CRI 740 ● The Creative Negotiation ● Winter 2018

Professor
James Nadler, LLB, MBA

Classroom/Time
VIC 206 - Mondays, 1:00 to 4:00 pm

Email
jnadler@ryerson.ca

Phone
416-979-5000 ext 1-2997. E-mail preferred. Please note that I will not return voice mails except in the case of emergencies.

Office
RCC 311

Office Hours
Mondays 4:15 to 6:15 or by appointment at a mutually convenient time.

Only Ryerson e-mail accounts to be used for communication between faculty and students. All news (announcements) posted on class D2L.

Course Description from the Ryerson University course calendar

This course provides students with a comprehensive introduction to negotiation, enhancing students' abilities in preparing to opening, bargaining and closing negotiations effectively over the course of their careers. Students learn theories of negotiation and apply those ideas in exercises focusing on specific contractual issues found in creative industries. Topics covered include dealing with agents, how to value creative work, leverage at different career stages and cross-cultural negotiation.

Course Objectives

By the end of the course, students will be able to:

- Describe key theories and legal aspects of negotiation and contracts applicable to the creative industries [1aR, 4aR]
- Understand how the specific nature of creative workers (artists), enterprises and IP in the creative industries affects negotiations and their outcomes [1aR, 3aR]
- Create effective and dynamic strategies for negotiations [3aR, 6a&cR, 8a&bR]
- Apply basic tactics for successful negotiations and dispute resolution [2aR, 3aR, 6a&cR, 8a&bR]
- Apply their understanding of theory, strategy and tactics to negotiate, draft and close basic agreements for themselves as future creative workers, managers and entrepreneurs [2aR, 3aR, 4a&bR, 8a&bR]
- Prepare (research) and make cogent recommendations for future negotiation strategies and contractual terms on behalf of creative workers and enterprises [1bR, 3aR]
- Build confidence as negotiators but with a knowledge of their personal style, strengths and areas for improvement as negotiators [2aR, 4a&bR, 6a&cR, 9R]
- Take an informed and ethical approach to business negotiations [10R]
Required Textbooks and Resources


Paper Moon Productions simulation, Ametros Learning, 2018. This software will be available for students to download February 12. There is a fee for this app.

A paper notebook and pen. I will be asking you to turn off your electronic devices in this class except for specific points for on-line research purposes. Take notes on paper.

All readings are expected to be completed before class. The week-to-week below specifies which screenings are in class and which screenings need to be completed before that week.

Weekly Schedule  (Subject to change)

<table>
<thead>
<tr>
<th>WEEK ONE</th>
<th>Monday January 15, 2018 – 1:00 pm</th>
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<tbody>
<tr>
<td>TOPICS</td>
<td>The Beauty of the Contract.</td>
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<tr>
<td>WORKSHOP</td>
<td>Bargaining for your bonus.</td>
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<tr>
<td>DISCUSS</td>
<td>Course Structure and Expectations.  Assignment #1</td>
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<tr>
<td>READINGS</td>
<td>Wheeler, <em>Art of Negotiation</em> pp 1 to 17</td>
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<tr>
<th>WEEK TWO</th>
<th>Monday January 22, 2018 – 1:00 pm</th>
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</table>
| TOPICS   | What is Negotiation?  
Dividing The Pie  
Distributive vs Integrative agreements. |
| WORKSHOP | Two Dollars  |
| GUEST SPEAKER 2:30 PM | Adam Countryman / Music Industry  
Music Booking Agent, Paradigm Talent Agency |
| READINGS | Wheeler, *Art of Negotiation* pp 18 to 35. |
| DUE start of class. | Brief analysis of a deal. |
### WEEK THREE  
**Monday, January 29, 2018**

| **GUEST SPEAKER** | David Ritchie  
Film & TV Performers  
Founder, Ambition Talent Agents and principals. |
|-------------------|--------------------------------------------------|
| **TOPICS** | Valuing creative work and creative workers / Scale Idea (IP) vs Expression (Person holding IP)  
Setting Clear Objectives: Part 1  
Ability to walk away (BATNA) (ZOPA) |
| **READINGS** | Wheeler, *Art of Negotiation* pp 36 to 56 |
| **SCREENINGS** | Freelance Tool Kit  
https://www.youtube.com/watch?v=GMZvrTscVrk  
How to Price Your Work  
https://www.youtube.com/watch?v=Uu_qFDanGPY |

