

出國報告(出國類別：研習)

美國哈佛大學國際談判專題研習

服務機關：金融監督管理委員會

姓名職稱：蘇慧芬專門委員

派赴國家：波士頓·美國

出國期間：105年6月12日至6月19日

報告日期：105年8月10日

摘要

金融監督管理委員會蘇慧芬專門委員獲行政院薦送於 105 年 6 月 12 日至 6 月 19 日赴美國哈佛大學談判中心參加為期 5 天研習課程，課程名稱為：增進你的談判效能研討會(Negotiation Workshop: Improving Your Negotiating Effectiveness)。本 5 天密集研習課程內容旨在引領學生認識及運用系統性方式以達到有效率的談判結果，並透過每天的模擬談判演練，加深學生對系統性談判的認知、瞭解談判的精髓，以及引領學生激發創意以提高談判的價值，並認識自己的談判優劣勢，改善與人相處的技巧，強化人際關係，提升問題處理能力，增進學生未來進行國際談判的實力。

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壹、緣起及目的

為強化公務人員國際經貿談判能力，行政院 104 年度自行行政院及所屬中央機關遴選 17 名合格實授簡任第 10 職等以上且從事國際經貿談判或訴訟業務並具發展潛力之公務人員，參加高階談判人員為期 6 個月之訓練。本團學員金融監督管理委員會蘇慧芬專門委員於前揭高階談判人員訓練表現優異，爰獲行政院薦送另於 105 年 6 月赴美國波士頓參加美國哈佛大學談判中心之研習，課程名稱：課程名稱為：增進你的談判效能研討會(Negotiation Workshop: Improving Your Negotiating Effectiveness)。

本 5 天密集研習課程，學習增進談判效能的系統化架構，並進行多場模擬談判演練，以瞭解談判的精髓，引導學生創造談判價值，認識自己的談判優劣勢，加強人際關係，提升問題處理能力，以達到最大化談判者效益，提高整體談判價值，有效強化未來在正式或非正式國際場域之談判能力。

貳、 研習過程

一、研習時間：105 年 6 月 12 日至 6 月 19 日，計一周

二、地點：波士頓.美國

三、研習過程

本研討會由哈佛大學法學院談判中心榮譽學者及共同創辦人 Bruce Patton 教授授課，並有職業律師、哈佛大學畢業生等 10 名擔任講師及助教，學生共計 56 人，學生大部分為美國人，本人分派於第 C 組共 14 名學員，其中 6 名為美國當地人，其他來自英國、加拿大、芬蘭等國家，任職於律師、金融業、房仲業、國際貿易、產業工會、政府官員等，同學來自各行各業的高階經理人員或企業主，本人透過多場模擬演練，與同學們交換不同觀點與看法，增長了相當多的見聞，學習到要尊敬談判對手，切莫本位主義，始能與談判對手在和諧的氣氛下，商討可達到的最適方案，提高所有談判方的利益。

Patton 每日皆會先傳授講解談判理論與觀念，全部學生並聚集一堂聆聽，至各場模擬演練時，除第一天 Oil Pricing 及第四天 Role Reversal 模擬演練時，全體學生集中於一大會議室進行外，其餘 5 場演練係採各組分開於不同教室進行談判演練，計分為 4 組，每組由 2 名助教帶領，每場模擬演練後，助教皆會先請每位同學記錄並發表心得，助教並評論同學表現及提出若干改進建議。

本研討會課程內容十分緊湊及密集，並要求同學們在上課前應先研讀完「Getting to Yes – Negotiating Agreement Without Giving In」乙書，每天課後亦須研讀準備明日的模擬演練資料，是以研習時間雖僅 5 天，然而課程內容相當豐富，同學們皆表示課程十分緊湊，壓力很大，但受訓完成後，同學都感覺收穫非常豐碩。

本課程內容如下表：

星期一	星期二	星期三	星期四	星期五
授課：研討會之目的與架構	授課：如何準備談判備案	授課：如何完成與對手關係良好且成果豐碩的談判	授課：如何運用人際關係、情感及溝通進行談判	授課：複邊談判與調解
模擬演練：Oil Pricing	模擬演練：The PowerScreen Problem	模擬演練：Sally Soprano	模擬演練：Role Reversal	模擬演練：Chestnut Village
模擬演練：The Allen Affair-	授課：如何建立共識，有系統地發揮影響力	模擬演練及錄影：Royal Pains	授課：談判力量	授課：課程總結
授課：何謂成功的談判，談判的要素	觀看及評論影片：The HackerStar Negotiation	觀看及評論演練情形	模擬演練：Eazy's Garage Location	
			授課：策略性思考	

參、研習課程重點

一、6月13日周一課程重點

(一)何謂成功的談判

1.如何衡量談判是否成功，最根本要件是先取得所有談判方最大的共識，而達成的談判協議能夠打破對方預設的底限，或使己方得最多的利益，或使對方損失更多；此外，談判結果並不低於自己預設的底限，而且各談判方對於談判結果的不滿意度的程度相近；要強調的是，談判結束後應仍與談判對手維繫平和的關係，談判過程中一定要避免與對手產生言語或肢體衝突。

