



# The Program on Negotiation at Harvard Law School Annual Report for Academic Year 2010-2011

## Part One: Report of Activities

### A. Summary of Academic Year 2010-2011

#### 1. Executive Summary

The Program on Negotiation at Harvard Law School (PON) continues to play a unique interdisciplinary role at the University, bringing together in collaboration scholars from the Law School, Harvard Business School, Harvard Kennedy School, and Harvard Medical School, as well as scholars from MIT, Tufts University and other Boston-area schools. PON's Executive Committee is headed by HLS professor Robert Mnookin. Serving on the committee are: HBS professor Max Bazerman, MIT professor Jared Curhan, Tufts University professor Jeswald Salacuse, HBS professor James Sebenius, MIT professor Lawrence Susskind, and HLS/HBS professor Guhan Subramanian. PON's managing director, Susan Hackley, serves ex officio and oversees all operations.

PON faculty, students and associates have a shared interest in learning about negotiation and how to manage conflict productively. Studying a broad range of contexts, scholars examine how conflicts develop, how deals get made, how violence is averted, how relationships are strengthened, how emotions can be managed, and how decisions are made and problems solved. Drawing from numerous fields of study, including law, business, government, psychology, economics, anthropology, the arts, and education, PON's researchers and students connect the discussion of conflict management with real-world events.

PON sponsored numerous activities this past year, ranging from faculty research talks and PON Film Series showings to larger conferences and special events. Some highlights include:

Martti Ahtisaari, former president of Finland and 2008 Nobel Peace Prize recipient, was honored as the Program on Negotiation's "Great Negotiator," ninth in a list of outstanding negotiators honored by PON for their lifetime achievements. This year's program was jointly sponsored by PON and The Future of Diplomacy Project at the Harvard Kennedy School.

HBS professor Max H. Bazerman is the co-author of the new book, *Blind Spots: Why we Fail to Do What's Right and What to Do About It* (Princeton University Press).

With the Harvard Negotiation Law Review and the Harvard Negotiation and Mediation Clinical Program, PON co-sponsored a conference on “The Criminalization of Conflict Resolution,” addressing the effects of the Supreme Court’s *Holder vs. Humanitarian Law Project* on international peacekeeping and conflict resolution efforts.

Norway’s Foreign Minister, Jonas Gahr Store, and the Norwegian ambassador to the U.S., Wegger Chr. Strommen, were guests at a PON faculty lunch. Describing PON as a “source of inspiration,” the Foreign Minister welcomed the opportunity to meet with negotiation and foreign policy scholars to discuss legal and political issues of the High North – the Norwegian government’s number one foreign policy priority.

PON Chair Robert Mnookin discussed his book, *Bargaining with the Devil: When to Negotiate, When to Fight*, at a webinar produced by Business Management Daily/Capitol Information Group, part of an ongoing effort at PON to engage with new media.

A number of PON faculty have been deeply involved for some time in research activities relating to negotiation and the Middle East. To help PON strengthen, connect and grow these various activities, PON is developing a new research program, the Middle East Negotiation Initiative (MENI). Professor Mnookin will oversee this work with significant involvement by Professor James Sebenius, Senior Fellow Shula Gilad, and others.

The Abraham Path Initiative is the focus of a new case study published by Harvard Business School, describing how development of the Abraham Path, a cultural walking trail in the Middle East, is a complex series of negotiations.

Faculty taught negotiation theory and skills to over 1200 participants in PON’s executive education programs, held both on and off campus. PON continues to offer free tuition to these courses to managers and other senior staff from the City of Cambridge.

Professor Lawrence Susskind, co-founder of PON, was named Peacemaker of the Year by Mediators Beyond Borders, for his global work on identity-based disputes and environmental dispute resolution.

The MIT-Harvard Public Disputes Program co-sponsored a national conference on the Siting of Wind Energy Facilities, held at Harvard Law School. New materials developed for his conference will be made available through PON’s Clearinghouse, which disseminates teaching materials relating to negotiation to faculty worldwide.

More detailed information about all PON activities is available on the PON website, [www.pon.harvard.edu](http://www.pon.harvard.edu).

## **2. Research, Scholarship and Project Activities**

### **a. Areas of Inquiry – Research Program’s Mission Statement**

PON supports a broad scope of research in order to recognize the diversity of disciplines that both build on negotiation theory and advance new negotiation concepts. Our scholars represent a wide array of disciplines, including law, psychology, economics, business and management, public policy, sociology, and international relations. They are recognized leaders in the field

and contribute their scholarship and expertise in a variety of ways, including through scholarly articles, books, mainstream media, online media, and in their teaching. (See also: Connections to Profession, page 24). PON oversees a number of faculty-led research projects and initiatives. A brief description of each project is below, including recent developments.

## **b. Projects / Research & Scholarship**

### **i. Trust, Emotions, Ethics and Morality in Negotiation (TEEM)**

This year PON supported the continued development of the research initiative Trust, Emotions, Ethics and Morality in Negotiation (TEEM), an effort to create, organize and disseminate a new generation of research that integrates these cutting-edge themes, enhancing scientific and practical understanding of how decisions influence negotiated outcomes. TEEM's goal is to have a concentrated effect by supporting research related to the five project co-directors, Max Bazerman (HBS), Iris Bohnet (HKS), Joshua Greene (FAS), Jennifer Lerner (HKS), and Deepak Malhotra (HBS), and their colleagues.

In January, Max Bazerman taught a 5-day mini-course at Harvard Business School with HBS Professor Francesca Gino, based on TEEM research: *Behavioral Ethics in Negotiation and Decision Making*. The course was open to doctoral students, faculty, MBA students interested in pursuing a research career, and a small number of research-focused undergraduates from throughout Harvard.

Work completed by core TEEM faculty in the past year includes a number of publications, including:

- Bazerman, M.H., & Tenbrunsel, A.E. *Blind Spots: Why We Fail to Do What's Right and What to Do about It*. Princeton University Press, 2011. Adaptations from this book were published in *The New York Times*, *Ethisphere*, and *Harvard Magazine*, among others.
- Iris Bohnet and Farzad Saidi, "Performance and Information: The Role of Organizational Demography," HKS Faculty Research Working Paper. 7 Feb, 2011.
- Greene, Joshua D. et al "Sorting guilty minds," *New York University Law Review* Vol. 86 (2011) *Forthcoming*.
- Litwak, Paul M, Jennifer Lerner, and Larissa Tiedens, "Fuel in the Fire: How Anger Impacts Judgment and Decision-Making," *International Handbook of Anger*. Michael Potegal, Gerhard Stemmler and Charles Spielberger eds. New York: Springer Press, 2011.
- Deepak Malhotra and Fabrice Lumineau, "Shadow of the contract: how contract structure shapes interfirm dispute resolution," *Strategic Management Journal*. Volume 32, Issue 5, pages 532-555, May 2011.

### **ii. Harvard Negotiation Research Project**

During this past year, the activities of the HNRP focused primarily on two broad topics (a) ethnic conflicts in divided societies and (b) the limits of negotiation, and the challenge of making wise decisions about whether to negotiate or resist.

Professor Mnookin and HLS Visiting Professor Alain Verbeke are continuing their work on the conflict within Belgium between the French-speaking Walloons and the Dutch-speaking Flemish. In May 2011 Prof. Mnookin visited Belgium and interviewed a number of leading political figures concerning the conflict.

The HNRP is also pursuing initiatives relating to the Israeli-Palestinian dispute. Working with Israel's Professor Yair Hershfeld, and former national security advisors Steven Hadley and Sandy Berger, work has begun on alternative ways of encouraging the resumption of bi-lateral negotiations. On September 12, 2011 the HNRP and PON are co-sponsors of an off-the-record conference on this topic that will be held in Washington DC. Finally, in conjunction with American University and the Carter Center, the HNRP is planning a collaborative research project.

During this past year, Prof. Mnookin made a number of presentations relating to the limits of negotiation and his book, Bargaining with the Devil. These included:

- July 1, 2010--*Bargaining with the Devil* talk at Martha's Vineyard Hebrew Center
- October 4, 2010--Keynote address for The Maine Association of Mediators in Portland
- October 30, 2010--*Bargaining with the Devil* Keynote Address for International Academy of Collaborative Professionals in Washington, DC
- December 9, 2010--Keynote address at Chief Litigation Counsel Symposium in Chicago
- December 14, 2010--Speech for the Downtown Harvard Club Author Series
- February 25, 2011--Speech at University of Nevada in Las Vegas
- February 23, 2011--Presentation in the distinguished author series of the Kansas City Public Library
- March 21, 2011--Lecture at Chulalongkorn University in Bangkok
- March 21, 2011--Presentation in Bangkok Thailand to the Harvard Club of Southeast Asia and the Harvard Law School Association of Thailand
- May 17, 2011--*Bargaining with the Devil* webinar
- June 7, 2011--Paper on how third parties can overcome barriers to the negotiated resolution of conflict presented at the College de France in Paris

With PON graduate fellow Linn Normand, the HNRP has begun planning an interdisciplinary conference on the limits of negotiation to be held in Cambridge in the Spring of 2012.

### **iii. Harvard Negotiation Project**

The mission of the Harvard Negotiation Project (HNP) is to improve the theory and practice of conflict resolution and negotiation by working on real world conflict intervention, theory building, education and training, and writing and disseminating new ideas. Professor James Sebenius, who serves as vice-chair for Practice-Focused Research at PON, is Director of the Harvard Negotiation Project, while the PON Executive Committee (of which he is a member) continues to oversee HNP and its affiliated research initiatives.

Professor Sebenius has developed an intellectual orientation for HNP and created a platform for

broader involvement and research in challenging classes of negotiations. Under his leadership, HNP has focused on a variety of activities with a Middle Eastern aspect, including the academic activities of the Abraham Path and the Israeli-Palestinian Negotiating Partners as well as a joint study group with Harvard's Belfer Center on Iranian Nuclear Negotiations, co-chaired by Professor Graham Allison. This has grown into the Middle East Negotiation Initiative (MENI), which is now under the PON umbrella. Prof. Sebenius continues to be deeply involved, and PON has brought on board as a Senior Fellow, Shula Gilad, to guide this work.

Under Prof. Sebenius's leadership, the Great Negotiator Study Initiative examines PON's decade-old Great Negotiator Program and takes a systematic look at the honorees as a group, looking for cross-cutting insights. Another HNP initiative is a Harvard China Negotiation Initiative, collaborating with a number of faculty who have found public and private negotiations with China-related aspects to be of special interest. Under HNP, the Negotiation Roundtable will continue meeting to analyze new case studies and articles. All of these initiatives offer significant opportunities for cross-disciplinary involvement by faculty and students.

Two existing initiatives that continue under HNP are the Harvard International Negotiation Program, directed by HLS Lecturer on Law and HMS Assistant Professor Daniel Shapiro, and the Global Negotiation Initiative, co-founded and led by William Ury, Distinguished Senior Fellow.

### **1. The Harvard International Negotiation Program**

During the 2010-2011 academic year, the Harvard International Negotiation Program (INP) continued to build on its innovative work on developing theory and disseminating tools on the emotional and identity-based roots of conflict. Among the highlights of the fall semester, the INP, along with the Program on Negotiation and the Institute of Politics, co-hosted a visit from Kamla Persad-Bissessar, the Prime Minister of Trinidad and Tobago. Following introductory remarks from HLS Prof. Robert Mnookin, Chair of the PON Executive Committee, and background on the situation in Trinidad and Tobago by INP Director Daniel Shapiro, Ms. Persad-Bissessar spoke about her personal experience in government as the first female prime minister of her country. Her speech explicitly illustrated the usefulness of several concepts from Roger Fisher and Daniel Shapiro's "Core Concerns Framework," including the power of appreciation and affiliation. Afterward, the Prime Minister and her delegation joined several students from Harvard College and the Harvard Law School for continued discussion over dinner at the Harvard Faculty Club.

