

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: Rafael Gely
2. School: University of Missouri School of Law
3. Course: Negotiation
4. Semester: Spring 2017
5. Number of students in the course: 30
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 students the task of conducting an interview with someone who had been involved in a “significant negotiation” within the last year about a dispute or a transaction. The subject could have been one of the parties in a negotiation or an attorney who was involved in the negotiation. A “significant” negotiation was defined as one that took a substantial amount of time and that the subject felt was unusually difficult, successful, or unsuccessful. Whether the negotiation met this threshold depended on the experience and expectations of the subject.

Students were asked to write a report about the interview in which they would first summarize the interview and then provide their own insights about what they learned from the interview, including how the negotiation was similar or different from concepts discussed in the course. Students were also asked to reflect on how what they learned from the interview might affect the way they would handle cases in the future.

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

I think that it was helpful for students to realize the variety of contexts in which negotiations occur. My suspicion is that during most of the semester they were thinking of negotiation only in the legal context. The exercise allowed them to expand their perspective. I believe that it was helpful for students to think about the material in terms of someone’s else experiences. That is, not only thinking

about how they negotiate, but how other people approach negotiations.

8. What worked well with the assignment or activity?

I was surprised that every student found someone to talk with on their own, without assistance. Being in Columbia (a college town), I thought students were going to have difficulties identifying interview subjects. I thought that it was helpful that I assigned the exercise very early in the semester, so students had plenty of time to work on it.

The reflection papers were very good, I thought. Most students appear to have taken the exercise seriously and provided good analysis.

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

Having had discussions about the possible issue of students potentially being subpoena in the unlikely, but possible event of a lawsuit, I am somewhat concerned about that.

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

I think this is an exercise worth doing. I think the opportunity to think about the concepts discussed in class outside the scenarios we use in class and from the perspective of another person, is a valuable experience.

Negotiation
Spring 2017
Interview Assignment

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 about 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 at the beginning of class on April 5. The report should be 6 to 8 typed pages, double spaced and with one inch margins on each side, in Times New Roman 12 Font.

The goals of the assignment are to provide you an opportunity to: (1) learn from someone's experience in an actual negotiation; (2) practice interviewing skills including 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, successful, or unsuccessful. Whether the negotiation meets this threshold depends on the experience and expectations of the subject. The parties may have reached agreement in the negotiation but your interview may be about a negotiation that 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 the professor.

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 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. More information about conducting and summarizing interviews will be provided separately.

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)

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?
- How long did the negotiation take from the first communication in the matter until the conclusion?
- How much of the negotiation was conducted by phone, email, letters, or in person?

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?