2.成功談判的 7 要素

成功的談判包括：(1)要能讓所有談判方都能獲得利益,(2)談判結果要優於自己設定的最佳替代方案(BATNA),(3)談判結果為最佳的選擇方案,(4)談判結果是基於合理可信的基礎做為談判的依據,(5)談判協議是清楚、實際及可執行的,(6)以具效率的方式達成談判協議,(7)談判結束會促進或至少不傷害與談判方的關係。

(二)模擬演練

1.石油價格訂價演練

個案大要：

C 國的石油係由鄰國 A、B 兩小國供應，往由 AB 兩國共同討論決定每月輸出 C 國石油價格及石油數量，嗣因 A、以 B 兩國交惡，斷絕往來，各自訂定每月賣給 C 國的石油價格，AB 每月各自視上個月銷售結果據以決定本月石油價格，本練習共進行 8 個月(回合)石油訂價演練，其中僅於第 6 回合，AB 兩國可以碰面商討石油價格。7 位同學一組當 A 國與另 7 位同學一組當 B 國進行石油訂價模擬演練。

演練心得：

本人擔任本組代表與對方於第 6 回合洽談石油價格，雙方協議於第 7 回合以後的石油價格，惟對方不守原協議價格，於第 7 回合以低於協議價格售給 C 國並因而獲得 C 國的大量訂單，本組同學對 B 組同學不守信的行為感到不滿，遂於第 8 訂價回合以低價策略反擊。

本次演練結果顯示，倘若在第 1、2 個月以低價訂價策略來獲得 C 國的大單，對手接著亦會以低價方式反擊，而造成 AB 雙方關係更加惡化，且雙方銷售石油的利益均減少，造成兩敗俱傷的局面；另於第 6 回合結束，A B 兩方碰面達成石油價格的協議時，倘若其中一方不守信諾，則不但被欺騙的一方損失慘重，背叛的一方亦因對方以低價反擊而無法獲得預計利益。惟有當雙方能夠信守石油價格的協議，才能達到雙方最大的利益。

2. 模擬演練：The Allen Affair

個案大要：

Allen 家族旗下一家 Allen 律師事務所因與另一家律師事務所合併，合併後的律師事務所將變更名稱，爰擬將原 Allen 律師事務所具收藏價值的資產如法律書籍、最高院判決書、信件、照片、擺設等出售，同學 2 人一組，各擔任 Allen 家族代表及買家，就上開資產進行買賣議價。

演練心得：

在買賣交易談判，買賣雙方目標不同，雙方利益衝突，如何達成協議，主要取決於待售物件的價格合理性，是以買賣雙方須尋求客觀的評價標準，例如公開拍賣歷史價格、二手市場、專家意見等，且買方須瞭解待售物品的特色，並介紹說明使買家認同其價格，另在洽談交易買賣多件價值不等物品的談判，可以將待售物件視賣方需要以分類或包裹搭配出售方式，俾較順利完成交易。

二、6 月 14 日周二課程重點

(一) 如何準備談判備案，如何建立共識及有系統地發揮影響力

談判人員在談判前應先就下列談判制度的 7 項要素做充分的準備，以利有效達成成功的協議：

1. 決定己方的最佳替代方案並瞭解對方可能的最佳替代方案，藉以衡量談判對手的談判籌碼。
2. 認知己方所關切利益並瞭解對方所關切利益，以尋找雙方共同的利益。
3. 擬訂雙方可能接受的替代方案，以增加談判達成協議的機會。
4. 對所談判的內容或標的須有合理可信的準據，以獲得談判雙方的信賴。
5. 談判人員須獲得授權進行談判，以免影響談判的效力。
6. 談判時要有充分的溝通，明瞭雙方的訴求，勿以本位主義以及偏頗觀念臆測對方的訴求。
7. 談判時一定要顧及談判對手的顏面，尊敬對手，避免言語攻擊或不當行為，以維持雙方的繼續合作關係。

(二) 模擬演練：The PowerScreen Problem

個案大要：

Hacker 君與 Star 君共同創立 HackerStar 公司，Hacker 提供資本，Star 提供技術，兩人合作多年後對公司的營運方向產生歧見，Hacker 發現 Star 私下利用公司的設備研發新產品 PowerScreen 並打算自立門戶，本個案探討 Hacker 與 Star 之間的紛爭如何解決。

演練心得：

本人扮演 Hacker 的管理顧問，與 Star 進行談判，本次演練運用課堂講授的談判 7 要素進行問題分析，首先瞭解 Hacker 與 Star 所關切的利益以及雙方可能的備案，再評估雙方利益中屬共同關切的利益，據以向對方提建議方案，在談判過程中，本人轉達 Hacker 希望與 Star 繼續合作的意願，惟倘若 Star 執意另謀發展，則將要求 Star 依市場合理價格賠償損失。本次演練與談判對手最後達成協議，儘管談判過程中因 Hacker 與 Star 雙方個性及