The Core Concerns Framework also found a receptive audience with the internationally acclaimed artist, Romero Britto, who took time from his busy schedule to lead a workshop in Daniel Shapiro's freshman seminar in November 2010. Known for his efforts to bring Israeli and Palestinian youth together through art, Britto and Shapiro's students co-created five paintings that illustrate the five major concepts within the Core Concerns Framework. The series of artworks culminated with a sixth painting that reflects the hope that Britto and the students have for a world in which the Core Concerns are regularly and successfully used as tools to improve negotiations of all kinds.

The INP was also pleased to have the opportunity to showcase the work of Dr. Robert Jay Lifton, a distinguished scholar known for his groundbreaking work on the psychology of evil. In the last event of the fall semester, the INP screened a portion of the “Nazi Doctors” documentary, which explores Lifton’s effort to gain insight into the mindset of Nazi physicians who ostensibly broke the Hippocratic oath with their actions during World War II. Following the screening, Lifton entertained questions from the audience, leading a fascinating discussion on the nature of evil. The parallels and distinctions drawn between WWII and international conflicts in the present day suggest several new avenues for further research on the complex nature of emotions and their relation to conflict management.

Daniel Shapiro led several workshops on the topic of emotions and negotiation at the World Economic Forum (WEF) in Davos, Switzerland, in January 2011. INP continues to collaborate with the WEF’s Global Agenda Council on Conflict Prevention in the development of a Global Curriculum on Conflict Management that will be disseminated to senior policymakers around the world. Among the case studies collected thus far for the curriculum are first-hand accounts from former and current heads of state, including Bertie Ahern, Tony Blair, and Morgan Tsvangirai, with several more case studies scheduled for the coming months. Once completed, the curriculum will have the potential to make a tremendous contribution to the training of those tasked with negotiations on issues of regional and international security.

Closer to home, INP is steadily pursuing its core mission of teaching and research. Shapiro taught a highly evaluated freshman seminar at Harvard College, guest lectured across the Harvard campus, and taught two seminar series at Harvard Medical School/McLean Hospital, one for hospital leadership and a second for psychology interns. On the research front, INP continues to investigate the emotional dimensions of conflict. Illustrative publications include “Relational Identity Theory” (Shapiro, *American Psychologist*, 2010) and “The Prevention Principle: A Pragmatic Approach to Prevent Destructive Conflict” (*Journal of International Dispute Settlement*, 2010), co-authored by Daniel Shapiro and HLS student Adam Kinon.

With support from the Harvard Global Health Institute over the next year, the INP will be developing new curricular materials for Harvard students that draw on both Relational Identity Theory and newer research regarding what Shapiro calls the “tribes effect.” There is a bright future ahead for interdisciplinary research on the emotional dimensions of negotiation, and INP encourages students who are interested in exploring the emotional and identity-based aspects of negotiation to pursue research opportunities with INP.

## **2. The Global Negotiation Initiative**

The Global Negotiation Initiative (GNI) continues to support the academic research dimension of the Abraham Path Initiative, which seeks to inspire and support the opening of a permanent cultural route of pilgrimage and tourism retracing the footsteps of Abraham in the Middle East. GNI developed a detailed case analysis of the Initiative, published by Harvard Business School, that highlights lessons for the field of

negotiation. The case is now being updated to be used as an official Business School case in the classroom and in the world. The case study will also serve as the basis for further research into how Abraham's Path can be seen as a negotiation campaign. Work is currently being done by GNI Co-Founder Joshua Weiss, James K. Sebenius, and Kimberlyn Leary on this question.

In conjunction with the other work, GNI continues to develop the Cultural Memory of Abraham project, which seeks to understand the deep importance of Abraham to the people of the Middle East and to look for commonalities and differences in the narratives that can serve as the basis for discussion and connection. The information gleaned from this research will help to build a Virtual Abraham's Path, an internet based site that will contain all kinds of information about Abraham as well as social networking capability to connect people from around the globe. A working design conference is planned for November of 2011 to analyze a prototype of this site and to provide feedback about its efficacy and functionality.

GNI has provided opportunities to students to work on the Path and is also working on a number of student exchange activities to enable Harvard students to experience the path. Students recently took part in walks in the Palestinian Territories and Jordan. GNI continues to work collaboratively with a number of entities at Harvard to further the academic aspects of the Abraham Path Initiative, including the Harvard Business School, Harvard Divinity School, the Middle East Initiative at the Kennedy School of Government, and the Prince Al Waleed Bin Talal Islamic Studies Center at Harvard University.

GNI also continues to advise the e-Parliament Initiative, which links members of parliaments and congresses from around the world via the Internet and other technology. This online community enables democratically elected legislators to exchange ideas and propose strategies on global issues. The e-Parliament's energy efficiency campaign, calling for a one-watt global goal for energy usage by appliances in standby mode, has already generated legislative initiatives in Brazil, Norway, and the European Union.

GNI Co-Founder and Distinguished Senior Fellow William Ury continues to be involved in the Israeli-Palestinian Negotiating Partners (IPNP), participating in negotiation seminars and meeting with Israeli and Palestinian government officials.

Finally, Dr. Ury offers the "How to Say No" and "Dealing with Difficult People" Executive Seminars annually.

#### **iv. The Middle East Negotiation Initiative (MENI)**

The Middle East Negotiation Initiative (MENI) is a new initiative, launched in January, that is designed to help PON strengthen, connect and grow various activities relating to the Middle-East and to support faculty research efforts relating to the region. These activities include the Israeli-Palestinian Negotiating Partners (IPNP), the Israeli Settlements Project, the Abraham Path Initiative, and the HNP-Belfer Iran Negotiations Study Group. Professor Mnookin oversees

this work with significant involvement by Professor James Sebenius, Senior Fellow Shula Gilad, and others.

During the past year, PON staff have developed website content and other materials to keep the public informed of MENI activities. Several workshops and conferences were held, both in the Middle East and in the United States, to help teach participants important skills and techniques for complex Middle East peace negotiations.

## **v. MIT-Harvard Public Disputes Program**

The MIT-Harvard Public Disputes Program made a number of important strides during the 2010-2011 academic year. We continued our research efforts in the four main areas in which we have made important contributions to theory building and the definition of best practice over the past two decades: (1) *international environmental treaty-making*, (2) *the application of mediation techniques and strategies to a range of public disputes*, (3) *strategies for addressing values-based and identity-based disputes in the public arena*; and (4) *the resolution of sovereignty and land claims of indigenous peoples*. Dr. David Fairman and Mr. Patrick Fields continue to serve as Associate Directors of PDP. Professor William Moomaw at Tufts University and Professor Lawrence Susskind at MIT are co-directors of PDP. We recently launched a new multi-year collaboration with the new NSF-funded PhD Program in Water Diplomacy at Tufts University. Also, with the help of MIT doctoral students and PON post-doctoral fellows, PDP produced a variety of new teaching materials that will be distributed through the PON Clearinghouse.

### **1. International Environmental Treaty-making**

With the assistance of Professor William Moomaw (Tufts Fletcher School of Diplomacy), PDP published the 18th volume of *Papers on International Environmental Negotiations*, focused entirely on new approaches to pursuing global restrictions on greenhouse gas emissions. Building on a OECD-sponsored seminar at PON in 2010, in conjunction with the Consensus Building Institute, PDP (with support from Dr. David Fairman) has produced a *Mediation Manual* that OECD member states are now using to encourage informal problem solving in corporate social responsibility disputes in the 34 member nations. In partnership with Professor Nicole Selin (MIT Dept of Earth and Planetary Sciences) and MIT doctoral student Leah Stokes, PDP has produced a Mercury Negotiation Game that will be used this summer and next fall by the global science community involved in efforts to formulate a global treaty restricting the emission of mercury. This new game focuses on the role of science and scientists in global environmental treaty-making and will be distributed through the PON Clearinghouse.

### **2. Mediation of Public Disputes**

Italian and Spanish versions of Professor Susskind's *Breaking Robert's Rules* (Oxford University Press, 2006) will be published in 2011 in conjunction with Dr. Marianella Scalvi in Italy and Mr. Francisco Ingouvilla in Argentina. These are new jointly-authored versions of Professor Susskind's book have been modified substantially to include case studies and additional analyses that are culturally relevant. With a grant from the US Department of Energy, Professor Susskind, Patrick Field and Dr. Jonathan Raab organized a national conference on the Siting of Wind Energy Facilities that was held at Harvard Law School in April 2011. More than 100 participants from 17 states and 5 countries participated in several new role play simulations and heard a variety of

research reports. All of these materials will be available on the PDP web site and through the PON Clearinghouse. The event was focused on the application of the principles in the Facility Siting Credo initially published in *Negotiation Journal* by PDP almost 15 years ago.

Along with Professor Alex Camacho (UC-Irvine Law School) and MIT doctoral student, Todd Schenk, PDP published a critical review of the US Department of Interior's decades long effort to promote collaborative adaptive management of the Glen Canyon Dam (*Columbia Environmental Law Review*).

### **3. Values-based and Identity-based Disputes**

Professor Susskind's key note address on values-based and identity-based disputes to the American Bar Association Section on Alternative Dispute Resolution in April 2010 received a great deal of attention this past year. In addition, Professor Susskind was named Peacemaker of the Year for 2010 by Mediators Beyond Borders for his work on identity-based disputes and environmental dispute resolution around the world.

### **4. Sovereignty and Land Claims of Indigenous Peoples**

In March 2011, in conjunction with the Consensus Building Institute, Professor Susskind organized a two day training program for First Nation chiefs and tribal council members seeking advice on how best to pursue their sovereignty claims in Canada. In May 2010, Professor Susskind made a presentation to the Harvard University Native American Program (HUNAP) and mapped out plans to initiate a student-supported consulting service to assist First Peoples around the world who are pursuing their sovereignty claims. In conjunction with the Balfour Center and Professor Joe Kalt at the Harvard Kennedy School, PDP hopes to be part of a similar effort next academic year.

## **vi. Dispute Resolution Program**

The Dispute Resolution Program (DRP) promotes research and theory-building on the ever-increasing array of alternative dispute resolution mechanisms, with emphasis on how those procedures are best used in conjunction with judicial and regulatory systems. It also promotes the development of innovative teaching materials in this realm. The Multi-Door Courthouse (MDC), a concept originated by DRP founder and Co-Director Frank E. A. Sander, is a system for assessing disputes and recommending alternatives to litigation.

Professor Sander continues to serve as Chair of the Editorial Board of the *Dispute Resolution Magazine*, the quarterly publication of the Dispute Resolution Section of the American Bar Association. He continues to work with Professor Mariana Hernandez Crespo of St. Thomas Law School in Minneapolis, Minnesota, who is seeking to introduce the MDC in Brazil and other South American countries. Professor Sander is currently working on the sixth edition of his basic dispute resolution case book. In addition, Professor Sander is collaborating on a teaching book on dispute system design with Professors Nancy Rogers (The Ohio State University), Robert Bordone (Harvard Law School), and Craig McEwen (Bowdoin College). HBS Professor and DRP co-director Michael Wheeler continues to serve as Editor of the *Negotiation Journal*.

In conjunction with PON, the DRP also publishes the Dispute Resolution Directory, an annual catalog of negotiation and conflict resolution courses and internships in the Greater Boston area.

### **vii. Program on Negotiations in the Workplace**

Faculty and affiliates of the Program on Negotiations in the Workplace Project have been active in research and intervention work as it concerns gender in the workplace.