### WEEK FOUR  
**Monday February 5, 2018**

| **GUEST SPEAKER** | Tori Laurence  
Advertising  
Partner, BT/A |
|-------------------|--------------------------------------------------|
| **TOPICS** | Preparation  
Pre-negotiation  
Getting Players to the Table (You & The Other Side.)  
Setting Clear Objectives Part 2 - Flexibility  
What if you don’t walk away? |
| **WORKSHOP** | D & D (Predicting the Future) |
| **READINGS** | Wheeler, *Art of Negotiation* pp 57 to 72 |
### WEEK FIVE

**Monday February 12, 2018 – 1:00 pm**

| TOPICS | Opening Positions and Communication  
|        | Clarity and Tone of Communication  
|        | Leverage (#1)  
|        | Emotion in Negotiations  
| DISCUSS | Paper Moon Productions Simulation  
|        | Deal Memos  
| READINGS | Wheeler, *Art of Negotiation* pp 73 to 96, 144-162  
|        | Note: Worth reviewing previous chapters.  

### Study Week – No classes February 19 to 23

### WEEK SIX

**Monday February 26, 2018**

| TOPICS | Tactics  
|        | Yes and...  
|        | Prisoners’ Dilemma  
|        | Gender in Negotiations  
| READINGS | Wheeler, *Art of Negotiation* pp 97 to 139  
| DUE | Paper Moon: ongoing interaction with simulation  


### WEEK SEVEN  
**Monday, March 5, 2018**

| TOPICS | Managing the Negotiation  
Critical moments  
Leverage (#2), Status & Geography |
|--------|-----------------------------|
| READINGS | Wheeler, *Art of Negotiation* pp 144 to 162 (review); pp 163 to 182  
Haven, Timothy. *Negotiating Values in the Creative Industries: Fairs, Festivals and Competitive Events*  
Chapter 6: “Inventing universal television: restricted access, promotional extravagance and the distribution of value at global television markets” |
| DUE | Paper Moon: ongoing interaction with simulation |

### WEEK EIGHT  
**Monday, March 12, 2018**

| TOPICS | Ethics and the long game  
Empathy / Understanding the other side |
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<tbody>
<tr>
<td>WORKSHOP/CASE STUDY</td>
<td>McMaster Tool &amp; Dye</td>
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</tbody>
</table>
| READINGS | McMaster Tool & Dye: Part One (on D2L)  
Hawaii Five-O articles (on D2L) |
| DUE | Paper Moon: ongoing interaction with simulation |

### WEEK NINE  
**Monday, March 19, 2018**

| TOPICS | Closing the Agreement.  
Cross-cultural negotiations |
|--------|--------------------------------|
| GUEST SPEAKER | Lee Herberman, President Showcase Communications  
Case Study: Negotiating with US Broadcasters |
| READINGS | Wheeler, *Art of Negotiation* pp 183 to 200 for class  
pp 201 to 221 for next assignment. TBA |
| DUE start of class | Deal memo submitted to Eli Geddes, Paper Moon |
## WEEK TEN  Monday, March 26, 2018

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<tr>
<td>GUEST SPEAKER</td>
<td>Publishing, Theatre and Film</td>
<td>Michael Levine</td>
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<td>Chairman, Westwood Creative Artists</td>
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<tr>
<td>TOPICS</td>
<td>Renegotiations</td>
<td>Best and worst-case scenarios</td>
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<td></td>
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<td>Exit strategies and the tragedy of success</td>
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<tr>
<td>READINGS</td>
<td>Wheeler, <em>Art of Negotiation</em> pp 201 to 221</td>
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<tr>
<td>DUE</td>
<td>By start if class</td>
<td>Final deal memo and supporting paper</td>
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## WEEK ELEVEN  Monday, April 2, 2018

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<tbody>
<tr>
<td>TOPICS</td>
<td>Measuring Success.</td>
<td>Multiparty negotiations</td>
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<tr>
<td>READINGS</td>
<td>Wheeler, <em>Art of Negotiation</em> pp 221 to 235</td>
<td>TBA</td>
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<tr>
<td>DUE</td>
<td>By start of class</td>
<td>Reanalysis of a Deal.</td>
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## WEEK TWELVE  Monday, April 9, 2018

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<tbody>
<tr>
<td>TOPICS</td>
<td>Summing Up</td>
<td>Exam Review</td>
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<tr>
<td>WORKSHOP</td>
<td>The Bare-Knuckle Round.</td>
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<tr>
<td>READINGS</td>
<td>Wheeler, <em>Art of Negotiation</em> pp 236 to 255</td>
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<tr>
<td>SCREENING IN CLASS</td>
<td>TBA</td>
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### Final Exam
To be scheduled by the University between April 16, 2018 to Saturday, April 28, 2018 (Saturdays included)
### Assignments, Evaluation, Marking

