

A ROCKIN' RESOLUTION

An Interactive Activity: The Art of Negotiation for Middle School Students

Summary:

This module is designed to assist the Attorney with discussing negotiation with a class of middle school students, including what negotiation is, and why and how lawyers negotiate in the course of their practices. This brief explanation will be followed by an interactive exercise where the class is broken up into groups who must try to reach agreement on the terms for a contract between the fictitious but popular band “New Spice” and the also fictitious but fabulous “Magic Palace Arena”. The module includes separate instructions for each group of students so there is a basis for them to participate in the exercise. The class wraps up with a discussion of why the students think they did or did not reach consensus on terms for an agreement between the parties.

This module includes:

1. An outline for the entire class time, including suggested talking points for the attorney
2. An instruction sheet for each group of students who will participate in the exercise
3. A “Teacher’s Guide” briefly explaining some of the goals of the exercise and requesting the teacher’s assistance in working with the students.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
CLASS OUTLINE FOLLOWS ON NEXT PAGE

CLASS OUTLINE

Designed for 50 minute class; can be expanded or shortened as necessary

- I. Attorney introduction (2-3 minutes):
 - a. Introduce yourself, tell a little about your practice, etc.
 - b. Explain what you are doing today: (1) talking about the art of negotiation, and (2) doing a negotiation exercise
- II. Attorney explains about negotiation generally (5-7 minutes).
 - a. Almost all lawyers must negotiate sometime, whether it is the terms of a business or real estate transaction, a settlement of a lawsuit, or a plea bargain in a criminal case. Explain a bit about each of these examples.
 - b. Suggest to students that they probably negotiate with their parents all the time—about whether to do homework right away after school or whether they can wait until after dinner; what time is bedtime, whether they should be able to go to the movies with their friends or instead must do chores around the house
 - c. The lawyer should share his/her own negotiating story
 - d. Invite willing students to briefly share their own negotiation stories
- III. Attorney explains things to consider when negotiating (7-10 minutes): (Suggestions to discuss with the class follow, or the attorney should substitute his/her own):
 - a. What are you trying to achieve? E.g., Something specific like a 9:30pm bedtime, or just a later bedtime than you have now?
 - b. What's important to you about what you're trying to achieve? E.g., Is it the 9:30pm bedtime itself, or is it actually that you want to watch a particular TV show that ends at 9:30pm?
 - c. Consider the concerns that the other party may have. For example, are your parents concerned that you may be too tired the next day if you stay up later than you do now, or do they think that the show you want to watch is inappropriate?
 - d. Think about other possible options that are acceptable to you. If it's not the 9:30 bedtime you want but to be able to watch the show, is there another way you can watch without staying up later? Can you DVR or TIVO or record the show and watch it later? If it's the bedtime, are you willing to agree that you will be in bed by 9:00pm, if you can keep the lights on until 9:30pm?
 - e. Ask the other side questions. The more information you have about why the answer is (or you think it will be) "NO", the better chance you have of thinking of another option.
 - f. Don't make it personal. It's always hard to think of other options or to understand why someone may be inflexible if you are taking an answer personally or saying things in a way others may take personally.
 - g. Consider your reactions to proposals suggested by the other side. If they are "unreasonable", why? Is there anything you do like about the proposal?
 - h. Other items to consider
- IV. Class negotiation exercise (20-25 minutes)
- V. Class discusses exercise and asks any questions (remaining time)

INTERACTIVE CLASS EXERCISE

INSTRUCTIONS FOR THE ATTORNEY

Set the stage for the class by introducing the fictitious fact pattern:

Pop group “New Spice” has an upcoming nationwide concert tour. One of its stops is at the Magic Palace Arena in Manchester, New Hampshire. Like many pop groups, New Spice is somewhat demanding, and has very specific needs for the concert and their time in Manchester. The Magic Palace also has needs, because there’s only so much they can do—they have too many demanding stars coming through all the time to focus on just one group. New Spice and the Magic Palace Arena are meeting with their respective attorneys to come up with a contract defining the terms for New Spice’s upcoming concert at the Magic Palace.

Instructions for the exercise:

1. Break the class up into groups of 4 students each. Have the teacher help you make the groups; they know the students better than you do, and it will be helpful if they are likely to work well together within the groups.
2. One student in each group will play the spokesperson for New Spice, one will play New Spice’s lawyer, one will play the owner of the Magic Palace Arena and one will play the owner’s lawyer.
3. The groups of students have 20 minutes to create a list of terms to include in the contract for New Spice’s next show at the Magic Palace.
4. Instruct the students that they are expected to work in groups to come up with a list of agreeable terms for a contract between New Spice and the Magic Palace, and what they should be able to discuss at the end of the exercise. Then, provide each member of the appropriate group with the instruction sheet relevant to their role, and turn them loose! The students should be instructed not to share their information with members of other groups. The groups may find it helpful to partner up in an attorney/client pairing before working as opposing parties, although this is not required. The teacher’s input on the feasibility of these suggestions will be important, and available time may dictate whether this can or should be done.
5. At the end of the negotiation, the students need to be prepared to talk about how the negotiation process went, what they did or didn’t agree on, and why they think they agreed or didn’t agree on certain items.
6. Be prepared to circulate throughout the room and offer assistance to each group as needed to get them going. Ask the teacher to help with this too.

