

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 (May 12 (Tues), 3rd period 13:20-14:50)
  - 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 (May 12 (Tues), 4th period 15:10-16:40)
  - a. Preparing negotiation strategy
  - b. Identifying potential issues in negotiation strategy
3. Day 2: Negotiation in Practice: Case Study (May 14 (Thurs), 3rd period 13:20-14:50)
  - a. Negotiate issues based on draft negotiation strategy
  - b. Evaluating negotiation strategies
4. Day 2: Negotiation in Practice: Analysis (May 14 (Thurs), 4th period 15:10-16:40)
  - a. Watching and analysing a mini-negotiation
5. Day 3: Negotiation: Practical Assessment (May 20 (Wed), 4th period 15:10-16:40, 5th period 17:00-18:30)
6. Day 4: Conclusion and Reflections (May 22 (Fri), 2nd period 10:40 - 12:10)
7. Day 5: Question & Answer Session on Negotiation Evaluation (June 8 (Mon), online, 3rd period 13:20-14:50)

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%;  
Evaluation (Written Evaluation and Online Q&A) 30%.

Before Session 7, students will be divided into two groups, Red and Blue. Each group will receive confidential information relevant to the negotiation. Students may discuss strategy and confidential information only with members of their own group. They must not discuss these matters with members of the other group for the rest of the course.

Assessment 1 is an individual pre-negotiation memorandum in English, 7 pages excluding cover page. It must be submitted by email to the instructor two days before Session 7.

Assessment 2 is an individual negotiation exercise in English conducted during Sessions 5 and 6. Students are expected to negotiate on the basis of their pre-negotiation memorandum and reach a settlement with a partner from the other group.

Slide decks (including Google Slides and PowerPoint) are not permitted, but students may record agreed terms in writing.

Time allocated per student will depend on class size, usually about 15 to 30 minutes.

Assessment 3 is an individual post-negotiation evaluation in English, 3 pages excluding cover page, together with an online Q&A session based on that evaluation. Students should reflect on the negotiation, including any instructor feedback, and submit the written evaluation one week after Session 8. Session 8 will consist of the online Q&A with the instructor on the written evaluation.

Recommended formatting for written work is Times New Roman 12 pt for main text and 10 pt for footnotes, single-

#### 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.

#### 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

#### 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.

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

#### Classroom Language

English

#### Keywords

Negotiation, Commercial Law, Business Law