目標南轅北轍，然而透過溝通及站在對方的角度來思考問題，可幫助找出共同的利益及激發新的方案，達成協議。

三、6月15日周三課程重點

(一) 如何完成與對手關係良好且成果豐碩的談判

1. 談判前須先評析瞭解談判對方真正的需求，勿一味堅守立場，對己方立場保持彈性，可適時調整立場，但對基本原則應堅持到底，與對手談判時，僅要求對方改變立場而自己不隨之調整立場，未尋求雙方可能有相同的利益需求，談判往往會陷入僵局，失去從對手獲得自己利益的機會。
2. 談判目的旨在如何取得利益，而非在解決問題。談判要尋求可滿足談判雙方攸關利益的建設性方案，勿以” either/or” 的思考方式來決定方案，在研議可能解決方案時，先由談判團隊成員充分發揮想力，即使聽起來相當不可行也可納入討論方案之一，成員透過腦力激盪，將較可行方案擇取其中某些原素再加以重新組合，據以成為具可行性的新方案，再以若干新方案中以可達最大利益的標準來決定最適方案。
3. 談判時要秉持原則及選擇正當合法的標準與對方說理溝通，勿屈服於對方所施加的壓力或暴力，而應在符合基本原則以及正當合法性標準的前提下調整談判目標。換言之，談判是與對手講道理，用客觀公正可讓人信服的準據，來衡量分析雙方所關切的事項，俾取得對方的信任並達成共識。

(二) 模擬演練：Sally Soprano

個案大要

Lyric 歌劇院即將於 3 個星期後演出 Norma 歌劇，惟該劇女主角臨時生病無法擔綱演出，劇院總監爰緊急尋求前知名女高音 Sally 的幫忙擔任該歌劇女主角，僅管 Sally 已年華不再，知名度亦不若當年，由於 Sally 仍十分希望能再創其事業高峰，爰與劇場總監談判演出事宜。

演練心得：

本人扮演劇場總監的代表，與 Sally 的經紀人談判 Sally 演出酬勞及相關待遇。按在準備談判前要先研析談判對手的關切利益與需求，本個案 Sally 非常在意未來能持續獲得演出機會，並希望事先有充分的彩排及使用女主角的寬敞化妝間等，本人因此判斷此次演出酬勞應非 Sally 堅持的重點，爰在答應提供滿足 Sally 上開需求的承諾下，順利取得 Sally 同意以較低酬勞演出 Norma 歌劇。

此外，本人在談判中適時展現對 Sally 之前卓越藝術表現之敬意，並表達支持其未來表演事業的意向，避免提及其年華不再及人氣不若以往的不利條件，因此，最後達成雙方皆滿意的協議。

(三) 模擬演練：Royal Pains

個案大要：

一家小型新製藥商最近開發出一種抑制腫瘤的藥物，已完成動物實驗，成果良好，目前正向一家國際知名藥廠尋求資金，但該知名藥廠考量新藥的成功機率難以預測以及未來投資金額可能相當龐大等因素，且又因為股票上市公司，有短期獲利目標以及股東的壓力，故對於是否投資該小型藥商有相當大的疑慮。本人擔任小型新製藥商的合夥人之一，與另一合夥人共同與該國際藥廠代表進行談判，本次演練，助教全程錄影，演練後播放錄影影片給同學並評析同學此次演練的表現。

演練心得：

本個案有關新藥的開發過程所需的資金溢注，須考慮成功機率、競爭廠商的策略、科學實驗結果及專家報告等複雜因素。爰在準備本談判前，須對個案提供的有關背景資料做完整的瞭解與準備，另佐以可靠合理、業界公認的客觀標準做為說服對手的堅強理由。

此外，由於個案資訊煩雜，談判時除了要回應對方的問題並要同時與對方腦力激盪以研究解決方案，對談判人員的腦力與體力確實是一大考驗。

是以，本次實況錄影中，同學多面露疲態，爰有同學提議於黑板上書寫，此舉有效提高大家的專注力及對議題解析能力。

綜前，談判要能成功，除了要有談判議題有關的專業外，談判工具的準備齊全，以及談判人員的體力與耐力等亦攸關談判的成敗。

四、6月16日周四課程重點

(一) 如何運用人際關係、情感及溝通、運用談判力量及策略性思考進行談判

- 1.談判人員應有敏銳的觀察力，運用客觀的資訊查證，俾確實瞭解談判對方的需求與利益，避免僅以表象來判斷談判的訴求，而應瞭解對方提出要求的背後是基於何種因素與利益考量，進而針對對方的真實需求，尋求滿足雙方需求的共同利益，俾順利達成協議。
- 2.如何使談判更有建設性，要旨在於與談判對手維持良好的關係，俾雙方能在和諧的氣氛下展開談判以達成共識，倘若與對方破壞關係，將導致對方採報負手段。
- 3.如何建立良好關係，要注意下列要點：(1)理性發言而勿意氣用事，(2)有同理心，站在對方的角度看爭論的議題，並適著發掘彼此的共同利益(3)傾聽對方的看法並耐心與對方溝通彼此理念的歧異，勿用強迫的手段，逼迫對手接受己方的要求(4)要建立讓對手可信賴感，至於對手所言內容，仍應審慎辯明，切勿輕信。