(THE TEACHER’S GUIDE INCLUDED IN THIS MODULE SHOULD BE PROVIDED WITH THE REST OF THIS PACKET TO THE TEACHER IN ADVANCE OF THE CLASS DAY. IDEALLY, THE ATTORNEY AND THE TEACHER WILL HAVE HAD TIME TO LOOK OVER THIS MODULE AND DISCUSS THIS EXERCISE WITH EACH OTHER IN ADVANCE OF THE CLASS.)

NEW SPICE

New Spice is a very popular band. The group has gotten used to a certain standard of living, and very used to people doing almost anything to make them happy. They like the color green. A lot. They also like glitter, sparkles, bright lights, mirrors, and stuffed animals, and want to incorporate these things into their dressing room space. They also need plenty of room for all of their costumes. They want to have the walls of their dressing room painted green, if possible. They eat healthy foods, and only drink mineral water. Their favorite brand of sparkling water is called "Bubble". They like to be able to get outside during breaks in the show for a rest, but they don't want to come into contact with the fans during this time, as they find it distracts them from their performance. While they're on tour, the group expects to do nothing for themselves. At least one member of the group has a bit of a temper, and can be unpredictable.



NEW SPICE'S LAWYER

New Spice's lawyer has worked for the band for a very long time. The lawyer understands that New Spice sometimes wants things that they can't have. The lawyer also has a list of the standard items New Spice really wants from the venues they visit:

- to be paid between \$35-\$45 per ticket sold
- to have a private dressing room, including a walk-in closet for the costumes. The dressing room should be green, brightly lit, and sparkly.
- to have plentiful fresh and healthy snacks available at all times, and plentiful mineral water
- to have a private courtyard where they can get some fresh air during intermissions
- to only do 1 autograph session per concert

New Spice has been known to agree to less money to get what they want from a dressing room. The band's lawyer cannot agree to any term of an agreement without consulting with New Spice, unless the item is on the list above.



THE MAGIC PALACE OWNER

The Magic Palace Owner is used to seeing stars at the Magic Palace all the time. They come and go. The owner doesn't like music, and doesn't know who New Spice is. But, his family does like music, and often wants to receive tickets to shows at the Magic Palace, and he has been known to bend on certain issues if he can get free tickets for his friends and family. The Owner just wants the venue to be profitable, and therefore does not want to spend any money on anything if it can be avoided. A couple of years ago a music star refused to come back to the Magic Palace because the star didn't believe he was treated well enough on his first tour at the Magic Palace. The Owner was angry about this because the Magic Palace lost all sorts of money when the star didn't return, but the Owner is still stubborn about spending money to coddle stars when they come to the Magic Palace. However, he understands that sometimes you have to spend money to make money.

Changes to a dressing room are out of the question, because they cost too much, and then the Owner has to pay again to change the room for the next star that comes through, and because changes are time consuming to make.

The Owner expects each of the tickets at a show to net him ("net" is the difference between selling price and profit) at least \$35 dollars, but knows they can't be sold for more than \$80 per ticket, no matter who the star is. There are 10,000 seats available in the arena.

**TOP
SECRET**

THE OWNER'S LAWYER

The Magic Palace Owner's lawyer realizes that his client is not always reasonable. He understands that sometimes you have to spend money on a star's visit to the Magic Palace, but knows that his client's willingness to spend any money on a star is limited. The lawyer knows that any alterations to the dressing room are out of the question, because they cost too much to do, and then cost too much to reverse when the star leaves. But, in the past, the lawyer has found that his client will agree to providing food, drink, decorations in the dressing room (that don't require actual changes to the dressing room itself) and other items to keep a star happy. In the past, they have come up with creative solutions for stars who insist on their dressing room being a certain way. The Owner's Lawyer has also found that sometimes the owner will bend on some issues when tickets are provided free of charge for his family and friends. The Owner's Lawyer also knows that keeping the fans happy is important to future ticket sales, and tries to work multiple autograph sessions into any group's stop at the Magic Palace.

The Owner's lawyer cannot agree to any terms for a contract unless he consults with his client first, and the client agrees.



TEACHER'S GUIDE

The goal of this project is to illustrate some of the practical aspects of a multifaceted negotiation. It is also to show that lawyers do not always work in a courtroom or deal with crime and punishment. If some groups are able to reach resolution on some items while other groups are not, it may also be possible to highlight differences in negotiating styles, and discuss whether being more or less flexible as you negotiate has an effect on the outcome of the negotiation.

During the course of the exercise, hopefully students will be able to make decisions to prioritize items which are more important to their character in the negotiation, and to trade off things of lesser importance to reach consensus on at least a few items. The restricted time frame is intended to make the exercise more realistic.

Please assist the attorney working with your class to divide the students into groups that will work well together, and by helping the students to interact both within and between their groups. It may be necessary to assist students with understanding that they should prioritize items for negotiation. Also, depending on your class, please discuss with the attorney whether the groups should be asked to appoint a spokesperson. Also consider whether it would be easier for the groups to meet in attorney/client pairings to work out a strategy before meeting as opposing parties. Available time may also dictate this.

During the phase following the exercise, please assist the attorney with facilitating the discussion about how the exercise went and why agreement may or may not have been reached.