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Brief Description</th>
<th>Due Date</th>
<th>% of Final Grade</th>
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<tbody>
<tr>
<td>#1</td>
<td>Brief analysis of a deal.</td>
<td>January 22</td>
<td>10</td>
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<tr>
<td>#2</td>
<td>Negotiation for acquisition of rights to the novel <em>Scavengers</em> for Paper Moon Productions</td>
<td>Ongoing interactive simulation which begins Monday February 19 and concludes March 26</td>
<td>20 **</td>
</tr>
<tr>
<td>#3</td>
<td>Deal Memo to Eli Geddes, VP Development &amp; Acquisition</td>
<td>March 19</td>
<td></td>
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<tr>
<td>#4</td>
<td>Deal Memo to Professor and Supporting Paper.</td>
<td>March 26</td>
<td>20</td>
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<tr>
<td>#5</td>
<td>Re-analysis of a deal.</td>
<td>April 2</td>
<td>10</td>
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<tr>
<td>#6</td>
<td>Participation</td>
<td>Ongoing</td>
<td>10</td>
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<tr>
<td>#7</td>
<td>Exam</td>
<td>During the exam period.</td>
<td>30</td>
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<td>Bonus Marks</td>
<td>Ongoing. 0% to 5% available depending on how well the class negotiates the deal.</td>
<td>TBD</td>
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**Note:** This is the first time the Paper Moon simulation will run. In case of technical difficulties how the deal memo and memo and supporting paper are delivered may change and I reserve the right to reduce the value of this assignment to 10%. In which case participation will be weighted at 15% and the exam will rise to 35% of the class mark.

### Description of Assignments

Please note that additional details / information on assignments may be posted on the Course D2L or through the Paper Moon Productions simulation’s portal.

- **Assignment #1 – Analysis of a Deal.** In three to four pages, double spaced, analyze the value and success (or potential success) of a publicly reported deal concluded in the last two years in the creative industries. Be sure to describe the parties to the agreement. What was exchanged? What was at stake? Who benefits the most from the agreement? Any losers? Does this agreement have an impact over and above the impact on the parties involved? Where the information is available, discuss the history of the negotiations. Please touch base with your professor if you are concerned whether or not the deal falls within the creative industries.
Some possible deals to investigate include:

- Netflix & Shondaland
- Netflix & The Ministry of Heritage (Canada)
- Disney & 20th Century Fox (subject to government approval)
- Amazon & The Estate of J.R. Tolkien
- RCA and TDE for the rights R&B singer-songwriter SZA’s album Ctrl
- Fox News & Gretchen Carlson
- Warner Bros & ATT (subject to government approval)
- Kew Media Group & Sienna or Frantic Films
- Any individual and who they bought a Tragically Hip ticket from for the final concert.
- Julien Lavallee & Stubhub
- Dmitry Rybolovlev & Louvre Abu Dhabi (Da Vinci painting)

The four-page maximum does not include Works Cited. On that page include links to the public reports of the deal.

The assessment rubric for this assignment will be posted on the D2L but the work is assessed for the quality of your research, analysis, and writing.

- **Assignment #2.** Through the Paper Moon simulation platform negotiate and conclude a Deal Memo for adaptation rights for the YA novel *Scavengers* by Lisa Ridgway. Students must demonstrate professional and effective communication and negotiation strategies and tactics with Ms. Ridgway and her literary agent, Selma Diamond by e-mail. You will receive individual instructions from your supervisor at Paper Moon Productions, the VP of Development and Acquisitions, Eli Geddes. Students submit the Deal Memo for Mr. Geddes’ evaluation on March 26. This is individual work.

  This assignment is assessed on the following dimensions: quality and effectiveness of your on-line negotiations and how good a deal you closed for Paper Moon

- **Assignment #3** Submit to the professor 1. a revised Deal Memo taking into account any of Mr. Geddes’ comments on your Deal Memo to him. 2. This may involve some additional e-mail of thanks and so on to Ms. Diamond and Ms. Ridgway. If so, attach the final e-mail from them. 3. Supporting paper: a reflective description with citations of your negotiations using the Wheeler Learn-Adapt-Influence model and at least two other substantive secondary sources.