(二) 模擬演練：Role Reversal

個案大要：

本模擬演練 2 個同學為一組，首先由其中一位 A 同學對另一位 B 同學敘述自己實際面臨的未解問題，B 同學扮演聆聽者以瞭解事件的問題，接著轉由 B 同學改為扮演 A 同學的角色，向 A 同學敘述原 A 同學所遭遇的問題，最後由 A 同學以第 3 人的角度，為 B 同學分析原先自己對 B 同學所陳述的問題及解決方案。

演練心得：

本人與另一位同學於此次演練互相分享生活上及工作上所困擾未解的問題，透過角色互換的模擬演練，去除個人情感的非理性因素，客觀理性地解決自己困擾多時的問題。本人與同學深深感受到用別人的觀點來看事情可非常有效與理智及客觀的看待問題，進而釐清問題徵結，順利找出合理解答。

(三) 模擬演練：Eazy's Garage Location

個案大要：

John 經營一家小型汽車修理廠已 30 年，服務品質良好，生意穩定，有一天，他有一位住在附近的遠親請 John 修理車子，John 的員工 Billy 檢視車子的狀況，評估修車費 2000 元，該遠親同意此價錢並希望能在 2 星期內修好，惟當 Billy 進行修理時才發現汽車有嚴重問題，修車費增加為 3000 元，並通知該遠親，但因故未能聯絡上，嗣後，遠親急須用車，發現修理費暴增，相當生氣並逕自闖入修車廠開走車子，雙方各自委託律師談判有關責任賠償事宜。

演練心得：

本人扮演修車廠委任的律師，對方的律師於談判開始先就其客戶逕行闖入修車廠開走車子的行為表示抱歉，本人隨即回應理解其客戶需要用車的急迫性，爰雙方就在理性平和的氛圍下，逐步達成協議，客戶同意照價支付 3000 元修理費，修車廠亦承諾檢討修正內部控制制度，建立書面化修理費用計價標準及相關估價單據，並於單據上註明可能的費用增提的處理情況，以避免未來產生不必要的爭議。

在此次演練，本人學習到當與人發生衝突時，宜先委託客觀第三人出面商談，可避免直接面對面的尷尬，及爆發不理性的言行，而有疏失的一方宜適時先主動道歉，可加速弭平爭端並可維繫雙方日後關係。

五、6月17日周五課程重點

(一) 多邊談判的要領

由於多邊談判的談判成員眾多，各自有不同立場與利益，如何凝聚共識，困難度甚高，因此在多邊談判時，須要有一位人員負責擔任協調人，蒐集、溝通、整合成員的各項意見，為提高談判的效率與效果，除了與前述談判要領所提之瞭解談判方所提的要求背後所真正關切的利益外，並尊重各談判成員的意見及其文化與理念，協調人應先整合大家的需求草擬一份協議，再由談判成員就此草案提出建議意見據以修改，之後再擬定第二份協議供談判人員討論，此可避免談判方各自表述己方立場，各持己見，無法聚焦，致曠日廢時甚而談判破裂。

(二) 模擬演練：Chestnut Village

個案大要：

Chestnut 是一個寧靜安全的小鎮，人口僅 120 人，主要居住在一個村落交通主要幹線的兩側，居民多數為退休人士及中產階級，有一個小學，由於路上車輛不多，學童習慣在街頭玩耍，但嗣因 T 建設公司經政府核准於該村落裏建造住宅大樓，施工期間的大卡車頻繁出入、噪音、垃圾及工地維護措施不足，造成學童安全以及環境污染等問題，居民群起抗議，為解決爭端，爰建設公司、政府代表、市議員、小鎮代表及居民等決定開會協商。

演練心得：

本次演練，居民、小鎮代表為一組，建設公司為一組、政府代表為協調人、市議員為中立第三者，各組先聚集研商對策並擬定可能方案後，再與對方展開正式會議，本人扮演居民，在會中陳述建設公司對本鎮造成的損害與不良影響，對方建設公司代表對本人的陳述不甚信任，要求用圖示並以筆畫出實際受損地點及程度，鑒於對方此非善意的舉動，激怒我方人員改以強硬的姿態反擊，改採本小組事先準備的數個備案中最強勢的方案一向法院提

起強制中止建造的禁制令之申請，以表達居民反對該建案的決心，建設公司一見本小組提出此備案，立即改變態度，提出若干補償方案包括改善相關安全措施例如提供居民使用大樓公共設施、修整人行道、增加警衛、加強道路照明等，最後達成協議。