Co-Directors Simmons Professor (emerita) Deborah Kolb and HBS Professors Kathleen McGinn and Lakshmi Ramarajan completed their study of the links between changing societal views of gender and gender initiatives at a professional services firm. Under review at a major journal, the article, 'Coevolution in activities and beliefs: The outside-inside story of gender and work,' explores how the Women's Initiative at Deloitte analyzed and reshaped its mission and strategies as it internalized the challenges of the changing social institution of gender over nearly two decades. In the process Deloitte's initiative refashioned itself from a program focused solely on women to a broader and more inclusive mandate.

Deborah Kolb, with colleagues Robin Ely from HBS and Herminia Ibarra from INSEAD have authored a paper, "Taking Gender into Account: Theory and Design for Women's Leadership Development Programs." In the paper, the authors suggest that standard topics in leadership development programs, such as negotiation and networking, need to be rethought and revised in light of the ways that gender operates in large organizations.

Professor Kolb continues her work with HBS Professor Robin Ely and Simmons College Distinguished Scholar Joyce Fletcher on a project with a major consulting company. Joined by Erin Reid (HBS), Spela Trefalt (Simmons College) and Emily Heaphy (Boston University), the team has finished its research and is now engaged with the firm in designing pilot projects that have the potential to change some ineffective work practices that also make it difficult for women to succeed there.

A revised version of Kolb's book, *Her Place at the Table*, (with Judith Williams and Carol Frohlinger) was released in September 2010. A new case, *Caitlin's Challenge*, will be available from the PON Clearinghouse in the fall of 2011. The case covers a negotiation over a promotion and includes video of 'moves and turns,' based on Kolb's work.

Kathleen McGinn and Katherine Milkman (Wharton), in their study, "Looking up and looking out: Effects of workgroup sex and race composition on turnover among professionals," find that workgroup demography in terms of race and gender are significant drivers of lawyers' decisions to remain in or exit a professional law firm. The article is currently under revision for a requested second review.

Pinar Fletcher, Kathleen McGinn and Iris Bohnet are exploring the mechanisms through which workgroups affect effort and turnover. In the first of a series of experiments, they found that task and gender composition of the group have significant effects on effort. Fletcher will present the study, "Experiments on gender and competition," at the International Association of Conflict Management meetings in Istanbul in July 2011.

### **viii. PON Research Seminar**

Co-organized by Professors Jared Curhan (MIT/Stanford University) and Guhan Subramanian (Harvard), the PON Research Seminar invites leading scholars from around the country to speak about their research on negotiation and related fields to a group of PON-affiliated faculty members and advanced doctoral students from the Greater Boston area. This year the PON Research Seminar featured three speakers in the Fall (Prof. Peter Carnevale (NYU), Prof. Russell Korobkin (UCLA School of Law), and Prof. Robert Mnookin (HLS)) and three speakers in the Spring (Prof. Michael Klausner (Stanford), D. James Greiner (HLS), and Prof. Amy Cuddy (HBS)). We experimented this year by using a breakfast seminar format in the Fall and a lunch seminar format in the Spring.

### **c. Clinical Work**

#### **Harvard Negotiation and Mediation Clinical Program**

The Harvard Negotiation & Mediation Clinical Program (HNMCP), though not a part of the Program on Negotiation, continues to benefit from various institutional resources available at PON including: the PON library space, where students and staff are welcomed to gather; public computer terminals; and photocopying, scanning, and faxing resources. Until HNMCP acquires its own facilities, the use of these resources is invaluable to the clinic's work. In addition, in the spirit of collegiality, communication, and collaboration, PON includes HNMCP staff at various celebratory events and lunches throughout the year.

HNMCP continues to experience growth and success as it celebrates its 5<sup>th</sup> anniversary. In the summer of 2011 HNMCP will increase its staff by hiring its first Assistant Director, allowing it to add a new class on multiparty negotiation as well as expand its offerings in the area of mediation. Earlier in the year, the clinic proudly accepted the International Institute for Conflict Prevention and Resolution (CPR)'s Problem Solving in the Law School Curriculum Award and published a report from a year-long project with Hewlett Packard as part of a larger U.N. report on human rights and transnational corporations. More specifics about the clinic's recent activities and projects can be found on its website at [www.law.harvard.edu/negotiation](http://www.law.harvard.edu/negotiation).

### **d. Publications & Other Activities**

#### **i. Publications**

##### **1. *Negotiation Journal***

*Negotiation Journal* is a quarterly, peer-reviewed publication with a multidisciplinary approach to dispute resolution. Contributors include lawyers, diplomats, politicians, executives, labor negotiators, psychologists, economists, scholars and others. This year marked the 26th anniversary for *Negotiation Journal*.

##### **2. *Negotiation***

PON produces a monthly newsletter, *Negotiation*. With HLS Professor Guhan Subramanian as faculty editor, the newsletter offers cutting-edge negotiation strategies and methods to improve management, decision-making, and communication skills from PON negotiation experts and scholars in a quick-reading, practical format. The newsletter is available in print and online editions.

### **3. Harvard Negotiation Law Review**

The *Harvard Negotiation Law Review* (HNLR) is a multidisciplinary journal on dispute resolution published annually by HLS students. HNLR continues to update their new website, launched in September of 2009. HNLR.org features a host of articles on negotiation, mediation, arbitration, and other dispute resolution topics, as well as archives of print editions of the journal and other ADR content.

### **4. Teaching Negotiation**

NP@PON (Negotiation Pedagogy at the Program on Negotiation) publishes a free, biannual e-newsletter, *Teaching Negotiation*, which highlights current research, new teaching materials and upcoming events, as well as offering a discussion forum for negotiation instructors. It is circulated to a list of more than 6,000 negotiation and dispute resolution educators.

### **5. Books published by PON-affiliated faculty in 2010-2011**

- *Blind Spots: Why We Fail to Do What's Right and What to Do about It*  
by HBS Prof. Max Bazerman (co-author), Princeton University Press
- A revised version of Prof. Kolb's book, *Her Place at the Table*, (with Judith Williams and Carol Frohlinger) was released in September 2010

## **ii. Conferences**

- “The Criminalization of Conflict Resolution,” – March 25, 2011. The Harvard Negotiation Law Review’s annual symposium, co-hosted by PON and the Harvard Negotiation and Mediation Clinical Program, addressed the effects of the Supreme Court’s *Holder v. Humanitarian Law Project* decision on international peacekeeping and conflict resolution efforts. Panelists included HLS Prof. Robert Mnookin, HLS Lecturer on Law Stephen Sonnenberg, Tufts Prof. Eileen Babbitt and HLS Prof. Martha Field, and the event concluded with a reception.

## **iii. Workshops**

- In January, Max Bazerman taught a 5-day mini-course at Harvard Business School with HBS Professor Francesca Gino based on TEEM research: *Behavioral Ethics in Negotiation and Decision Making*. The course was open to doctoral students, faculty, MBA students interested in pursuing a research career, and a small number of research-focused undergraduates from throughout Harvard.
- Managing director Susan Hackley taught negotiation and mediation skills in the Institute for Inclusive Security symposium, “Across Conflict Lines: Women Mediating for Peace,” in January 2011. Participants included women with leading roles as mediators from several different countries.
- Susan Hackley and HLS student Leah Kang together gave a “Negotiation Training for Parents/Guardians of Children with Special Needs, Arlington and Medford SEPAC” in May 2011. The workshop was designed to help parents advocate effectively for their children and negotiate skillfully with school administrators.

- Last August Susan Hackley led a negotiation skills workshop at HLS for The Women2Women International Leadership Conference Cultural Exchange. The program is sponsored by Empower Peace, a Boston-based nonprofit organization. The Women2Women conference is a five-day forum aimed at empowering future young women leaders from the Middle East, Near East, and the United States. Susan has been part of the program since it launched in 2005 and received a leadership award for her contributions.

#### iv. Events

- The 2010 Great Negotiator Award was presented to former President of Finland Martti Ahtisaari. Mr. Ahtisaari, the 2008 Nobel Peace Prize Recipient, is well-known for his international diplomatic accomplishments during his tenure as diplomat and head of state, which have included negotiating an end to the Aceh conflict in Sumatra. He was joined by Prof. James Sebenius and Prof. R. Nicholas Burns, Director of the Future of Diplomacy Project at the Harvard Kennedy School, on September 27, 2010 for a discussion on Mr. Ahtisaari's role in various global conflicts and the lessons that can be drawn for future negotiators and peacekeepers.
- The Herbert C. Kelman Seminar Series on Negotiation, Conflict, and the News Media is held about once a month throughout the academic year. The series is sponsored by the Program on Negotiation, the Nieman Foundation for Journalism, the Weatherhead Center for International Affairs, the Joan Shorenstein Center on the Press, Politics, and Public Policy, and the MIT-Harvard Public Disputes Program, as well as Boston area members of the Alliance for Peacebuilding. Kelman Seminar speakers this year included, among others:
  - Bob Giles, Curator of the Nieman Foundation for Journalism, and Rob Rose, business reporter for South Africa's Sunday Times and Nieman Fellow, spoke at a seminar on April 26<sup>th</sup> titled "South Africa: Press, Politics and Development in the Post-Apartheid Era."
  - Emma Sky, former Political Advisor in Iraq to General Ray Odierno, and Wajahat S. Khan, Fellow at the Shorenstein Center on the Press, Politics and Public Policy at the Harvard Kennedy School, discussed military-media relations at a March 29<sup>th</sup> event, "The Military and the Media: Two Perspectives--Iraq and Pakistan."
  - Nazila Fathi, Former Tehran Correspondent for the New York Times, and Houchang Chehabi, Professor of International Relations and History at Boston University, spoke at a February 22<sup>nd</sup> seminar titled "Understanding public protests in Egypt and Iran: What is similar, what is different."
  - Stephen Marks, François-Xavier Bagnoud Professor of Health and Human Rights at the Harvard School of Public Health, and Kevin Doyle, editor-in-chief of The Cambodia Daily newspaper in Phnom Penh, discussed the country's rebuilding efforts at a February 1<sup>st</sup> seminar, "Taking stock of Cambodia 20 years after the Paris Peace Agreement."

- Guillermo Perry, Robert F. Kennedy visiting professor at Harvard University, and Pablo Corral Vega, an Ecuadorian photojournalist, lawyer and Nieman Fellow at Harvard University, spoke at a November 16<sup>th</sup> event entitled, “What is it costing the US to ignore its relationship with Latin America?”
- “Bargaining with the Devil: Strategies and Techniques for Negotiating with Tough Opponents” – May 17, 2011. Hosted by PON Executive Committee Chair Robert Mnookin, this afternoon webinar addressed issues of moral quandaries and other challenges in negotiations where the parties dislike and distrust one another.
- “Exhaust the Limits: The Life and Times of a Global Peacemaker” – May 16, 2011. PON arranged a lecture and discussion with Charles F. “Chic” Dambach, President & CEO of the Alliance for Peacebuilding, in which the author addressed his time spent as a mediator and international negotiator working to end deadly conflict abroad.
- “How I Learned to Stop Worrying and Love the Camera: Video in Negotiation Pedagogy” – April 21, 2011. At the NP @ PON faculty dinner seminar, Former Clinical Supervisor of the Harvard Mediation Program and Professor of Law at the University of Oregon, Michael Moffitt presented ways in which video can be used in law school negotiation classes.
- “The Dynamics of Nonviolent Power: Egypt, Tunisia and beyond” – April 20, 2011. As part of the PON Brown Bag Lunch Series, this event featured a lunch and conversation with Hardy Merriman, Senior Advisor at the International Center on Nonviolent Conflict (ICNC), who discussed the circumstances under which nonviolent political movements are effective and what lessons can be drawn from Tunisia and Egypt for future regional uprisings.
- “The Harvard Book Store presents 'Blind Spots' with Max Bazerman,” – April 18, 2011. PON Executive Committee Member and Jesse Isidor Straus Professor of Business Administration at Harvard Business School Max Bazerman discussed his most recent book, focusing on ethical dilemmas and failings in the business world.
- “PON Film Series Presents 'Budrus'” – March 30, 2011. Along with the Harvard Middle East Initiative, PON hosted a screening of the documentary “Budrus,” an exploration of nonviolent opposition to the Israeli Security Barrier construction in the Occupied Territories, followed by a discussion among audience members on broader lessons of nonviolent protest and resistance.
- Norway’s Foreign Minister, Jonas Gahr Store, and the Norwegian ambassador to the U.S., Wegger Chr. Strommen, were guests at a PON faculty lunch. Describing PON as a “source of inspiration,” the Foreign Minister welcomed the opportunity to meet with negotiation and foreign policy scholars to discuss legal and political issues of the High North – the Norwegian government’s number one foreign policy priority. Store gave a background briefing on the Treaty with Russia on Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean, signed after decades of

negotiations. He also noted that he had participated in a Negotiation Workshop in 1986 with Professor Roger Fisher and PON co-founder Bruce Patton and had been a teaching fellow at HNP negotiation workshops.

