

# Negotiation Workshop 2022-2023

## Introduction

**Welcome to the Negotiation Workshop!** This course has been part of the Law Faculty curriculum since 1994 and has consistently received positive feedback from participants. The course has also been constantly revised to take into account comments for improvement and I believe this workshop will be a fulfilling and fun experience for participants and instructors alike.

This course is a skills-based workshop and is designed to assist participants in learning about and attaining a basic level of competency as a negotiator. Much of your learning and skills will be attained through simulations, exercises and reviews. You will also be required to write and submit journal entries that will chart the course of your learnings and the development of your skills and ability as a negotiator. This constant process of experiential learning and introspection will assist you in honing your skills as a negotiator.

The Negotiation Workshop is based on the workshops taught at the Program on Negotiation at Harvard Law School. In addition, it will draw from skills and insights from the areas of Neuro-Linguistic Programming, Cognitive Psychology and Behavioural Psychology.

## Workshop Times

The Workshop will generally be held on **Thursdays 9 am to 12 pm**. You will be notified of the location of the Workshop in due course.

**Attendance at all Workshops is compulsory. Any absences should be notified to the convener in advance and absences as a result of illness should be accompanied with a valid medical certificate.**

## Workshop Instructors

Workshop convener is **Joel Lee**. Joel is a graduate of the Victoria University of Wellington and Harvard Law School. He is also a member of the New Zealand and Singapore Bar. Joel co-pioneered the teaching of Negotiation and Mediation in the Singapore Universities and has played a significant role in furthering the development of mediation in Singapore, not just in education but in practice. Apart from pretending to be a law professor, Joel is also a certified Trainer of Neuro-Linguistic Programming and a principal mediator with the Singapore Mediation Centre. Joel has extensive experience as a trainer for corporate clients such as Standard Chartered Bank and Freshfields and is a partner with CMP-Cambridge (USA). Joel was on the International Mediation Institute's Independent Standards Commission and Intercultural Taskforce and was a key member of the Ministry of Law's Working Group on International Commercial Mediation. Joel is presently the founding Chair of the Board of the Singapore International Mediation Institute. Joel has taught overseas at the University of Copenhagen (Denmark), University of Law, Economics and Science of Aix-Marseille (Aix-en-Provence France) and Anglia Law School (UK) and is the co-editor and co-author of the book "An Asian Perspective on Mediation"

and the “Singapore Mediation Handbook”, and the General Editor for the Asian Journal on Mediation. The recipient of numerous teaching awards, Joel was awarded the the National University of Singapore's highest teaching award, the Outstanding Educator Award in 2011.

**Marcus Lim** has been an advocate of mediation ever since his freshman days at NUS. A keen believer in a well-rounded education (and free trips), he delivered championship titles from competitions on mediation, negotiation and business case studies. Along the way he also picked up a double-degree in Law and Business and spent (what felt) like a lifetime pouring over personal data policies and analysing anti-competitive practices with Rajah & Tann LLP. Currently the Country Manager of Lupl, Inc. Marcus is leading Lupl’s collaboration with their stakeholders in Singapore to leverage the Lupl platform as the central fabric for integration of legal technology solutions in the workflow of legal matters in Singapore. He has a broad range of responsibilities including product development, project management, security and compliance, community engagement and business development.

Prior to joining Lupl, Marcus was the CEO and first Executive Director of the Singapore International Mediation Institute (SIMI). He helped develop SIMI's credentialing system for professional mediators and mediation organisations, successfully bringing on-board partners from around the world, and bringing together all mediation service providers in Singapore under SIMI. A certified mediator, he has mediated a variety of cases with the Singapore Mediation Centre as well as in his capacity as a court-appointed mediator for the State Courts Small Claims Tribunal. He also regularly consults and trains in his private capacity for various organisations in both the private and the public sector, such as the Civil Service College of Singapore. He is proud to have helped kickstart the NUS Collaborative Dispute Resolution Club, and is an advisor to the club. Above all, he considers himself extremely fortunate to have the opportunity to work with Joel Lee, a fantastically gifted luminary in dispute resolution and the best mentor one could have

**In this course, it is a requirement to address your instructor by his first name. Doing otherwise will aggravate said instructor and lead to severe personal consequences.**

## **Purposes of the Workshop**

Negotiation Skills are critical for effective lawyering. Whether negotiating a settlement to resolve a client’s dispute, or hammering out terms of a joint venture agreement, or even resolving a work dispute, negotiation skills come into play.

Yet, many lawyers do not receive any training in negotiation and they lack a systematic understanding of the negotiating process and an ability to learn negotiation skills in a purposeful manner. Instead, skills, ineffective or otherwise, are picked up along the way in a haphazard manner.

This Workshop does not seek to make you an expert negotiator. Instead, it seeks to plant the seeds of learning and skill which when nurtured by you, will blossom and serve you well.

**The Negotiation Workshop has 5 main goals.**

- **To provide an awareness and understanding of the process of negotiation**
- **To provide an awareness of the behavioral aspects of negotiation**
- **To develop and enhance your skills as a competent negotiator**
- **To cultivate the understanding and insight necessary to continue developing as a negotiator**
- **To have fun**

Apart from these Workshop goals, **we recommend that you set some individual goals.** These are goals that you wish to achieve by the end of the workshop and will pay particular attention to meeting them as the workshop progresses.

## **Workshop Assessment**

The Negotiation Workshop, like the Mediation Workshop, has no formal written examination. **Assessment will be throughout the course and will require constant work.**

**You will be assessed in 3 ways.**

### **1. Journals and Annotations - 50%**

You will be required to turn in a journal entry of 6-8 pages every four weeks. In addition, you must hand in an annotation of the journals at the end of the course. Please see a separate handout on Journal Entries and Annotations.

