Stone Soup” Project assignment or activity to describe and assess their experience with it. Your response will be posted on the Indisputably blog and may be disseminated in other ways as well. It would help if you would describe specifics of your experience, but do not include information that could identify any student or subject of a Stone Soup assignment or activity.

1. Faculty name: *Bob Dauber*
2. School: *Arizona State University Sandra Day O'Connor College of Law*
3. Course: *Negotiation*
4. Semester: *Summer 2017*
5. Number of students in the course: *14*
6. Briefly describe the Stone Soup assignment or activity (e.g., interview or focus group class). If you assigned students to conduct an interview, summarize the type of subjects and focus of the interview. If you conducted a focus group class, describe the speakers and issues discussed.

I assigned each student to interview a person who has been involved in a “significant negotiation” within the past year. Students were required to write short reports concerning the negotiator’s strategies, actions and reflections. Students were offered the opportunity to give a 5 minute oral summary of their interview in class, for extra credit, focusing on one aspect of the negotiation that exemplified a topic covered in class. All students took advantage of the oral presentation opportunity.

7. What did students learn that they wouldn’t have learned without the Stone Soup assignment or activity?

The interview allowed students a chance to investigate whether and how the ideas raised in our simulations and class discussions played out in real-life negotiations.

8. What worked well with the assignment or activity?

A number of things worked well:

1. I gave students the choice of finding/selecting their own interviewee or interviewing a professional from my list of volunteers. Two thirds of the students picked their own interviewee. All but one of the subjects turned out to be lawyers and most were people for whom the students had clerked or externed.

2. *Students seemed to enjoy describing how specific topics addressed in class pertained to their negotiations. They took the assignment seriously, and the feedback was very positive.*

3. *The short papers and presentations revealed different levels of comprehension of course materials and topics, which came in handy with the assessment and grading of students. This is particularly helpful in a class with no final exam.*

9. What would you do differently if you do it again?

1. *Initially thinking that the students' essays might be used as part of a database for qualitative research in the negotiation field, I sought approval from my school's IRB. I initiated this process too late, and I ended up dropping the IRB request when the Board responded that all students who participate in the data collection (the interviews) would have to complete the CITI program training as a condition of approval. In my opinion, the training is too onerous and too disconnected from their classwork to warrant inclusion as a required component of the class.*

2. *I coopted the assignment form and other form documents that were proposed early in the Stone Soup Project to satisfy IRB requirements of informed consent, etc. If I had known that students' memos would not be submitted for research purposes, I would have simplified/modified the assignment and forms, e.g., making the notice requirements a bit less cumbersome.*

3. *Rather than having the oral presentations be "optional" for extra credit, I would include them as a part of the assignment. Finding the class time to accommodate the presentations (and discussions that follow) is a bit of a challenge, but the presentations were an effective way of exposing the students to a variety of real-world examples of the central topics covered in the course.*

4. *Many of the interviewees focused exclusively on competitive negotiation strategies and hard-ball tactics, rather than integrative/problem-solving approaches. This produced an interesting disconnect with our course coverage, in which competitive strategies play a less prominent role. Three things I might do differently as a result: (1) spend more class time exploring the disconnect (why are these negotiators discussing only competitive strategies? Is it because this is what they know, and they do not think about using integrative strategies in their negotiations? Or is it because they are making a conscious decision, and they believe integrative bargaining is not as effective in these contexts?), and (2) modify the assignment to require students to interview multiple subjects, perhaps one lawyer and one non-lawyer; and (3) direct students to ask about choice of strategies during the interviews.*

10. What would you advise other faculty considering using a Stone Soup assignment or activity?

I would love to see this morph into the creation of a database of real-world applications of the topics we teach, as suggested early in the project; tackling the obstacles posed by the IRB approval process will be a challenge.

Negotiation – Law 733

Interview Assignment - Summer 2017

Overview

You will interview someone who has been involved in a “significant negotiation” within the last year about a dispute or a transaction. The interview should take 30 minutes to an hour. You will then write a report summarizing the answers to the questions described below and describing insights you gained from the interview.