- “PON Film Series Presents “Knocking” – February 28, 2011. PON hosted a screening of an award-winning documentary on Jehovah's Witnesses and issues of faith and free speech in American society. A Q&A session, co-hosted by Prof. Robert Mnookin and Joel Engardio, the film's producer and director, followed the screening.
- “The Longest War: Challenges and Negotiation Strategies in Afghanistan” – February 18, 2011. Brown bag lunch and discussion with Hassina Sherjan and Michael O’Hanlon, co-authors of “Toughing It Out In Afghanistan.”
- “ Hamas, Hezbollah and the Muslim Brotherhood: Obstacles to Peace in the Middle East or Opportunities?” – February 15, 2011. PON Brown Bag Lunch Series continued with Dr. Robert Pastor, professor of International Relations at American University and Founder and Co-Director of AU’s Center for Democracy and Election Management.
- “Nuclear Negotiations with Russia” – February 25, 2011. PON Brown Bag Lunch with Rose Gottemoeller, Assistant Secretary of State & Chief Negotiator of the New START Treaty. The event was facilitated by Prof. Robert Bordone.
- “Status Constraints in Negotiation: Gender and Global (vs. Local) Culture in the Arab Gulf,” – December 2, 2010. A seminar was hosted by PON as part of the Women and Public Policy Program featuring remarks by Hannah Riley Bowles, Professor at Harvard Kennedy School.
- PON Film Series Presents “The Big Question,” – November 9, 2010. This film focused on forgiveness and reconciliation in post-Apartheid South Africa, and a Q&A session was held after the screening with the film’s director, Frank Desiderio, C.S.P.
- “The Psychology of Nazi Doctors,” – November 16, 2010. Moderated by Dan Shapiro, this event focused on the psychological issues at play with the doctors at Nazi death camps. The main speaker was Robert Jay Lifton, a lecturer in Psychiatry at Harvard Medical School, who has conducted extensive interviews with Nazi doctors.
- “Leadership and Cooperation: A Special Lecture by Kamla Persad-Bissessar, Prime Minister of Trinidad and Tobago” – November 9, 2010. With the help of the Institute of Politics at the Harvard Kennedy School and the Harvard International Negotiation Program, PON hosted a lecture with the first female Prime Minister of Trinidad & Tobago and one of TIME’s top 10 female leaders.
- “Program on Negotiation Summer Fellows Lunch” – October 18, 2010. PON’s Summer Fellows gathered to discuss their previous summer research projects and experiences, which focused on domestic and international dispute settlement and negotiation.

- “Fredrik Stanton Discusses his Book ‘Great Negotiations: Agreements That Changed the Modern World’” – October 13, 2010. PON Brown Bag Lunch series continued with Fredrik Stanton, John C. Whitehead Fellow of the Foreign Policy Association, who discussed his most recent book on major global diplomatic agreements throughout history.
- “Shakespeare and Negotiation” – September 21, 2010. PON’s Brown Bag Lunch series kicked off with author, professor, and former PON Visiting Scholar Leo Smyth, who discussed what Shakespeare’s ideas and writings can teach us about the handling of disputes.
- “2010 Program on Negotiation Open House” – September 16, 2010. Annual kick-off event showcased PON’s course and program offerings for interested students and faculty. Food and drinks were served.

## **e. Fellows, Visiting Researchers, Research Assistants, & Interns**

### **i. PON 2010-2011 Graduate Research Fellows**

The Program on Negotiation hosted three graduate research fellows for the 2010-2011 academic year:

#### **Lakshmi Balachandra**

Ph.D. Candidate in Organizational Studies, Boston College

Lakshmi is a Phd Candidate at Boston College in Organization Studies. Lakshmi’s research focuses on how individuals decide to trust others, in particular in decision-making and negotiation situations. Her dissertation, entitled “Heuristics of Trust: Cues for Trust in Early-Stage Decision-Making” explores the specific behaviors and qualities that develop trust in entrepreneur/investor situations by using videos of entrepreneurs presenting to a group of angel investors and using their real-time investment evaluations. She explores trust through real world decision-making scenarios like videos from the MIT 100K competition or videos from a game show where trust dictates how much each contestant will receive. She has taught negotiation at a variety of business schools, currently at Harvard’s Extension School’s Management Certificate Program. She teaches a leadership course on improvisation at the MIT Sloan School of Management, where she received her MBA. She has a BA from the University of Chicago, and has been an entrepreneur, an investment banker, and a professional stand-up comedian.

#### **Yehonatan Givati**

Ph.D. Candidate, Department of Economics, Harvard University; S.J.D. Candidate, Harvard Law School

Yehonatan’s research focuses on explaining why different countries employ different legal institutions to resolve legal disputes. Specifically, he argues that the varying institutions and policies across countries can be explained by exploring the underlying preferences and circumstances of different countries. For example, why is plea bargaining commonly employed in some countries, while its use is heavily restricted in others? Yehonatan argues that that higher levels of crime and a greater social emphasis on ensuring that guilty individuals are

punished lead to a greater use of plea bargaining, while lower levels of crime and a greater social emphasis on ensuring that innocent individuals are not punished leads to less use of plea bargaining. Like plea bargaining many other legal institutions balance competing values, but countries may weigh values differently. Thus, one should consider how these differences filter into the design of legal institutions across countries.

### **Linn Normand**

DPhil Candidate in International Relations at the University of Oxford

Linn completed her BA degree in Social and Political Sciences at the University of Cambridge followed by a year as a Herchel Smith Scholar at Harvard University. She obtained her MPhil degree in International Relations at the University of Oxford where she stayed on to pursue her doctorate. Her doctoral thesis investigates the phenomenon of demonization in international politics. As a PON research fellow, her research focused on the role hostile perceptions of the opponent play in constraining diplomatic attempts at conflict resolution and negotiations. Her case studies include US-Iran and Israel-Palestine.

### **ii. 2010-2011 Visiting Scholars & Researchers**

**Peter Kamminga** is Associate Professor at VU University Amsterdam, Netherlands, specializing in negotiation and contracting of complex projects. He is a postdoctoral researcher at the Program on Negotiation at Harvard Law School (2011-2013) and has received a Weinstein Fellowship of the JAMS (2011). Peter teaches at the Fletcher School of Law and Diplomacy and is co-organizer of the yearly Water Diplomacy Workshop (an initiative of MIT/TUFTS/PON). He consults on ADR related projects for the EU Commission, the Dutch Ministries of Transport and Justice, and the construction industry.

While at PON, his main research focus is complex international infrastructure and water projects. He investigates how negotiation, contracting, decision making processes, and governance issues influence project success. Peter earned a LLB, JD, LLM and a PhD studying at Dutch, US and German Universities.

**Paola Cecchi-Dimeglio** is a postdoctoral researcher at PON for two academic years (2011-2013). She will teach International Negotiation at the Fletcher School for Law and Diplomacy. Paola's research investigates the effect of gender, culture and organizational behavior in international strategic alliances. Currently, at PON, she explores decision-making processes, conflict management, and negotiation dynamics of international franchise relationships in Asia.

She is also involved as co-organizer and trainer in the Water Diplomacy Workshop organized with the MIT-Harvard Public Disputes Program and Tufts University. In 2011, she received the prestigious Weinstein Fellowship from the JAMS center. She is Co-chair of the ABA IC Subcommittee on the Future of ADR and has been nominated Expert-Coordinator for EU projects funded on ADR. Before completing her "European Ph.D." (Summa Cum Laude), she practiced law in Paris for Landwell LLP (PWC correspondent) and for Baker & McKenzie. She earned a J.D., Masters Degree (Magistère-DJCE), and an LL.M. (Summa Cum Laude) while studying in France, Belgium and the US.

**Talia Fisher** is the director of the Taubenschlag Institute of Criminal Law at Tel Aviv University, where she also teaches ADR, Negotiation Theory, and Evidence Law Theory. She was at PON finishing her dissertation from 2002-2003 and joined PON for the 2010-2011 academic year while on sabbatical. Talia continued her research on privatization of law and evidence, dispute resolution and negotiation theory.

### **iii. PON Summer Research Fellowship Program**

The [PON Summer Fellowships](#) are grants to students who are undertaking internships or unpaid summer research projects in negotiation and dispute resolution. The Fellowship Program's emphasis is on advancing the links between scholarship and practice in negotiation and dispute resolution by supporting students interested in exploring career paths, either professional or academic, in this field.

This past summer, seven graduate students were selected: Ashley Belya (Fletcher/HLS), Rishikesh Bhandary (Fletcher), Sam Chapple-Sokol (Fletcher), Jenny Heintz (Fletcher), Margot Isman (Fletcher), Miriam Solis (MIT), and Shoshana Zeldner (Brandeis). The fellows worked with a range of organizations including: the United Nations High Commissioner for Refugees (UNHCR); Search for Common Ground, and the Institute for Justice and Reconciliation in Cape Town, South Africa.

### **iv. Student Teaching and Research Assistants**

HLS students worked as teaching assistants for the Harvard Negotiation Institute as well as for the Winter and Spring Negotiation Workshops. Serving as teaching assistants provides students with the opportunity to extend the instructional program, enhance their learning of negotiation by working closely with faculty, and train to be problem-solvers in a dynamic context. In addition, HLS students assisted in developing and testing new teaching exercises, sometimes to fulfill course requirements, such as the final paper for the Winter or Spring Negotiation Workshop, and other times on a volunteer basis.

In preparation for the courses, the teaching assistants participate in a full weekend of intensive training with Professor Robert Bordone. Training focuses on pedagogy, in-class facilitation skills, and substantive expertise required for teaching negotiation in a law school setting. Teaching assistants work with Professor Bordone throughout the year to prepare lesson plans, execute case discussions, and review systematically to improve. This program encourages more students to consider an academic law career, especially in the area of alternative dispute resolution.

### **v. 2010-2011 PON Interns & Student Assistants**

PON brought in several student assistants and interns during the 2010-2011 academic year. Sofie Suter, a student at the University of Massachusetts, Boston, spent the academic year working primarily on the PON website. Matt Hall, a Harvard College freshman, spent 6 months working on various projects for PON, including the Student Interest Group. Daphney Kersaint, a student at Mount Holyoke College, spent a month at PON working on the 2011 Harvard Negotiation Institute as part of the Summer Search program.