### **2. Written Paper - 25%**

You will be required to write a short research paper to be handed in at the end of the course. Please see a separate handout on the Written Paper.

### **3. Practical Assessment - 25%**

During the course, you will negotiate a one-on-one simulation on which your performance will be assessed. More information will be provided on this in due course.

## **Please Note:**

### *Public Service Announcement*

This workshop and its pedagogy is not for everyone. Competition for the limited number of places in this workshop is high (it is oversubscribed). It is therefore important that you know what this workshop involves so that you can make an informed and committed decision to take this workshop.

**Please do not take the workshop if you do not like :**

- Learning skills by doing

While we teach some theory in the workshop, the main focus is developing skills. This requires you to interact and engage in the class.

- Reflecting

Skills development involves reflecting on your thoughts and behaviours, and being open to think and act differently.

- Independent Learning

Do not expect hand-holding and rote learning. This workshop is about you learning, developing and honing your skills.

- Writing

There is a lot of writing in this workshop by way of the journals and the written paper. As an estimate, you will be writing almost the equivalent of three pieces of directed research

- Fun

If you think education should be serious or if you are humour-impaired, nothing to see here. Keep moving.

*Penalty System*

In the context of a workshop which is intended to teach skills and where one's lack of commitment affects the learning experience of at least one other person in the workshop (usually your negotiating partner), the following penalty system will apply (whether the class is conducted face to face, or via some online means).

- A grace period of 10 minutes in which one can be late without penalty. This is for those days of bad weather, traffic etc.
- From 11 to 20 mins, you will have 1 mark deducted from your final score at the end of the year.
- From 21 mins onwards, you will have 2 marks deducted from your final score at the end of the year.
- If you are absent without a valid medical excuse or without having notified me in advance (with an acceptable reason), you will have 3 marks deducted from your final score at the end of the year.

### *COVID-19*

One final thing. Ideally, a workshop of this nature should be run face to face. Because of COVID-19, it is unclear whether parts, if not all, of the Negotiation Workshop will be run online. This is less than ideal but we must adapt to circumstances.

**Circumstances and regulations permitting, please note that for pedagogical purposes, the Negotiation Workshop will be run in person (face to face) only. There will not be any Zoom sessions.**

### **Conclusion**

Some final thoughts. In order for you to gain the most out of this workshop, **you have to participate**. This involves contributing to class exercises and discussion as well as putting the skills we present to use. Some of the ideas and skills we present may be contrary to your world view, or you may have encountered them before. In either case, keep an open mind. Our experience has been that participants realize **there is always more to learn**.

Many students obsess about their grade at the end of the course. **Here's the deal: The value of this Workshop lies in the insights and skills you gain as well as the personal change and development you experience.** These are more concrete than the grade you will receive. In this course, **the journey is at least as important as the destination**.

Once again, welcome to the Negotiation Workshop. We look forward to working and learning with each of you.

**Joel Lee  
Marcus Lim**

<b>Negotiation Workshop</b> <b>(Thursdays: 9 am – 12 pm)</b>				
<b>Week</b>	<b>Date</b>	<b>Topic</b>	<b>Comment</b>	<b>Deadlines</b>
<b>1</b>	<b>11 Aug 22</b>	<ul style="list-style-type: none"> <li>• <b>Slim Juice</b></li> <li>• <b>Review</b></li> </ul>		
<b>2</b>	<b>18 Aug 22</b>	<ul style="list-style-type: none"> <li>• <b>Participant introductions (JL)</b></li> <li>• <b>Negotiation Exercise: The Collision</b></li> <li>• <b>Review of the Collision</b></li> <li>• <b>Conflict Resolution Paradigms and Styles</b></li> </ul>		
<b>3</b>	<b>25 Aug 22</b>	<ul style="list-style-type: none"> <li>• <b>Systematic Preparation</b></li> <li>• <b>Prep by Side for Negotiation Exercise: Business Games Unlimited</b></li> </ul>		
<b>4</b>	<b>1 Sep 22</b>	<ul style="list-style-type: none"> <li>• <b>Negotiation Exercise: Business Games Unlimited</b></li> <li>• <b>Review of Business Games Unlimited</b></li> </ul>		<ul style="list-style-type: none"> <li>• <b>Journal 1 (Due 4 Sep 2022, 5 pm)</b></li> </ul>
<b>5</b>	<b>8 Sep 22</b>	<ul style="list-style-type: none"> <li>• <b>Special Topic</b></li> </ul>		
<b>6</b>	<b>15 Sep 22</b>	<ul style="list-style-type: none"> <li>• <b>Negotiation Exercise: The Concert of the Millennium</b></li> <li>• <b>Review of The Concert of the Millennium</b></li> </ul>		
	<b>22 Sep 22</b>	<b>Break</b>		

Please Note: While this schedule is generally firm, the instructors reserve the right to modify it to meet the needs of participants in the course.

7	29 Sep 22	• Strategic Compass		
8	6 Oct 22	• Special Topic		• Journal 2 (Due 9 Oct 2022, 5 pm)
9	13 Oct 22	• Negotiation Exercise: Assessment Criteria		
10	20 Oct 22	• Review of Assessment Criteria Negotiation		
11	27 Oct 22	• Special Topic		• Written Paper (Due 30 Oct 2022, 5 pm)
12	3 Nov 22	• Multi Party Negotiation • Review of Multi Party Negotiation • Closing Remarks		• Final Entry and Annotations for Journals 1-2 (Due 6 Nov 2022, 5pm)
13	7-11 Nov 22	Assessed Negotiation		
	12 Nov 22	Reading Week		

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