

Course title	Law and Business in a Cross-Cultural Context (Negotiation)				
Responsible person to enter grades	Itamochi Kengo, Samantha S. TANG		開講区分	単位数	
			1st semester	1.0	
Numbering Code	J2MC611	Day・Period, etc.	Other(対面)	Timetable Slot Code	1J361

#### Lesson topic

The “Law and Business in a Cross-Cultural Context (LB3C)” series of courses focuses on how lawyers can resolve business disputes with a cross-border element through appropriate legal and non-legal mechanisms. This course ( “LB3C-Negotiation” ) aims to equip students with practical skills that can be deployed in the appropriate resolution of commercial disputes via negotiation.

LB3C-Negotiation can serve as a preparatory course for students interested in the Intercollegiate Negotiation Competition organised annually by Sophia University (INC Sophia) in November/December. INC Sophia (<https://www.negocom.jp/eng/>) aims to bring together teams from universities in and outside Japan, and welcomes teams participating in English.

#### Lesson target

Through lectures, case studies, and practical exercises, students will develop the ability to negotiate cross-border transactions via interest-based negotiation, develop and draft a pre-negotiation strategy, and evaluate their own negotiation techniques.

#### Syllabus and plan

There will be a total of eight sessions (with tentative timings (in JST) and dates in parentheses) covering the following topics.

1. Day 1: Introduction to Negotiation (Apr 21 (Mon), 4th period 15:10-16:40)
  - a. Different types of negotiation strategies: positional vs interest-based negotiation
  - b. Basics of interest-based negotiation
2. Day 1: Negotiation in Practice: Case Study 1 (Apr 21 (Mon), 5th period 17:00-18:30)
  - a. Preparing negotiation strategy
  - b. Identifying potential issues in negotiation strategy
3. Day 2: Negotiation in Practice: Case Study 1 (Apr 23 (Wed), 4th period 15:10-16:40)
  - a. Negotiate issues based on draft negotiation strategy
  - b. Evaluating negotiation strategies
4. Day 2: Negotiation in Practice: Analysis (Apr 23 (Wed), 5th period 17:00-18:30)
  - a. Watching and analyzing mini-negotiations
5. Day 3: Negotiation in Practice: Case Study 2 (Apr 25 (Fri), 3rd period 13:20-14:50)
  - a. Preparing negotiation strategy
  - b. Identifying potential issues in negotiation strategy
6. Day 3: Negotiation in Practice: Case Study 2 (Apr 25 (Fri), 4th period 15:10-16:40)
  - a. Negotiate issues based on draft negotiation strategy
  - b. Evaluating negotiation strategies
7. Day 4: Negotiation: Assessment (Jun 10 (Tue), 3rd period 13:20-14:50)
8. Day 4: Negotiation: Assessment (cont' d); Conclusion (Jun 10 (Tue), 4th period 15:10-16:40)

Note that Sessions 7 and 8 take place about 7 weeks after Sessions 1-6. The topics and schedule may be adjusted depending on enrolment size and progress over the days.

#### Evaluation method

Pre-Negotiation Memorandum: 30%  
Negotiation (Oral Presentation): 40%  
Post-Evaluation Evaluation: 30%

Before Session 7, students will be split into two groups: Red and Blue. Each group will be given a set of confidential information relevant to the negotiation. Students are permitted to discuss their negotiation strategy and confidential information within members of the same group, but are NOT permitted to discuss the same with members of the other group for the remaining duration of the course. For example, students who have been assigned to Red may discuss their negotiation strategy and confidential information among themselves, but they MUST NOT discuss their negotiation strategy and the confidential information with students who have been assigned to Blue - and vice versa.

Assessment 1 is an individual written memorandum on the student's pre-negotiation strategy of 7 pages (excluding cover page) in English. Students must submit their pre-negotiation memorandum by email to the instructor two days before Session 7.

Assessment 2 is an individual negotiation exercise in English during Sessions 7 and 8. Students will be expected to negotiate based on their pre-negotiation memorandum and reach a settlement with their negotiation partner (from the other colour group). Slide decks (Google slides, PowerPoint etc) are NOT allowed; but students are permitted to reduce the terms of their agreement into writing. Time allocated to each student for the negotiation will depend on the number of students attending the class (~15 to 30 minutes).

Assessment 3 is an individual written post-negotiation evaluation of 3 pages (excluding cover page) in English. Students should write this, responding to feedback (if any) from the instructor and their experience during the negotiation assessment, and submit this one week after Session 8 for final assessment.

Please refer to BEEF+ for the default formatting of paper.

#### Evaluation baseline

With the method stated above, grades will be determined based on the extent to which students have achieved the course objectives.

Written assessments (1, 3) will be graded primarily on the quality of analysis; clarity of expression of ideas; and organization (use of headings, etc).

Generative AI tools are permitted provided a separate document (not counted in the main paper's page count of 7 pages) is provided explaining clearly and exhaustively: 1) the AI tool(s) used; 2) the inputs used to prompt the AI tools); 3) the AI-generated outputs; and 4) how the written assessment as submitted by the student differs from the AI-generated outputs. Any errors or inaccuracies generated by AI tools uncorrected before submission are strictly the responsibility of the student.

The negotiation assessment (2) will be graded on clarity of expression and quality of engagement with the negotiation counterpart.

#### Notice (include info. on related class)

Prior learning in Negotiation / Legal Analysis and Skills / Commercial Law / Business courses or their equivalent may be an advantage but is not required.

#### Review and preparation

Students are required to read the prescribed readings before each class. Additional readings and exercises will also be distributed for use in class.

Notetaking on personal computing devices is permitted.

While in-class participation is not assessed for the purposes of determining your final grade, participation is strongly encouraged. Students may be called by name to answer questions or share their opinions.

The use of dictionaries (paper or electronic) or other tools are permitted in class, but the use of any tool that records sound or images is prohibited unless expressly permitted and subject to specific conditions.

Kobe University requires 45 hours of study from students to award one credit, including both in-class instructions as well as study outside classes. Students are required to prepare for each class and complete the review after each class, depending on the respective class goals.

#### Office hour · Contact information

Contact details will be announced during the course.

#### Message for student

This course is for you if you have ever wondered, “what happens in a negotiation?” or “could I be a good negotiator?” Your contributions based on your experiences - academic or professional, in or outside Japan - and opinions will make this class a worthwhile experience for all.

You are strongly encouraged to take this course together with “Law and Business in a Cross-Cultural Context (Appropriate Dispute Resolution)” .

For KIMAP graduate students who are considering participating in Sophia INC, please note that:

1. Participants with prior legal professional experience are required to disclose such experience, and they are held to a higher standard by the judges (i.e. the judging will be harsher).
2. The competition's November/December timing might be post-completion of KIMAP candidature.

#### Improvements in Teaching

N/A

#### Text

None; the prescribed readings in the syllabus and any additional material assigned in class will suffice.

#### Reference Material

(Mandatory)

Roger Fisher, William L Ury and Bruce Patton, Getting to Yes: Negotiating Agreement without Giving In (3rd edn, Penguin Books 2011)

Earlier editions of the book are also acceptable.

#### Classroom Language

English

#### Keywords

Negotiation, Commercial Law, Business Law