### **3. Teaching (Contributions to HLS Teaching Program)**

#### **a. Courses at Harvard Law School**

Through the workshops, seminars and other courses offered by PON faculty, Harvard Law School remains a leader among university dispute resolution educational programs. These courses include:

- Negotiation Workshop  
Professor Robert Mnookin, et al., Winter 2011; Professor Robert Bordone et al., Spring 2011
- Dispute Systems Design: Seminar  
Professor Robert Bordone, Fall 2010
- Negotiation and Mediation Clinical Workshop  
Professor Robert Bordone, Stephan Sonnenberg, Spring 2011
- International Negotiations  
Professor Gabriella Blum, Winter 2011
- Mediation  
Lecturer on Law David Hoffman, Spring 2011
- Contracts  
Professor Robert Mnookin, Fall 2010
- Corporations  
Professor Guhan Subramanian, Fall 2010

In addition, PON's consortium schools offer a variety of courses in negotiation and dispute resolution that are open to law school students through cross-registration. Detailed information is on each school's website as well as in the Dispute Resolution Directory, available on PON's website.

#### **b. Executive Education**

PON has established itself as one of the world's outstanding executive negotiation training institutions. The [Executive Education Series](#) is designed to help participants become successful negotiators, deal with difficult people and hard bargainers, and manage conflict productively.

Thousands of business leaders, government officials, corporate trainers, and corporate counsel have participated in these negotiation training courses offered by the Program on Negotiation. PON-affiliated faculty teach the workshops. This year PON again invited select City of Cambridge employees to attend the courses free of charge.

#### **c. Teaching Materials and Curriculum Development: The PON Clearinghouse**

The Program on Negotiation publishes a range of teaching materials related to negotiation, alternative dispute resolution and conflict management. These take the form of role play simulations, instructional videos and books. Many of these materials are used in the HLS

Winter and Spring Negotiation Workshops, the PON Seminars, and the Harvard Negotiation Institute workshops. PON distributes these teaching materials through the [PON Clearinghouse](#) which recently restructured its web pages to make it easier for teachers and trainers to find what they need.

PON Clearinghouse products and services are available to the general public. Because the Clearinghouse attracts customers from all over the world, many of its teaching exercises are available in non-English languages.

The Clearinghouse continually develops new resources for teaching and learning about negotiation and dispute resolution. The 2010-2011 year saw the release of more than a dozen new role simulations and a new book by PON faculty member Max Bazerman.

#### **d. NP@PON: Negotiation Pedagogy at the Program on Negotiation**

Negotiation Pedagogy at the Program on Negotiation (NP@PON) is dedicated to improving the way people teach and learn about negotiation. Incorporating and expanding upon the historical mission of the PON Clearinghouse, NP@PON serves as PON's intellectual focal point for negotiation education. NP@PON is headed by two faculty co-directors – Professor Lawrence Susskind of MIT and Professor Michael Wheeler of Harvard Business School.

NP@PON is involved in a range of activities including research, curriculum development, training, and networking among those interested in negotiation pedagogy. The formal mission of NP@PON is to:

- Contribute to the growing field of negotiation pedagogy through research and publications;
- Support both experienced and next-generation negotiation educators through workshops, idea exchanges, and other educator-focused events;
- Foster connections between communities of negotiation educators and education scholars;
- Develop and distribute teaching materials that are useful in skills-based negotiation instruction;
- Explore and test the application of new technologies to improve teaching and learning about negotiation; and
- Help PON reach new audiences of negotiation practitioners and students through workshops, seminars, and other educational activities.

This past year, NP@PON hosted two faculty dinners. The first focused on the preparation of the case studies included in the Great Negotiator series (published by the Clearinghouse). Professor James Sebenius from Harvard Business School was the presenter. The second focused on the use of video in law school negotiation instruction. Michael Moffitt, Dean of the University of Oregon Law School, was the presenter. Based on the discussion that followed, the Clearinghouse began distributing a summary of Professor Moffitt's talk with all orders of role play simulations it fulfills.

NP@PON continued publication of its electronic newsletter, *Teaching Negotiation*, which is circulated twice a year to over 6,000 negotiation educators worldwide.

#### **e. The Harvard Negotiation Institute at the Program on Negotiation**

The Harvard Negotiation Institute (HNI), which takes place on the HLS campus, continues to provide a popular training opportunity for both lawyers and non-lawyers interested in improving their negotiation and mediation skills. There were 300 participants in this year's workshops, which are held in June and September at HLS. Information about the courses offered this year can be found on page 25 and our [website](#).

#### **f. PON Seminars**

Open to participants from all disciplines and professional fields, including HLS students and Harvard staff, the [PON Seminars](#) provide negotiation and mediation courses to the community. These semester-length courses are designed to increase public awareness and understanding of effective dispute resolution principles. Additional information about this year's courses can be found on page 25.

### **4. Student Participation**

Central to PON's mission is mentoring and partnering with students. In addition to taking negotiation courses, students are always welcome at PON; many serve on committees, cosponsor events with PON, assist faculty, and become involved in the PON Student Interest Group which now has over 1200 members. Other areas of student involvement include serving on the board of the *Harvard Negotiation Law Review*, or as Student Teaching Assistants and Student Research Assistants.

#### **a. PON Student Interest Group (SIG)**

The SIG brings together over 1200 students who are interested in conflict resolution and negotiation from Harvard University, MIT, Simmons College, Tufts, Brandeis, UMass Boston and other Boston-area schools. The Student Interest Group offers support to students in organizing events and discussion groups, and provides opportunities for students to connect with each other and with faculty to learn more about the field. Subscribers to the SIG email list receive bi-weekly updates of events, internships and job announcements. In addition to speaker events, the SIG supports student-led discussion groups.

#### **b. Roger Fisher and Frank E. Sander Prize**

This prize was established by PON in 2007 in honor of professors emeriti Roger Fisher and Frank Sander. The \$1000 prize is awarded to the best student paper on a topic related to negotiation, dispute systems design, mediation, dispute resolution or ADR. Jessica Beess und Chrostin (HLS '13) was awarded the 2011 Fisher/Sander Prize Winner, for her paper "Cross-Border Class Actions and Aggregate Dispute Resolution: Where We Are and How to Move Forward."

#### **c. Howard Raiffa Doctoral Student Paper Award**

This prize was established by PON in 2008 in honor of Professor Howard Raiffa, Frank Plumpton Ramsey Professor of Managerial Economics, Emeritus. The annual prize of \$1000 is awarded to a doctoral student at Harvard, MIT, or Tufts, with the best research paper on a topic relating to negotiation, competitive decision-making, dispute resolution, mediation, or ADR.

Ting Zhang, a PhD candidate in Organizational Behavior at Harvard University, was this year's winner for her paper entitled "The Surprising Effectiveness of the Mean Mediator."

#### **d. Support for Student Leaders**

PON Student Leaders are active in negotiation and conflict resolution at PON consortium schools and other affiliated academic institutions. These student leaders serve as liaisons between PON and students at their respective schools. The group met at the beginning of the academic year to discuss how PON can best address student needs in the field.

#### **e. Summer Fellowship Program**

The [PON Summer Fellowships](#) are grants to students who are undertaking internships or unpaid summer research projects in negotiation and dispute resolution. The Fellowship Program's emphasis is on advancing the links between scholarship and practice in negotiation and dispute resolution by supporting students interested in exploring career paths, either professional or academic, in this field. Information about the 2011 fellows can be found on page 18.

#### **f. Graduate Student Grants Program**

For the fourth year, PON offered its Graduate Student Grants Program to encourage scholarship in the fields of negotiation and conflict resolution, with the aim of supporting cutting edge research at the graduate level.

Three grants were awarded this academic year to support research on a range of topics, including the role of trust in crisis situations, the effect of new technology on community coexistence in Tanzania, and agricultural modernization and land rights inequalities in Paraguay.

#### **g. Student Teaching & Research Assistants**

HLS students worked as teaching assistants for the Harvard Negotiation Institute, as well as for the Winter and Spring Negotiation Workshops. Serving as teaching assistants provides students with the opportunity to extend the instructional program, enhance their learning of negotiation by working closely with faculty, and train to be problem-solvers in a dynamic context. In addition, HLS students assisted in developing and testing new teaching exercises, sometimes to fulfill course requirements, such as the final paper for the Winter or Spring Negotiation Workshop, and other times on a volunteer basis.

In preparation for the courses, the teaching assistants participate in a full weekend of intensive training with Professor Robert Bordone. Training focuses on pedagogy, in-class facilitation skills, and substantive expertise required for teaching negotiation in a law school setting. Teaching assistants work with Professor Bordone throughout the year to prepare lesson plans, execute case discussions, and review systematically to improve. This program encourages more students to consider an academic law career, especially in the area of alternative dispute resolution.

## **h. Harvard Negotiation Law Review**

The [\*Harvard Negotiation Law Review\*](#) (HNLR) continues its mission to advance Alternative Dispute Resolution (ADR) scholarship and knowledge. Along with Professor Sander, PON Chair Robert Mnookin and Professor Bordone serve as faculty advisors to HNLR. PON co-sponsored a symposium with HNLR: "The Criminalization of Conflict Resolution." Additional information can be found on page 12.

## **i. The PON Film Series & Other Special Events**

The Program on Negotiation began the PON Film Series in fall 2001 to use the arts to provide a shared context and catalyst for the discussion of negotiation and conflict resolution theory and practice.

The 2010-2011 Film Series dealt with a wide variety of topics including forgiveness and reconciliation in post-Apartheid South Africa, Jehovah's Witnesses and issues of faith and free speech in American society, and nonviolent opposition to the Israeli Security Barrier construction in the Occupied Territories.

Other special events open to students and the public included:

- The 2010 Great Negotiator Award presentation to former President of Finland Martti Ahtisaari
- "Exhaust the Limits: The Life and Times of a Global Peacemaker"
- "The Dynamics of Nonviolent Power: Egypt, Tunisia and beyond"
- "The Longest War: Challenges and Negotiation Strategies in Afghanistan"
- " Hamas, Hezbollah and the Muslim Brotherhood: Obstacles to Peace in the Middle East or Opportunities?"
- "Nuclear Negotiations with Russia"
- "The Psychology of Nazi Doctors"
- "Leadership and Cooperation: A Special Lecture by Kamla Persad-Bissessar, Prime Minister of Trinidad and Tobago"

## **5. Faculty Participation**

PON is a multi-disciplinary program led by faculty from each of PON's consortium schools (Harvard, MIT, and Tufts) and representing a wide variety of research interests. PON faculty look to PON as a focal point for their work in negotiation and conflict resolution and engage through a number of activities. They develop and serve as chair of conferences and seminars, give presentations on their research, work with students on both faculty and student scholarship, mentor students, teach and train diverse groups both at HLS and to groups in the US and abroad, and, working with managing director Susan Hackley, oversee all of PON's many enterprises, including the Clearinghouse publications center and the executive education workshops. PON faculty and associates also engage with diverse audiences through writing op-eds and articles, giving media interviews, and being available as a resource on negotiation aspects of current events. Throughout this report is evidence of the committed involvement of a number of faculty, most of whom have been involved for ten or more years.

## **6. Other Contributions to the HLS Community**

PON and our research programs offer a wide variety of opportunities to the HLS community throughout the year. The Harvard Negotiation Institute takes place twice a year on the HLS campus, and PON and HLS share equally in the profits. In addition to bringing over 300 lawyers and professionals annually to HLS, HNI gives HLS students the opportunity to hone their teaching skills by working as Teaching Assistants during the program.

At the start of every school year PON hosts an open house that is open to HLS students and the broader public. This event serves as a wonderful opportunity to let students and others know about our research programs, events, and ways that they can become more involved with PON. This is one of our most popular events and drew over 125 people to campus last fall.