The report will be due by the end of the day on June 20. The report should be approximately 1,000 words (3-5 typed pages, double spaced, with one inch margins on each side, in Times New Roman 12 Font). About 1½ -2 pages should address your insights from the negotiation, as described below.

The goals of the assignment are to provide you an opportunity to: (1) learn from someone's experience in an actual negotiation; (2) practice skills involved with developing rapport and protecting confidentiality; and (3) reflect on how concepts we discuss in class may apply in actual negotiations.

About the Interview

The *subject* could be one of the parties in a negotiation or an attorney who was involved in the negotiation. A “significant” negotiation is one that took a substantial amount of time and that the subject felt was unusually difficult, complex or interesting. Whether the negotiation meets this threshold depends on the experience and expectations of the subject. Your interview may be about a negotiation that did or did not result in an agreement.

You will contact the person you want to interview and arrange to conduct the interview in person, by phone, or by video. If you need help identifying someone to interview, contact Professor Dauber.

You **MUST** send a document (preferably an email) to the subject describing the interview. You may send it to request the interview or, if you arrange the interview in person or by phone, to confirm the interview. A model for this document will be provided separately.

At the outset of the interview, you **MUST** remind the subject that you will not disclose his or her name or anyone mentioned in the interview. To further protect confidentiality, tell the subject not to mention anyone else's name and, instead, use generic descriptions such as the person's client or lawyer, the other lawyer, a manufacturing business, etc.

When writing your report and discussing it in class, you MUST NOT INCLUDE the names of anyone involved in the negotiation or any information that could identify specific individuals or entities. Instead, use pseudonyms and general descriptions that mask these identities.

When conducting the interview, you will decide what process to follow. You can, for example, ask some general questions and let subjects tell their stories, or you might pose some specific questions. These questions focus on a final negotiation, though the process may involve preliminary negotiations about substantive or procedural issues that you may ask about and there may not be a single final negotiation event. In any case, your report must include information about the following questions, **particularly about the chronology of events in the negotiation and your insights from the interview**. Ask follow-up questions that seem interesting or important to you. You do not need to ask the following questions if you know the answers from responses to earlier questions.

Questions to Be Addressed

The subject

- [If you don't know] What do you do for a living?
- [If you don't know] What was your role in this negotiation?
- How often have you been involved in this kind of negotiation?

The subject matter of the negotiation

- Would you describe the parties, without identifying them by name?
- Were the parties negotiating to resolve a dispute or to plan a transaction?
- What type of issue was involved (e.g., real estate, personal injury, business deal)?
- What conflict or event prompted the negotiation?

The parties and the context of the negotiation

- Did the parties have a relationship before the matter began?
- At outset of the matter, did the parties expect to have a continuing relationship after the negotiation was over?
- What do you think was most important to each party in this negotiation?
- Did lawyers represent any or all of the parties during the matter?
- [If applicable] Were the parties in litigation when the final negotiation began? [If so] When the final negotiation began, what was the stage of litigation? (e.g., before the suit was filed, soon after the suit was filed, during discovery, shortly before trial, during trial, after trial)

The negotiation process

- What, if anything, did you do to prepare for the final negotiation?
- Who initiated the final negotiation?
- How did the final negotiation begin?
- **What was the sequence of events after that?**
- How much, if at all, did the negotiation involve an exchange of offers?
- [If relevant] How much, if at all, did people talk about legal issues or what would happen if they went to court?
- How much, if at all, did people talk about their real goals underlying their positions (as opposed to the justifications of their positions)?
- Did the parties reach an agreement?
- Why do you think that they [reached / did not reach] an agreement?

Assessment of the negotiation

- What do you think were the critical factors causing the negotiation to turn out as it did?
- How satisfied were you with the outcome? Why?
- How satisfied were you with the process? Why?