



# *The Negotiation*

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## **Discovering Connections**

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### **ACTIVITY (PAGE 172)**

1. Student Resource. Many answers are possible. You may have to remind students that simple bargaining during a trip to the market can also be viewed as a negotiation, as well as arranging to have dinner with friends.
  
2. Student Resource. Possible answers include:
  - a. Listen. Listen to the other person.
  - b. Compromise. Reach an acceptable compromise (the win/win negotiation).
  - c. Prioritize. Know what you want before you begin. Be organized.
  - d. Be concise. People do not normally listen well. The shorter your conversation, the more they remember.
  - e. Point out the benefits. Make sure that the other party understands the benefits of your offer. They may not be seeing the negotiation as you do. This aids in your communication. If you don't understand one another, you cannot reach agreement.

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## Legal Listening

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1. An agreement with a former television star to direct a Broadway musical.
2. No. His stardom ended years ago.
3. Nextdoor Productions. The company that wants to produce the Broadway musical.
4. Co-director.
5. Cochran, the former TV star, needs more money because he has a cash flow problem after buying property in Malibu.

### Listening Script

*Margaret:* James, you simply would not believe the arrogance of Martin Cochran. He was a television star years ago and has no directing experience and little Broadway experience.

*James:* What happened?

*Margaret:* Well, the negotiation opened with a demand for total directing control and executive producer rights.

*James:* What? I thought Nextdoor Productions wanted to give him Assistant Director credit for a short run if he was willing to act in the production also.

*Margaret:* Exactly, but apparently Mr. Cochran is determined not to be an “assistant” anything. He was a big TV star, you know (*sarcasm*).

*James:* Was he at the negotiation?

*Margaret:* No, just his attorneys. However, they had no authority to make a deal. I am certain that he told them to refuse all offers involving “assistant” titles unless it involved a sizeable increase in salary.

*James:* A salary increase? Besides, couldn't you come up with some other designation other than “assistant” that still means he is not in charge.

*Margaret:* Well, we offered to credit him as “co-director” with no salary increase. The attorneys are going to get back to us after they consult with their client.

*James:* It doesn't sound like you will ever reach agreement.

*Margaret:* I think this is just a ploy to get more money. Rumor has it that he has a cash flow problem after buying that large

estate in Malibu. One of the negotiators mentioned a fee increase, but we didn't follow up on it. Our clients believe Mr. Cochran has been offered enough.

*James:* Well, let me know how it goes.

### Setting Up the Negotiation (page 173)

1. So that you do not have to make copies for the students, the point values for both sides have been included in Part 2, Texts 1 and 9. You will have to ensure that neither party sees the point values for the other or the negotiation will not work properly.
2. You may want to start the exercise with a brainstorming activity, reviewing the language of negotiations. Using a cluster brainstorm, begin with negotiation and ask students to simply shout out words that remind them of negotiations. After the brainstorm, work together to connect similar words and then review the language that could be used to achieve the objectives/ ideas behind the brainstorm.
3. The students will need 45–60 minutes to review the materials, assign roles, and practice the language of negotiations. The negotiation itself can be done in approximately 60 minutes.
4. Although the issues are inter-related, to ensure that everyone is involved in the negotiation, it helps to have the students assign one person to speak on different negotiation points. Possible divisions of labor include:
  - a. Hotel Personnel
  - b. Dive Sites
  - c. Desalinization Plant
  - d. Resort Size
  - e. Money Exchange Controls
  - f. Resort Tax Status
5. Remind students that ten points will be deducted for each person on a team who does not participate actively in the negotiation. The teacher is the final arbiter of negotiation participation.
6. Of course, as with any oral communication activity, if you have access to a video camera, it is best to take the negotiation for language review during another class session. You do not want to interrupt the negotiation to discuss language points. Once the negotiation starts, only the students should be talking. You may want to take notes and/or videotape the negotiation.