  This assignment is assessed on the following dimensions: the quality of the revisions of the Deal Memo (if any were required) and 2 the clarity and quality of the drafting (writing) of the Deal Memo. The supporting paper is assessed on the quality of your research, analysis/reflection and writing and how well you speak to Wheeler’s model.
Assignment #4 – Reanalysis of a Deal. In 4 to 6 pages, reconsider the deal you analyzed for assignment #1. More details to be posted on the D2L. This assignment is assessed for the quality of your research, analysis, and writing and how well you integrate theories and examples discussed in class and in the course readings into your analysis.

CLASS PARTICIPATION. Your participation grade is determined in part by your attendance and the quality and quantity of your participation in class. Please note that higher quality participation offsets lower quantity. This class is structured around student involvement and discussion so ensure that you attend and speak up.

BONUS MARKS may be accorded for attending outside lectures and events (no additional costs). If asked to tweet use both #CRI740 and @RyersonCreative in the tweet. The tweet must be sent during the lecture/event or within 15 minutes of the event’s end.

EXAM. Two hours. Mix of multiple choice and essays drawn from lectures and readings.

Handing in Papers / Late Policy / Other Relevant Information

- It is the student’s responsibility to contact the professor or the Academic Manager, Student Affairs (Paula) or the Student Affairs Assistant (Angella) promptly concerning any situation that may have an adverse impact upon his/her academic performance as soon as the issue becomes known. Please note that when a student formerly requests consideration on health grounds the University requires a Health Certificate of letter from an appropriate health professional to be submitted to the School (in this case, Paula or Angella). The form can be found http://www.ryerson.ca/senate/forms/medical.pdf
- Any considerations for academic accommodation for religious reasons must be requested by the end of the second week of the term.
- We expect that all communications by e-mail and in person between students, their colleagues, and instructors will be civil and professional as per Senate Policy #61.
- Grades are posted on the D2L. Not all materials submitted for marking will be returned, so make extra copies for your records.
- Assignments submitted late, without extension, will result in a penalty of (5% deducted per day, 10% for a weekend). Do not wait until the last moment to submit your paper. Allow for technical glitches. Missed presentations without permission will result in a 0;
- All papers must be e-mailed to the professor and two (2) hard stapled copies must be submitted at the start of the class when the assignment is due. Do not print on both sides of the paper. Do not hand in streaked or coffee stained copies. Only the following fonts are accepted: Helvetica, Times New Roman, Courier and Palatino Linotype. Deviations from these standards will result in loss of marks on the paper. As Mies van der Rohe reportedly said: “God is in the details.”
- Students are required to retain a copy of all work undertaken as well as all rough materials, references, sources, and notes until the marked original has been returned.
• The professor reserves the right to modify the syllabus and assignments as required over the course of the term, but any changes to the course assignments, due dates, and/or grading scheme will be discussed with the class prior to being implemented.
• On occasion guest speakers may attend our class. Students should refrain from contacting these guests after the class, unless invited to do so.
• Turnitin.com is a plagiarism prevention and detection service to which Ryerson subscribes. Students who do not want their work submitted to this service must, by the end of the second week, consult with the instructor to make alternate arrangements.
• The unauthorized use of intellectual property of others, including your professor’s, for distribution, sale, or profit is expressly prohibited, in accordance with Policy 60 (Sections 2.8, 2.10). Intellectual property in this context includes, but is not limited to: slides, lecture notes, presentation materials used in and out of class, lab manuals, course packs, and exams.

• **Show respect for your fellow students.**
  - Arrive on time *(before* 10 minutes after the hour). Be ready to start.
  - Do not indulge in side conversations in class. Disruptive students will be asked to leave. We reserve the right to adjust a student’s overall mark if he/she interferes with their colleagues’ learning.
  - **NO** eating in class. Coffee or water are fine.

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Computers and other electronic devices are allowed in this class only at specific points for on-line research purposes. Take notes on paper.

Students on Facebook or Youtube or watching the hockey game or texting distract not only themselves but also their colleagues. Any student who gratuitously “multitasks” will not be allowed to use electronic devices in the classroom.

No electronic recording of any segment of lectures / sessions without the express prior agreement of the instructor.
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This course is conducted in accordance with all relevant University academic policies and procedures and students are expected to familiarize themselves with them and adhere to them. Students should refer online (ryersoncreative.ca) to the 2016/17 Creative Industries Student Handbook for specific information with respect to the following policies:

- **Policy #60:** Student Code of Academic Conduct
- **Policy #61:** Student Code of Non-Academic Conduct
- **Policy #134:** Undergraduate Academic Consideration and Appeals.
- **Policy #157:** Ryerson’s E-mail Accounts for Official Communication
- **Policy #159:** Academic Accommodation of Students with Disabilities