PON has an extensive library with a wide variety of materials relating to negotiation and conflict resolution. This browsing library is open to all students and serves as an excellent resource. The library is also available for students to use as a meeting space.

The Global Negotiation Project (page 6) has also been working on a number of student exchange activities to enable Harvard students to experience the Abraham Path.

Finally, PON events are not only open to students but the broader HLS community and beyond. Our events are attended by students, faculty, staff, and the general public and provide the opportunity for many people to learn about negotiation and conflict resolution.

## **7. Law Reform and Advocacy**

The Program on Negotiation supports law reform through the advancement of alternative dispute resolution (ADR) processes. Concepts developed over the years by PON faculty present a vast array of ideas, strategies, and skills for problem solving in a way that maximizes gains for all parties while protecting each party's interests. Law students learn how to be effective and self-aware advocates as they develop their skills in negotiation workshops, seminars, and classes. PON faculty give presentations to groups around the world on negotiation. Faculty also teach at the Harvard Negotiation Institute (page 24) including the Two-Day Intensive Negotiation Workshop for Lawyers & Working Professionals. Furthermore, publications from PON faculty in *Negotiation Journal*, *Harvard Negotiation Law Review*, and *Negotiation* newsletter continue to spread the concepts of alternative dispute resolution to a wide audience throughout the world, including numerous practicing lawyers, judges and academics.

## **8. Connections to the Profession**

### **a. Research**

In addition to research described beginning on page 2, articles and presentations by PON faculty and associates enable PON to bring its work to a broader audience.

[The Negotiations Research Network](#) (NEG), part of the Social Science Research Network (SSRN), is an on-line venue providing access to scholarly articles and professional announcements of interest to the negotiation and dispute resolution community. Directed by PON Executive Committee member Max H. Bazerman, NEG is one of a number of specialized

networks that SSRN has organized for the worldwide dissemination of research in all of the social sciences.

### **b. The Harvard Negotiation Institute at the Program on Negotiation**

The Harvard Negotiation Institute at the Program on Negotiation offers week-long workshops in negotiation and mediation with members of the Harvard Faculty. Workshops are held in June and September or October of each year and meet Monday through Friday, from approximately 9AM to 5PM, on the Harvard Law School campus.

The workshops are open to lawyers and others seeking comprehensive learning in negotiation and mediation. Participants from over thirty countries attended this year's workshops, demonstrating the global reach of PON in the areas of law, business and government, as well as the non-profit sector.

The courses have been approved for continuing legal education (CLE) credits by every state to which we have applied.

#### **The 2010-2011 courses were:**

Mediation Workshop

Professor Emeritus Frank Sander, Michael Lewis and Linda Singer

Negotiation Workshop: Tools for Preparing and Negotiating Effectively

Bruce Patton, Co-Founder and Distinguished Fellow, Harvard Negotiation Project

Two-Day Intensive Negotiation Workshop for Lawyers & Working Professionals

Professor Robert Bordone

Advanced Negotiation Workshop: Deal Design & Implementation

Professor Guhan Subramanian and David Lax

Negotiation Workshop: Creating Value in Deals & Disputes

Professor Robert Bordone

Advanced Negotiation Workshop: Difficult Conversations

Bruce Patton, Co-Founder and Distinguished Fellow, Harvard Negotiation Project,

Sheila Heen, Lecturer on Law; Affiliate, Harvard Negotiation Project, and

Douglas Stone, Lecturer on Law; Affiliate, Harvard Negotiation Project

### **c. Executive Education Programs**

The Program on Negotiation is among the world's outstanding executive negotiation training institutions. Business leaders, government officials, corporate trainers, and corporate counsel are among the nearly 900 people who participated in negotiation training courses offered by PON in partnership with The Langfords Group in 2010-2011. Courses include our 3-day *Program on Negotiation for Senior Executives* and our 1-day *Author Sessions* with PON faculty.

#### **d. PON Seminars**

Open to participants from all disciplines and professional fields, the [PON Seminars](#) provide negotiation and mediation courses to the community. These semester-length courses are designed to increase public awareness and understanding of effective dispute resolution principles. The course attracts a wide variety of students including diverse members of the community, Harvard staff, and students from area colleges and universities that do not offer negotiation courses.

Two courses are taught each year: Negotiation and Dispute Resolution in the fall, and Mediation and Conflict Management in the spring. Both courses provide participants with a conceptual framework and practical advice for professional and personal development in dispute resolution and are taught by HLS graduates.

#### **e. PON Web Sites**

The PON site (<http://www.pon.harvard.edu>), which receives approximately 30,000 visits per month, describes PON and its component research projects, publicizes PON activities, and supports communication with PON's community of scholars and practitioners. The PON Clearinghouse site ([www.pon.org](http://www.pon.org)) serves as PON's curricular resource center, offering a wide range of negotiation-related teaching materials and services to its constituency of educators and practitioners.

PON continually works to advance the content and usability of its websites. PON has posted videos on YouTube and is using Twitter and Facebook to keep interested parties up to date.

PON works closely with the Mequoda Group, an external consultant, to monitor and build traffic to the website. In the last fiscal year we had approximately 367,838 site views which is an increase of 37.48% over the previous year. PON sends out an average of 4 emails per week to people who have signed up on our website to receive them. We closely monitor open rates and click through rates to measure effectiveness of emails.

The PON site is dynamic and changes frequently. We have over 1,526 posts on the site and on average we add 30 new posts a month. These include posts about faculty articles, PON events and ezine posts based on content from the *Negotiation* newsletter.

PON closely monitors PCI Compliance and security on the website. Since nearly \$3 million in revenue is run through credit card information obtained online it is necessary to closely follow industry guidelines. Monthly Trustwave scans are performed on the website to ensure that new security vulnerabilities do not arise. If such vulnerabilities are detected, they are addressed immediately. Since moving to Rackspace servers in December 2009, no high vulnerabilities have been detected. PON also reports to Gene Madden each June regarding its compliance with PCI standards.

In early 2011 PON embarked on a project to integrate its Clearinghouse website fully into the [pon.harvard.edu](http://pon.harvard.edu) site. The Clearinghouse has been hosted at [www.pon.org](http://www.pon.org) and by bringing it into the PON main site ([www.pon.harvard.edu](http://www.pon.harvard.edu)) we hope to streamline operations and boost traffic to the two areas. Also moving the Clearinghouse to [pon.harvard.edu](http://pon.harvard.edu) will allow for more flexibility in promoting new products and tracking the user experience.

## **9. Collaborations with Other Departments & Schools**

### **a. Consortium Structure**

PON is an inter-university consortium created by the Presidents of Harvard, MIT and Tufts. Founded and based at Harvard Law School, PON is a consortium of faculty, staff, graduate students, and affiliates at HLS, HBS, HKS and other institutions, including MIT, the Fletcher School at Tufts University, and other Boston-area schools. Through its various research programs, teaching activities, the Student Interest Group, and public events, PON continued to benefit from its interdisciplinary nature throughout the academic year as it brought together scholars from various departments and universities. While faculty from other Boston-area schools participate in our activities, the consortium is managed by an Executive Committee representing the three schools. The PON Executive Committee is chaired by Professor Robert Mnookin, and the three Vice-Chairs of PON are James Sebenius (Practice-Focused Research), Guhan Subramanian (Research), and Lawrence Susskind (Instruction). Max Bazerman, Jeswald Salacuse, and Jared Curhan are also members of the PON Executive Committee.

### **b. Inter-departmental & Inter-University Events**

The interdisciplinary nature of the Program on Negotiation affords PON many opportunities to collaborate with other departments and schools. We co-sponsored several events with other groups and research programs at the law school and throughout the university and beyond over the past year, including:

- The 2010 Great Negotiator Award was presented to former President of Finland Martti Ahtisaari. Mr. Ahtisaari, the 2008 Nobel Peace Prize Recipient, is well-known for his international diplomatic accomplishments during his tenure as diplomat and head of state, which have included negotiating an end to the Aceh conflict in Sumatra. He was joined by Prof. James Sebenius and Prof. R. Nicholas Burns, Director of the Future of Diplomacy Project at the Harvard Kennedy School, on September 27, 2010 for a discussion on Mr. Ahtisaari's role in various global conflicts and the lessons that can be drawn for future negotiators and peacekeepers.
- The Global Negotiation Initiative (GNI) has been working collaboratively with a number of entities at Harvard to further the academic aspects of the Abraham Path Initiative, including the Harvard Business School, Harvard Divinity School, the Middle East Initiative at the Kennedy School of Government, and the Prince Al Waleed Bin Talal Islamic Studies Center.
- Trust, Emotions, Ethics, and Morality in Negotiation (TEEM) held a 5-Day mini-course at the Harvard Business School. More information on TEEM and the course can be found on page 3.
- Prof. Shapiro taught a highly evaluated freshman seminar at Harvard College, guest lectured across the Harvard campus, and taught two seminar series at Harvard Medical School/McLean Hospital, one for hospital leadership and a second for psychology interns.
- The Herbert C. Kelman Seminar Series on Negotiation, Conflict, and the News is sponsored by the Program on Negotiation, the Nieman Foundation for Journalism, the

Weatherhead Center for International Affairs, the Joan Shorenstein Center on the Press, Politics, and Public Policy, and the MIT-Harvard Public Disputes Program, as well as Boston area members of the Alliance for Peacebuilding. These discussions were held approximately once a month during the academic year, bringing together international journalists with negotiation experts.

- The Program on Negotiation has been involved with the Harvard Publishers Network since early 2010, a new organization for those working at Harvard who have commercial publishing operations. Held at HMS, the first meeting included representatives from Harvard Business Publishing, Harvard University Press, Harvard Magazine, Harvard President's Office, School of Education Press, Harvard Health Publications, and PON. In addition to sharing best practices and experiences, the group explores ways to collaborate across schools.
- The Public Disputes Program continues its work on collaborative approaches to the management of natural resources. In conjunction with the MIT-USGS Science Impact Collaborative (MUSIC), PDP students worked in Louisiana, Florida and Massachusetts to test the efficacy of collaborative adaptive management and to help develop ways that contending groups at the municipal level might reach agreement on how best to handle the risks associated with climate change.
- NP@PON hosted 2 faculty seminars on negotiation pedagogy, one in the fall and one in the spring. The first focused on the preparation of the case studies included in the Great Negotiator series (published by the Clearinghouse). Professor James Sebenius from Harvard Business School was the presenter. The second focused on the use of video in law school negotiation instruction. Michael Moffitt, Dean of the University of Oregon Law School was the presenter. Faculty in attendance represented Harvard Business School, Harvard Law School, Harvard Kennedy School, MIT, and Tufts University.
- The PON Film Series and Special Events. The Film Series and our brown bag lunch series provide venues to collaborate with other programs and schools. Additional information about our inter-university events can be found on page 27.

## **10. Awards, Other Activities & Publications**

Over the past year, PON faculty and affiliates received several awards for their work. In addition to the books mentioned on page 8, there were a number of new publications, including several articles by faculty members. PON affiliates were also interviewed by many different sources, including media outlets, regarding current events and their research. Examples of this year's awards, activities, and publications include:

- PON Executive Committee Member Guhan Subramanian was featured in the November 23, 2010 *New York Times DealBook*, where he discussed the effectiveness of go-shop provisions in contracts.
- PON Chair Robert Mnookin spoke with *The New York Times* about the deal reached in the fall of 2010 to allow Beatles music to be sold on iTunes for the first time.