本人由此演練經驗學習到，談判時應尊敬對方，如用質疑、批判的口吻與心態進行談判，可能導致和解不成，甚而反目成仇的後果。此外，談判前的準備工作是決定談判是否成功的重要關鑑，有完善的準備及可行的解決方案將可確保談判立於不敗之地。

肆、心得與建議

一、心得

國際談判人才攸關國家擴展對外經貿外交事務，優秀的國際談判人才可在國際場合爭取國家利益，維護國家尊嚴。在現今全球國際經貿談判的風潮下，國際談判人才的培育更顯重要。

本人很幸運受服務單位－金融監督管理委員會之薦送，參加「104 年國際經貿談判與訴訟人才培用班」高階班接受為期 6 個月紮實的國內外訓練，也十分感謝獲行政院薦送至美國哈佛大學研習本談判研習課程。本人在上開研習課程中增廣國際視野，並加強國際談判技能，此行收獲相當豐碩。

在哈佛大學研習一周的密集課程，總計進行了 8 場模擬演練，同學皆表示課程壓力很大，但相對地，同學的談判能力亦快速進步，在哈佛大學法學院談判中心 Patton 教授有系統的講授以及優秀熱情的助教們帶領解說下，同學們除了談判能力的增長外，也與來自不同地域及行業的同學們結交友誼。結訓後，本人所屬的 C 組同學們至今仍有電郵聯繫，分享在日常生活及工作上實際運用哈佛大學習得的談判技能，同學表示執行效果確實顯著。

本人在此研習中深刻體會到談判的事前準備是決定談判成功的關鍵因素，談判前應先擬訂己方的最佳替代方案，並評估對方的最佳替代方案，以決定談判策略。此外，在談判時，要從對方的角度來看彼此關切的議題，而且談判人員要有可調整所持立場的彈性，勿一味堅守原有立場，而忽略立場背後表彰的實際利益，故談判時應著重在尋求彼此的共同利益，以發掘出雙方可能接受的備案。談判時注意上述的原則，並展現尊重對方的態度與誠意，將可促使談判順利達成目的。

二、建議

(一)為培養我國經貿談判人才，宜持續開辦國際經貿談判與訴訟人才課程：

國際經貿談判潮流方興未艾，為厚實我國經貿實力，培養優秀經貿談判人才刻不容緩，建議政府宜持續編列相關預算，鼓勵各政府機關指派有潛力的優秀員工集中接受完整的經貿談判訓練，建立堅強的經貿談判團隊，提昇我國國際談判戰力。

(二)為快速增廣國際視野，經貿談判訓練課程宜包含出國受訓課程：

哈佛大學談判中心實名不虛傳，Patton 教授及其他談判課程的教授皆在談判領域有相當精深廣博的研究，且皆著作等身，實務經驗豐富，參與過若干重要的國際談判，成功解決國際紛爭。按美國、瑞士等國已累積豐厚的國際經貿談判實力，我國宜持續選派優秀人才赴國外進修以迅速拓展國際視野，增強經貿談判能力。

(三)為累積寶貴經驗，宜持續積極參加國際會議及從事國際交流：

優秀國際經貿談判人才的培養誠屬不易，除透過課堂學習及模擬演練外，實際參與國際談判，以瞭解國際談判中各國關切的重要議題，並能與各國代表實地交流，透過國際會議的參與，累積寶貴的談判經驗，對於我國相關國際談判策略的擬定及國際經貿交流活動，應有相當助益。



PROGRAM ON NEGOTIATION
HARVARD LAW SCHOOL
EXECUTIVE EDUCATION



Harvard Negotiation Institute

Negotiation Workshop

Improving Your Negotiating Effectiveness

June 13-17, 2016

Bruce Patton

Co-Founder and Distinguished Fellow, Harvard Negotiation Project

Assisted by:

Kyle Glover, Teaching Team Leader

Alex Green, Workshop Coordinator

and Teaching Assistants:

**Naomi Campbell, Jacob Hanna, Rachel Krol, Lisa Marrone,
Tim McDonald, Deanna Parrish, Jonathan Rosenbluth, Carson Wheet**

General Memorandum

- I. Purposes of the Workshop
- II. Structure and Logistics
- III. Requirements
- IV. A Note on Confidentiality

I. Purposes of the Workshop

This Workshop is the latest iteration of a program developed and taught by Bruce Pat Professor Roger Fisher, Founding Director of the Harvard Negotiation Project, since 1977. The aim of this Workshop is to help participants improve their skills in negotiation, joint decision making, and joint problem-solving, and to leave them better able to continue refining those skills in the future. All of these skills are relevant to effective lawyering, negotiating, or other problem solving. More specifically, the aims are:

- A. To increase participants' awareness about negotiation**
 - The pervasiveness of negotiation
 - The importance of *process* — *how* we negotiate
 - Our own negotiating behavior and the implicit working assumptions that underlie it
- B. To provide "theory for practitioners" — some rigorous and tested concepts and tools for thinking about negotiation that can help you figure out what it makes sense to do**
 - Basic variables that can serve as organizing concepts
 - Diagnostic tools — charts, checklists, and so on
 - A fundamental analytical framework to enhance preparation, negotiation, and review
- C. To offer some general guidelines or "rules of thumb"**

There is no single "best" way to negotiate in all circumstances, but some conceptual and practical guidelines may be worth following, absent good reasons not to do so.
- D. To enhance participants' skills**
 - To assess the skills you have as a negotiator and as a third party
 - To broaden your repertoire
 - To practice and experiment with skills in relative safety
 - To develop practical ways to apply useful concepts to daily negotiations
 - To discover effective techniques others use
 - To work on bridging the gap between theory and practice, between what we preach and what we do
- E. To learn from experience, and from each other, so we all keep getting better**
 - To learn to welcome surprises
 - To practice a cycle of plan, act, and review
 - To apply this to the Workshop itself, so it keeps improving

To achieve these ends, the Workshop uses a wide range of tools: careful analysis of the negotiating process, frequent exercises with extensive preparation and review, videotaped and filmed examples, real-time experiments, individual written and small group review, and careful analysis of the process of learning from experience. Negotiation exercises are drawn from many contexts, from legal to personal to business and international, from bilateral to multi-party. We also briefly explore third party roles in negotiation, especially mediation, for what it can teach negotiators.

II. Structure and Logistics

Much of the week's work will be done in smaller Working Groups of 16-24 participants. Each participant will be assigned for the week to a specific Working Group. Each Working Group will be assigned a home base in a specific room and will have two Teaching Assistants (TAs). The TAs have had formal training in negotiation. While a particular TA may have more experience than you in legal practice or the business world and may not have the specific skills you seek, all are aware of and comfortable with the myriad questions that arise in the negotiation process. Their task is to structure and facilitate high-quality review of the negotiation exercises and otherwise to assist you in getting the most out of the time you spend in your Working Group. The lead instructors will also be visiting the working groups from time to time.

The success of the Workshop, and its value to you and your co-participants, will depend on careful preparation and active involvement. It also requires that close attention be paid to the intricate logistical details attendant upon such a workshop. Please read your assignments, study the schedule and assignments carefully and frequently. The Workshop can move forward smoothly only if everyone is on time and paying attention.

III. Requirements

A. Attendance

Both experience and theory are essential to improving negotiation skills. The experiential learning that takes place in the classroom and in the exercises is at the heart of this Workshop.

Most exercises depend on every participant playing a certain role. Each day you will be paired up with another participant (or several) for a negotiation exercise. Any absence is likely to result in significant inconvenience and loss of opportunity to others.

For these reasons, attendance at all class sessions is required. If you know that you will be unavoidably absent for a given class, please notify your TAs as soon as possible, so that they can try to revise, if it is possible, the negotiation schedule and the configuration of exercises and participants. (If you cannot reach them directly, please leave an explicit message for Alex (the Workshop Coordinator, at 781-405-5066, specifying your name, Working Group, and the dates and time you will be absent.)

B. Journal

We ask that at the end of each day you write a one- to two-page entry in your "Journal." The practice of writing a reflective journal tends to make us more observant of what is happening, to remember it better, and to review and question our assumptions. Your journal should be a distillation of your own thoughts, containing (1) conclusions and propositions or hypotheses generated by your experience on that day, and (2) questions that you would like to discuss with others or to which you would like some sort of answer.

To allow you the benefit of testing your own ideas and sharing questions that arise in the course of a day, we ask that you set aside 15-20 minutes each day to exchange and discuss journal entries with one other person in your Working Group. Pairings for the week will be established on Monday. Copy machines are located in the Harvard Law Library in Langdell Hall and in the Caspersen Student Center near the cafeteria. There is also a copy service in the basement of Wasserstein Hall.

If you have any questions that remain unresolved after Working Group discussion, please write them down on a separate piece of paper and see that they get to Bruce. He will try to address those that seem to be of general interest in the plenary sessions.

C. Preparation and Readings

Each evening, and during specified times in the course of the day, you should prepare for upcoming exercises. Preparation for the exercises is critical to your own learning process as well as those of your colleagues. There will also be short reading assignments on some evenings. We believe that you will find these readings helpful to a greater understanding of the Workshop and negotiation in general.

D. Schedule

The workshop will meet regularly from **8:00 a.m.** until 5:00 p.m.; 5:15 on Wednesday; 4:00 on Friday. An optional video on Thursday evening runs until about 7:40 p.m. Participants are also invited to attend an opening reception Monday evening and a closing reception on Friday.

Some of the class time will be used for exercises, some for discussion in Working Groups, and some for plenary sessions of the full class. You should set aside time during the late afternoon and evening to write your Journal and prepare material assigned for the following day. There will also be time for lunch, occasional coffee and snack breaks, and additional case preparation.