- Dr. William Ury, co-founder of the Program on Negotiation, was featured in a May 11, 2011 *Washington Post* article on congressional debt ceiling negotiations.
- Professor Daniel Shapiro was named one of four 2011 Burke Global Health Fellows by the Harvard Global Health Initiative. His research will focus on mediating conflicts with strong emotional and identity-based components.
- In June 2010 Professor Mnookin taught a 2 Day Program on Negotiation for Senior Executives at the European Business School in Frankfurt, Germany.
- Max H. Bazerman co-authored an OpEd with Notre Dame Business Professor Ann E. Tenbrunsel, which was published on April 20 in *The New York Times*.
- Susan Hackley spoke at the Global Peace Index release event on May 26, 2011 at the United Nations Secretariat. Hosted by the United Nations Department of Economic and Social Affairs, the event focused on the linkages among peace, social sustainability, and the structures of peaceful societies.
- PON Executive Committee member Jeswald Salacuse published an article on international business negotiations in the Winter 2011 issue of *Tufts Magazine*.
- With a grant from the US Department of Energy, Professor Susskind, Patrick Field and Dr. Jonathan Raab organized a national conference on the Siting of Wind Energy Facilities that was held at Harvard Law School in April 2011. More than 100 participants from 17 states and 5 countries participated in several new role play simulations and heard a variety of research reports.
- In a March 20<sup>th</sup> podcast with Dan Mulhern of *Everyday Leadership*, Professor Bohnet discussed issues of gender in negotiations.
- In March 2011, in conjunction with the Consensus Building Institute, Professor Susskind organized a two day training program for First Nation chiefs and tribal council members seeking advice on how best to pursue their sovereignty claims in Canada.
- A revised version of Prof. Kolb's book, *Her Place at the Table*, (with Judith Williams and Carol Frohlinger) was released in September 2010.
- In October 2010 Professor Mnookin gave the keynote Address for The Maine Association of Mediators in Portland and the Keynote Address for International Academy of Collaborative Professionals in Washington, DC.
- An article by PON Executive Committee member Jeswald Salacuse published in the summer 2010 issue of *Tufts Magazine* discussed negotiating strategies for the weaker party in a dispute.

- Professor Mnookin gave a talk on his recent book, *Bargaining with the Devil*, at the Martha's Vineyard Hebrew Center in June 2010.
- PON Chair Robert Mnookin was interviewed on the PBS NewsHour on August 25<sup>th</sup> to discuss his book "Bargaining with the Devil" and the art of doing difficult negotiations during tough economic times.
- With the assistance of Professor William Moomaw (Tufts Fletcher School of Diplomacy), PDP published the 18th volume of *Papers on International Environmental Negotiations*, focused entirely on new approaches to pursuing global restrictions on greenhouse gas emissions.
- Professor Susskind was named Peacemaker of the Year for 2010 by Mediators Beyond Borders for his work on identity-based disputes and environmental dispute resolution around the world.
- Professor Sander is currently working on the sixth edition of his basic dispute resolution case book. In addition, Professor Sander is collaborating on a teaching book on dispute system design with Professors Nancy Rogers (The Ohio State University), Robert Bordone (Harvard Law School), and Craig McEwen (Bowdoin College).
- In June 2011 Professor Mnookin taught a Negotiation Course at University of Geneva and presented at a Conference on Mediation in Paris.
- A new case, *Caitlin's Challenge*, will be available from the PON Clearinghouse in July of 2011. The case covers a negotiation over a promotion and includes video of 'moves and turns,' based on Prof. Kolb's work.
- In May of 2011 Professor Mnookin presented at the World Intellectual Property Organization's Workshop for Mediators in Geneva.
- Susan Hackley completed her third term as Chair of the Board of Directors of the Alliance for Peacebuilding, a Washington, D.C.-based organization. The Alliance for Peacebuilding (AfP) is a coalition of diverse organizations and professionals working together to build sustainable peace and security worldwide. PON is a member organization.

## **B. Plans for Academic Year 2011-2012**

### **1. Executive Summary**

PON faculty and staff look forward to an exciting year of new and continuing programs and activities that continue to deepen and strengthen the connections between theory and practice in the field of negotiation and conflict management. These activities will include faculty seminars, the ongoing seminar series on "Negotiation, Conflict, and the News Media," a spring conference on "Bargaining with the Devil," and numerous special events that bring in outside speakers as well as provide a forum for our faculty and fellows.

The PON Executive Education Program events, held at the Charles Hotel, will now be operated solely by PON, with no outside partner. New staff will be brought on board to handle marketing and program delivery, as well as financial analysis and reporting.

PON will continue to develop our website to make it more of a destination site that is useful for people searching online generally for information on negotiation, problem-solving, conflict management, deal-making, etc. We will continue to build our social media capability, particularly using video to showcase faculty teaching in our programs.

## **2. Research, Scholarship and Project Activities**

### **a. Research Projects**

PON will continue to support a broad scope of research in order to recognize the diversity of disciplines that both build on negotiation theory and advance new negotiation concepts. Our scholars represent a wide array of disciplines, including law, psychology, economics, business and management, public policy, sociology, and international relations. They are recognized leaders in the field and contribute their scholarship and expertise in a variety of ways, including through articles, books, mainstream media, online media, and in their teaching. PON oversees a number of faculty-led research projects and initiatives. Throughout the coming year, PON will continue to support several research initiatives, including Trust, Emotions, Ethics and Morality in Negotiation (TEEM), Harvard Negotiation Research Project, Harvard Negotiation Project, The Middle East Negotiation Initiative, MIT-Harvard Public Disputes Program, Dispute Resolution Program, Program on Negotiations in the Workplace, and PON Research Seminar. Each research project and initiative's plans for the upcoming academic year are outlined below.

#### **i. Trust, Emotions, Ethics and Morality in Negotiation**

PON will continue development of the research initiative Trust, Emotions, Ethics and Morality in Negotiation (TEEM), an effort to create, organize and disseminate a new generation of research that integrates these cutting-edge themes, enhancing scientific and practical understanding of how decisions influence negotiated outcomes. TEEM's goal is to have a concentrated effect by supporting research related to the five project co-directors, Max Bazerman (HBS), Iris Bohnet (HKS), Joshua Greene (FAS), Jennifer Lerner (HKS), Deepak Malhotra (HBS), and their colleagues.

#### **ii. Harvard Negotiation Research Project**

The Harvard Negotiation Research Project (HNRP), directed by PON Chair Robert Mnookin, aims to strengthen the theoretical underpinnings and empirical scholarship related to negotiation and dispute resolution and develop practical tools that translate the theory of dispute resolution into practical processes for parties engaged in conflict. During this next year, in addition to continuing its work relating to ethnic conflict in Belgium and the Middle East, the project will focus on (a) the completion of a survey of new developments in behavioral economics and social-cognitive psychology that can illuminate negotiation behavior; and (b) approaches to mitigating "behind the table conflicts" that often impede the resolution of conflicts between ethnic groups. With PON graduate fellow Linn Normand, the HNRP has begun planning an interdisciplinary conference on the limits of negotiation to be held in Cambridge in the Spring of 2012.

### **iii. Harvard Negotiation Project**

The mission of the Harvard Negotiation Project (HNP) is to improve the theory and practice of conflict resolution and negotiation by working on real world conflict intervention, theory building, education and training, and writing and disseminating new ideas. Professor James Sebenius, who serves as vice-chair for Practice-Focused Research at PON, will continue his leadership of the Harvard Negotiation Project this year. During 2011-2012, HNP activities from the previous year will continue with two changes of focus: the activities of the Harvard China Negotiation Initiative will be decreased, while greater emphasis will be placed on HNP-related activities of the Middle East Negotiation Initiative and on renewing the intellectual pursuits of the Negotiation Roundtable.

#### **International Negotiation Program**

The International Negotiation Program (INP) continues to expand the role of psychology to address current global concerns, including terrorism and violent conflict. Directed by HLS Lecturer on Law and HMS Assistant Professor Daniel Shapiro, this initiative will continue to build a Global Advisory Network, consisting of business, political and media leaders who support the mission of INP by offering advice, observations about regional or global conflict trends, and recommendations for real-world contexts where INP might field-test ideas.

With support from the Harvard Global Health Institute over the next year, the INP will be developing new curricular materials for Harvard students that draw on both Relational Identity Theory and newer research regarding what Shapiro calls the “tribes effect.” There is a bright future ahead for interdisciplinary research on the emotional dimensions of negotiation, and INP encourages students who are interested in exploring the emotional and identity-based aspects of negotiation to pursue research opportunities with INP. As always, the INP looks forward to continued collaboration with its distinguished colleagues at the Program on Negotiation and others throughout the Harvard community.

**The Global Negotiation Initiative (GNI)** continues to shepherd the academic research dimension of the Abraham Path Initiative, which seeks to inspire and support the opening of a permanent cultural route of pilgrimage and tourism retracing the footsteps of Abraham in the Middle East. GNI is working on the second version of a detailed case study of the Initiative that will highlight lessons for the field of negotiation and provide teaching material for classes around the university. The case study is being designed as a Harvard Business School Case Study Model. In addition, an article on Abraham's Path as a negotiation campaign is in development.

GNI is also planning a conference on Abraham's Path for this fall that will seek to build the network of partners from around the world. It will bring experts and scholars together in this realm, as well as other areas of expertise related to the path. This will be done in collaboration with a number of entities at Harvard, including the Harvard Business School, Harvard Divinity School, the Middle East Initiative at the Kennedy School of Government, and the Prince Al Waleed

Bin Talal Islamic Studies Center at Harvard University.

GNI also continues to support and study the e-Parliament Initiative, which links members of parliaments and congresses from around the world via the Internet and other technology. This online community enables democratically elected legislators to exchange ideas and propose strategies on global issues. The e-Parliament's energy efficiency campaign, calling for a one-watt global goal for energy usage by appliances in standby mode, has already generated legislative initiatives in Brazil, Norway, and the European Union.

#### **iv. Middle East Negotiation Initiative (MENI)**

The Middle East Negotiation Initiative (MENI) will continue to help PON strengthen, connect and grow various activities relating to the Middle-East and to support faculty research efforts relating to the region in the coming year. These activities include the Israeli-Palestinian Negotiating Partners (IPNP), the Israeli Settlements Project, the Abraham Path Initiative, and the HNP-Belfer Iran Negotiations Study Group. Professor Mnookin will oversee this work with significant involvement by Professor James Sebenius, Senior Fellow Shula Gilad, and others. PON staff will also continue to develop website content and other materials to keep the public informed of MENI activities.

#### **v. MIT-Harvard Public Disputes Program**

Professor Susskind will be appointed Visiting Professor of Law at Harvard Law School for the 2011-2012 academic year and will teach a new advanced course on Environmental Dispute Resolution as part of HLS's Environmental Law Program led by Professor Jody Freeman.

In conjunction with Professor Shafik Islam at Tufts University's Department of Civil Engineering and the Fletcher School of Diplomacy, PDP has helped to launch a new NSF-supported PhD Program in Water Diplomacy. This will include an annual Water Diplomacy Workshop for water professionals who will convene for a week in June ([www.waterdiplomacy.org](http://www.waterdiplomacy.org)). The workshop is being co-managed by PON Post-doctoral Fellows Peter Kamminga and Paola Cecci-Domeglio. New teaching materials (role plays on transboundary water negotiation) have been developed by Professor Catherine Ashcraft (Middlebury College and a former PON doctoral fellow) and will be distributed through the PON Clearinghouse.

#### **vi. Dispute Resolution Program**

The Dispute Resolution Program (DRP) will continue to promote research and theory-building on the ever-increasing array of alternative dispute resolution mechanisms, with emphasis on how those procedures are best used in conjunction with judicial and regulatory systems. It also promotes the development of innovative teaching materials in this realm. The Multi-Door Courthouse (MDC), a concept originated by DRP founder and Co-Director Frank E. A. Sander, is a system for assessing disputes and recommending alternatives to litigation.