Because attendance and participation are important for your own learning experience and, given the nature of this Workshop, essential to the experience of others with whom you will be working, we ask that you plan telephone calls to your office or other business during lunch and after 5:00 pm. Because of the workload of the Negotiation Workshop, no significant outside activity will realistically be possible during the week. To enjoy the beauty and splendor of Boston and the surrounding areas, we suggest that you arrive several days early or plan to stay several days after the conclusion of the Workshop.

E. Location and Check-In

The Workshop will be held at Harvard Law School. Please see the HNI Welcome Packet (sent to you in a separate email) for information regarding the times and location of check-in (and other activities and resources). Please complete check-in on Sunday or Monday **before the Workshop begins at 8:00 a.m.** When you check-in for the Workshop, you will be given a Workshop packet with materials, including the final Workshop schedule with room assignments, and HNI program staff will direct you to the plenary room for the opening of the workshop.

IV. A Note on Confidentiality

A feeling of openness and trust among participants will increase our ability to share with each other and to learn from each other. To foster the free exchange of experience, suggestions, and ideas, we ask that each of you treat the information shared by others as confidential.

In addition, we ask that you please refrain from discussing the exercises and cases with people outside the Workshop. To invent and refine an exercise is an arduous task, sometimes several years. If either the structure of an exercise (its configuration or its surprises) or the substantive facts of one or more sides should become widely known, the case would be of little further use to us and to participants in future Workshops.

We appreciate your cooperation. Many thanks!

Syllabus

Preliminary Assignment:

As you have been instructed in your advance packet of materials for the Negotiation Works please complete the following preliminary assignment.

1. Read *Getting to YES: Negotiating Agreement Without Giving In*, Third Edition, by Roger Fisher, William Ury, and Bruce Patton (Penguin, 2011) and, optionally, *Beyond Reason: Using Emotions as You Negotiate* by Roger Fisher and Daniel Shapiro (Viking/Penguin, 2005). The two books introduce many of the ideas we will be considering during the Workshop. They are available in paperback at most major bookstores and libraries or from any on-line retailer. *Getting to YES* is also available in multiple translations.

2. Complete the following exercises and bring them with you when you attend the workshop. (These are to help you clarify your current thinking on negotiation and to provide you with specific confidential context within which to apply tools and ideas you will be using and developing during the week and by which to gauge your learning.)

(a) **Memo to a Junior Colleague.** Like everyone else, you have been negotiating your life: with parents, neighbors, landlords, children, colleagues, etc. It is likely that you have developed some working assumptions about how, in general, one ought to negotiate to do well. Write a short (one- to two-page) memorandum to a junior colleague giving your advice, general propositions, rules of thumb, and other guidance on how to negotiate.

(b) **A Current Problem.** Following the guidelines in the (attached) handout by the same title, please describe a negotiation situation you now face in your practice.

3. Read and prepare for the Oil Pricing Exercise. Consider what strategy you will recommend for your country. You should be prepared to negotiate this case when you come to class: the negotiation is scheduled for early Monday morning, and you will not have any time to prepare once the session begins.

Monday, June 13, 2016

- 7:00 - 8:00 Final Registration and pick up of any needed materials.
- 8:00 - 8:45 WORKSHOP PURPOSES AND STRUCTURE
Location: Plenary, Pound Hall 101
- 9:00 - 11:30 **Oil Pricing Exercise**
Location: Milstein East
- 11:45 - 12:45 Introductions
Location: Working Groups
- receive materials for *The Allen Affair*
- 12:45 - 14:00 Lunch; prepare to negotiate *The Allen Affair*
- 14:00 - 15:45 Negotiate *The Allen Affair* (30 min.) [1-on-1]
Location: Working Groups
- Review
- Choose Journal Partners
- Pick up materials for tomorrow:
- instructions for *The PowerScreen Problem*
- class lists
- 15:45 - 16:00 Break
- 16:00 - 17:00 WHAT IS A GOOD OUTCOME? ELEMENTS OF NEGOTIATION
Location: Pound Hall 101
- 17:00 Break for the day
Reception (Harvard Faculty Club)

Individual Preparation for Tomorrow:

- Prepare to negotiate *The PowerScreen Problem*. Use the Seven Elements to organize your thinking.
- You may want to read Chapters 1-2 of *Beyond Reason: Using Emotions as You Negotiate* to help you think through the relationship issues in tomorrow's case.
- Review the situation you described in the advance assignment **A Current Problem**. See "Current Problem: Refining the Analysis" in *The Workbook* for further instructions.
- Meet with your journal partner to exchange journal entries and discuss issues that arose during the day. Breakfast before class is often a good time to try to do this. See the General Memorandum for a discussion of journal-writing.