Professor Sander continues to serve as Chair of the Editorial Board of the *Dispute Resolution Magazine*, the quarterly publication of the Dispute Resolution Section of the American Bar Association. He will also continue to work on the sixth edition of his basic dispute resolution case book

HBS Professor and DRP co-director Michael Wheeler is completing a book, *Wild Negotiation: Mastering Chaos and Winning Agreement*, and continues to serve as Editor of the *Negotiation Journal*.

### **vii. Program on Negotiations in the Workplace**

Program on Negotiations in the Workplace Co-Directors Simmons Professor (emerita) Deborah Kolb and HBS Professor Kathleen McGinn and Lakshmi Ramarajan are working on a project looking at how programs that initially focus on women and work influence other institutions both in and outside the workplace. The project compares the Women's Initiative at Deloitte and Touche, initiated to stem the turnover of women, with SEWA, the Self Employed Women's Association, started in India to help women, especially in rural areas, to receive compensation for their handiwork. As part of that project, the research team has focused on how the Women's Initiative at Deloitte, through several iterations from its founding, has expanded its understanding of gender. From a mission to advance and retain women, the Initiative used gender as a lever to enhance talent at all levels.

Professor Kolb is also working with HBS Professor Robin Ely and Simmons College Distinguished Scholar Joyce Fletcher on a project with a major consulting company to experiment with different ways employees at the individual level and the company at the systemic level can negotiate changes that enable women to become better represented in top leadership roles.

### **viii. PON Research Seminar**

Co-organized by PON's Vice Chair for Research, Guhan Subramanian, and MIT professor Jared Curhan, the PON Research Seminar invites leading scholars from around the country to speak about their research on negotiation and related fields to a group of PON-affiliated faculty members and doctoral students from the Greater Boston area. Two or three seminars in each of the spring and fall semesters will feature Harvard faculty and outside speakers.

## **b. New Scholarship**

In the coming year, PON's faculty will be teaching new courses at our consortium schools and publishing books and articles. Planned publications and courses include:

- HBS Professor and DRP co-director Michael Wheeler is finishing his book, *Wild Negotiation: Mastering Chaos and Winning Agreement*, for HBS Press

### **c. PON Graduate Research Fellows**

The Program on Negotiation is hosting three graduate research fellows for the 2011-2012 academic year:

#### **Jeffrey S. Helmreich**

PhD Candidate in Philosophy and Law  
University of California-Los Angeles

Jeff is a PhD candidate in Philosophy and Law at the University of California-Los Angeles. His dissertation examines apology, forgiveness, reconciliation and other cases of what he calls “stance-takings.” He focuses particularly on the apologetic stance, and how adopting it can redress past wrongs and justify forgiveness and reconciliation. The apologetic stance, he argues, can be maintained across a range of feelings and beliefs, and can be adopted even by non-personal bodies like countries and corporations. He also argues that apologies can be genuine, effective and required even for blameless injurers, such as doctors whose careful treatment unpredictably results in harm. During 2011-12, Jeff will research the role of apologies between parties who do not agree on fundamental matters of fact and responsibility. Key cases include doctor-patient disputes and certain international conflicts. The project’s motivating questions include: what difference can an apology make at the start of negotiation and conflict resolution, and how can it be sincere, genuine and effective without (yet) assuming responsibility?

#### **Rachel Schiller**

PhD Candidate at Fletcher School of Law and Diplomacy  
Tufts University

Rachel is a PhD Candidate at the Fletcher School of Law and Diplomacy at Tufts University researching the effects of intergroup dialogue on reconciliation in post-conflict societies. Her research aims to advance knowledge and generate tools that will help practitioners support reconciliation and promote sustainable peace. Her dissertation is designed as a field experiment in the post-conflict context of Aceh, Indonesia, that brings together 108 members of opposing groups for a series of intergroup workshops to test the results of training-based and dialogue-based interventions on reconciliation. Rachel has worked in Indonesia’s post-conflict regions for the past ten years as a humanitarian, conflict resolution practitioner and researcher. She has served as an advisor to the Aceh Reintegration Agency (BRA), and has worked for the World Bank’s Conflict and Development team, the United Nations Development Programme and several NGO’s. Rachel received her MALD from the Fletcher School of Law and Diplomacy and her BA from the University of Pennsylvania in International Relations.

#### **Chia-Jung Tsay**

PhD Candidate in Organizational Behavior  
Harvard University

Chia is a doctoral candidate in Organizational Behavior/Social Psychology at Harvard University. Chia’s research has focused on rapid social judgment and evaluations of

performance. As a graduate research fellow, Chia will investigate the role of perception, expertise, and non-verbal cues in judgment and decision-making in performance contexts.

Chia graduated from the Juilliard School before enrolling at Harvard, from where she graduated Phi Beta Kappa with an AB in Psychology and an AM in History of Science. Prior to graduate school, Chia worked for CNNfn, the financial network of CNN, and non-profits including the Council of Fashion Designers of America. While a medical student at Johns Hopkins, Chia graduated with an MM in Piano Performance and an MM in Piano Pedagogy from Peabody Conservatory, where she later served as faculty.

#### **d. Visiting Scholars & Fellows**

**Linn Normand** is a DPhil Candidate in International Relations at the University of Oxford. Upon completion of her Graduate Research Fellowship at PON, Linn will remain in residence for the 2011-2012 academic year to support the work of the Harvard Negotiation Research Project and Prof. Robert Mnookin. She is helping to organize a conference scheduled for May, 2012 focusing on issues raised in Prof. Mnookin's book *Bargaining with the Devil*.

**Peter Kamminga** is Associate Professor at VU University Amsterdam, Netherlands, specializing in negotiation and contracting of complex projects. He is a postdoctoral researcher at the Program on Negotiation at Harvard Law School (2011-2013) and has received a Weinstein Fellowship of the JAMS (2011). Peter teaches at the Fletcher School of Law and Diplomacy and is co-organizer of the yearly Water Diplomacy Workshop (an initiative of MIT/TUFTS/PON). He consults on ADR related projects for the EU Commission, the Dutch Ministries of Transport and Justice, and the construction industry.

While at PON, his main research focus is complex international infrastructure and water projects. He investigates how negotiation, contracting, decision making processes, and governance issues influence project success. Peter earned a LLB, JD, LLM and a PhD studying at Dutch, US and German Universities.

**Paola Cecchi-Dimeglio** is a postdoctoral researcher at PON for two academic years (2011-2013). She will teach International Negotiation at the Fletcher School for Law and Diplomacy. Paola's research investigates the effect of gender, culture and organizational behavior in international strategic alliances. Currently, at PON, she explores decision-making processes, conflict management, and negotiation dynamics of international franchise relationships in Asia.

She is also involved as co-organizer and trainer in the Water Diplomacy Workshop organized with the MIT-Harvard Public Disputes Program and Tufts University. In 2011, she received the prestigious Weinstein Fellowship from the JAMS center. She is Co-chair of the ABA IC Subcommittee on the Future of ADR and has been nominated Expert-Coordinator for EU projects funded on ADR. Before completing her "European Ph.D." (Summa Cum laude), she practiced law in Paris for Landwell LLP (PWC correspondent) and for Baker & McKenzie. She earned a J.D., Masters Degree (Magistère-DJCE), and an LL.M. (Summa Cum Laude) while studying in France, Belgium and the US.

### **3. Contributions to HLS Teaching Program & Other Teaching Activities**

The Program on Negotiation will continue to offer the wide variety of teaching programs and activities listed on page 18 in the coming year. These include:

- Courses at Harvard Law School
- The Harvard Negotiation Institute at the Program on Negotiation
- Executive Education
- Teaching Materials and Curriculum Development: The PON Clearinghouse
- NP@PON: Negotiation Pedagogy at the Program on Negotiation
- The PON Seminars

### **4. Participation of HLS Students in Program Activities**

PON plans to continue to provide support to its network of over 1200 students through the Student Interest Group. In addition to taking negotiation courses, students are always welcome at PON; many serve on committees, cosponsor events with PON, assist faculty, and work as student teaching and student research assistants. Examples of upcoming events include:

#### **a. Negotiation and Dispute Resolution Information Session - September 2011**

Professor Robert Bordone will hold an information session for HLS students interested in programs related to negotiation, mediation and alternative dispute resolution including the Harvard Negotiators, Harvard Mediation Program, the Harvard Negotiation Law Review, and the Harvard Negotiation and Mediation Clinical Program.

#### **b. PON Open House for Students - October 2011**

PON will again host its popular open house for Boston-area students interested in negotiation and conflict resolution early in the fall semester.

#### **c. PON Brown Bag Lunch Series - September 2011**

PON also plans on resuming the Brown Bag Lunch series this September when the students return to campus.

#### **d. Film Series Plans**

The PON Film Series will continue to offer films that provide a context for discussion about negotiation and conflict. Films in this series regularly draw 80 or more students from the Law School and greater Harvard community and have provided a springboard for many stimulating evening discussions.

**5. Faculty Participation** - Please indicate which faculty member or members would be the most plausible successor as faculty director should the Law School need to find a replacement for the current director on short notice. **(To be answered in a separate memo)**

### **6. Other Contributions to the HLS Community**

The Program on Negotiation is always looking for new and innovative ways to contribute to the HLS community. In addition to exploring additional ways that PON can expand their role in the HLS community, we will continue to offer the opportunities listed on page 11 such as:

- Ongoing support of the Harvard Negotiation and Mediation Clinical Program's work
- Access to the PON browsing library to all students
- Providing meeting and office space to the *Harvard Negotiation Law Review*

- PON events will remain open to all students, staff, and members of the public

## **7. Law Reform & Advocacy**

Please refer to page 24 for information on our ongoing efforts in law reform and advocacy.

## **8. Connections to the Profession**

### **a. Research**

PON's extensive research activities will continue in the upcoming academic year. We anticipate a number of additional publications including journal articles, op-eds, and special reports.

### **b. The Harvard Negotiation Institute**

PON will offer the Harvard Negotiation Institute mediation course this October and several courses next June on the HLS Campus. We hope to provide even more lawyers and working professionals the opportunity to learn about negotiation and mediation and implement these skills in their day-to-day personal and professional lives.

### **c. Executive Education Programs**

As mentioned previously, for the fiscal year 2010-2011 PON contracted with The Langfords Group (TLG) to market PON's executive education courses. For the 2011-12 fiscal year PON will run the courses exclusively.

We will continue to offer six three-day courses along with one-day author sessions with PON Faculty. These courses include:

- "3D Negotiation" with James Sebenius and David Lax
- "Difficult Conversations" with Bruce Patton and Douglas Stone
- "Beyond Reason" with Daniel L. Shapiro
- "Managerial Decision Making" with Max Bazerman and Iris Bohnet
- "The Power of a Positive No" with William Ury
- "Bargaining with the Devil" with Robert Mnookin

### **d. PON Seminars**

Once again this fall PON will offer the PON seminar: Negotiation and Dispute Resolution. In the spring, PON will again offer the Mediation and Conflict Resolution. Additional information about this program can be found on page 25.

### **e. PON Websites**

PON hopes to fully integrate the Clearinghouse website ([www.pon.org](http://www.pon.org)) into the main PON website ([www.pon.harvard.edu](http://www.pon.harvard.edu)) in the fall of 2011. It is hoped that this new enhancement will help Clearinghouse marketing efforts and streamline operations while attracting additional traffic to the PON website.

## **9. Collaborations with other Schools and Departments**

As an inter-university consortium PON is able to draw upon the broad range of interests and areas of expertise of our affiliated faculty throughout the year. The interdisciplinary nature of PON generates many opportunities throughout the year for collaboration with other schools