Tuesday, June 14, 2016

- 8:00 - 9:40 ALTERNATIVE "SYSTEMS" OF NEGOTIATION
HOW PREPARE?
View "*The Fight*"
Location: Pound Hall 101
- 9:40 - 9:55 Break
- 9:55 - 12:45 Prepare by side for *The PowerScreen Problem*
Location: Working Group Breakouts; TBA
Negotiate *The PowerScreen Problem* (45 min.) [1-on-1]
Review
Pick up materials for tomorrow:
- Instructions for *Sally Soprano*
- Instructions, pairings, and videotaping & reviewing times for *Royal Pains*
- 12:45 - 13:45 Lunch
- 13:45 - 15:05 *The Consensus Exercise*
PARTISAN PERCEPTIONS
A SYSTEMATIC APPROACH TO INFLUENCE
Location: Pound Hall 101
- 15:05 - 15:15 Break
- 15:15 - 17:00 View and discuss film: *The HackerStar Negotiation*
Location: Pound Hall 101
- 17:00 Break for the day

Individual Preparation for Tomorrow:

- Prepare to negotiate *Sally Soprano*.
- Prepare to negotiate *Royal Pains*. Note that some of you will not have much preparatio time on Wednesday, so you should consider meeting with your partner tonight to discuss plan strategy.
- Continue your analysis of the situation you described in **A Current Problem**. Refer to handout "A Current Problem: Refining the Analysis" for further instructions.
- Meet with your journal partner to exchange journal entries and discuss issues that arose during the day.

Wednesday, June 15, 2016

- 8:00 - 9:20 **ACHIEVING GOOD SUBSTANTIVE AND RELATIONSHIP OUTCOMES: THE CIRCLE OF VALUE**
Location: Pound Hall 101
- 9:30 - 12:15 Negotiate *Sally Soprano* (30 min.) [1-on-1]
Location: Working Groups
- Review
- Pick up materials for tomorrow:
- Instructions on selecting a context for the *Role Reversal Exercise*
- Instructions for *Eazy's Garage*
- 12:15 - 16:10 Prepare by team, negotiate, and review *Royal Pains*. Fifteen minutes the middle of your negotiation will be videotaped, and shortly after the negotiation you will review of this videotape with a TA. After this negotiation, please complete the Peer- and Self-Evaluations for the exercise.
- 14:30 - 16:00 Professor Patton will hold group "office hours" to discuss issues and answer questions.
Location: TBA
- 16:20 - 17:15 Review *Royal Pains* negotiations
Location: Working Groups
- 17:15 Break for the day

Individual Preparation for Tomorrow:

- Prepare for the *Role Reversal Exercise*.
- Prepare for the *Eazy's Garage* negotiation.
- Identify a negotiator with whom you have difficulty. For the purposes of the laboratories tomorrow, it will be helpful to have a specific individual in mind.
- See the instructions for tonight in the handout "A Current Problem: Refining the Analyz
- Meet with your journal partner to exchange journal entries and discuss issues that arose during the day.

Thursday, June 16, 2016

- 8:00 - 8:50 MANAGING RELATIONSHIPS, EMOTIONS, AND
COMMUNICATION AS YOU NEGOTIATE
Location: Pound Hall 101
- 9:05 - 10:30 *Role Reversal Exercise*
Location: Milstein East
- 10:45 - 12:00 NEGOTIATION POWER
Location: Pound Hall 101
- 12:00 - 13:00 Lunch
- 13:00 - 15:45 Negotiate *Eazy's Garage* (40 min.) [1-on-1]
Location: Working Groups
- Review
- Advanced practice exercises
- Pick up materials for tomorrow:
 - instructions for *Chestnut Village*
- 16:00 - 17:00 THINKING STRATEGICALLY
Location: Pound Hall 101
- 17:10 - 19:40 *Getting to Yes: The Video Workshop on Negotiation.* This 2½ hour v
is optional. However, many participants have found it extremely hel
in crystallizing their understanding of the material.
Location: Pound Hall 101

Individual Preparation for Tomorrow:

- Prepare to negotiate *Chestnut Village*.
- Read Chapters 8-9 in *Beyond Reason: Using Emotions as You Negotiate*.
- If you have not already done so, get together with a colleague to discuss your analysis o
Current Problem.
- Meet with your journal partner to exchange journals and discuss themes from the day.

Friday, June 17, 2016

8:00 - 9:15	MEDIATION & MULTIPARTY NEGOTIATION Location: Pound Hall 101
9:30 - 10:45	Prepare by team to negotiate <i>Chestnut Village</i> Location: Various; TBA
10:45 - 13:00	Negotiate <i>Chestnut Village</i> (70 min.) [6-on-4] Location: Various; TBA Review Location: Various; TBA
13:00 - 14:00	Lunch
14:00 - 15:15	Working Group Final Discussion
15:30 - 16:00	FINAL PRESENTATION Location: Pound Hall 101
16:00	End of Workshop Closing reception (TBA)

Individual Preparation for Continued Learning:

In light of your experience during the past week:

- Revise your memorandum to a junior colleague giving your advice, general propositions, rules of thumb, or other guidance on how to negotiate.
- Write a brief memo to yourself outlining your new approach to the problem or situation described in the pre-Workshop assignment, A Current Problem.