



# Developing Negotiation Case Studies

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Working Paper

11-008

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## Developing Negotiation Case Studies<sup>i</sup>

*Edited version forthcoming in the Negotiation Journal*

October 6, 2010, v2.51

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### *Abstract*

*While a great deal of excellent advice exists for producing case studies on managerially relevant topics in general, negotiation cases have distinctive aspects that merit explicit treatment. This article offers three types of tailored advice for producing cases on negotiation and related topics (such as mediation and diplomacy) that are primarily intended for classroom discussion: 1) how to decide whether a negotiation-related case lead is worth developing; 2) how to choose the perspective and case type most suited to one's objectives; and 3) in by far the longest part of the discussion, ten nuts and bolts suggestions for structuring and producing an excellent negotiation case study.*

Suppose you read about, participate in, or otherwise become aware of a negotiation that intrigues you as a possible candidate for a case study. Perhaps a student, colleague, participant in an executive program, or private client suggests such an episode. You may consider researching and writing up the case yourself or you might supervise someone else for this purpose. Should you proceed with an investment of your scarce time and resources? If so, how? What's the best casewriting advice you can give to a research assistant, a student (team) grappling with a course assignment to produce a case study, or someone else who is simply interested in writing up a negotiation for discussion purposes?<sup>ii</sup>

Generations of experienced, even legendary, casewriters have codified guidelines for producing excellent case studies on virtually any subject.<sup>iii</sup> Yet negotiation cases often have distinctive aspects that merit explicit treatment. Over the years, I've found myself in many conversations trying to crystallize and convey the elements that seem to contribute to crafting superior negotiation cases. I hope that pulling these insights together and developing them a bit more systematically will be useful for others undertaking casewriting projects.

A quick caveat: though casewriting is often properly part of a larger research program, and synergistic with other methodologies, I focus here on case studies that are mainly intended as vehicles for classroom discussion and analysis. As such, I sidestep important issues associated with systematically selecting and developing cases for well-defined research projects. For example, in the field of international relations, which thrives on case studies, the "method of structured, focused comparisons" is a research staple.<sup>iv</sup> More generally, exacting criteria exist for identifying, developing, comparing, and

contrasting case studies in order to extract valid inductive social scientific knowledge.<sup>v</sup> However, I leave that set of considerations for specialists with casewriting as a component of well-defined research agendas.<sup>vi</sup>

The following sections offer three types of advice for producing cases that are primarily intended for classroom discussion: 1) how to decide whether a case lead is worth developing; 2) how to choose the perspective and case type most suited to your objectives; and, 3) in the by far the longest part of the discussion, ten nuts and bolts suggestions for structuring and producing an excellent case study.

One of the best ways to learn the casewriter's craft is to study a number of truly excellent case studies, or better, to discuss such cases in a forum led by an experienced case method instructor. As such, in each of the three advice sections that follow, I'm tempted to list a number of my favorite negotiation cases as models. Since, however, these choices may be unfamiliar to many readers, and may be set in times, places, or contexts of little interest to others, I will instead offer a set of model cases, plus commentary, in an online forum in the hope that others will consult, comment, and contribute. (*See online url to be provided later.*)

### **I. Advice on developing a prospective case: a case for what? A case of what?**

**Start by seeking clarity on your overall purpose: “a case for what?”** When done well, negotiation cases provide valuable raw material for group discussion and analysis. They foster learning from the experiences of others who have confronted negotiation challenges arising in practice. They showcase both the power and limits of received theory. The larger goal of negotiation case writing should be to develop better theory and prescriptive implications that powerfully generalize across diverse contexts. By describing strategies and tactics that different protagonists use, successfully or not, to overcome specific barriers, casewriting can contribute to this objective. Case analysis can generate unexpected hypotheses, novel insights, mid-level generalizations, and useable knowledge about how to overcome the most daunting situations that negotiators and mediators actually face. As you consider launching a case study project, a good start is to ask, at least provisionally, whether and how the case prospect could advance these broader objectives.

You should also clarify any more specific goals you have for pursuing a case lead. For example, if it for a course, where and for what purposes will it be situated? Is the case largely exploratory, to help a group understand the “lay of the land” for a set of problems or how a phenomenon of interest plays out in a given context? To highlight a particular negotiation challenge or class of challenges? To motivate a course section, concept, or framework to be developed that will, perhaps, arise naturally in the case setting? To cement key concepts or skills? To challenge students to see how a theory applies in a messy, real situation—or how it must be modified to be of value to practitioners? And so on.

Good answers to the “case for what” questions can help you decide whether to proceed and, if so, how. For example, your purpose may dictate how much ambiguity and complexity you build into a case (that forces the students to struggle with the analysis)

versus how much help you give them by explicit structure and signposting. Alternatively, if part of your purpose is to have students learn about the effects an industry's most current features on contemporary dealmaking, older situations obviously won't do. Of course, universal truths about negotiation can be gleaned from studying classic episodes reaching back to the Peloponnesian Wars, the Congress of Vienna, the U.S. Civil War, the J.P. Morgan-orchestrated "rescue" of the financial system before the Federal Reserve was created, or Great Britain's negotiations with the Prime Minister of Malta in the 1970s. It depends on your objectives.

**Develop a good answer to the "case of what" question.** Case leads are generally good candidates for deeper study if their protagonists act purposefully and are able, for non-idiosyncratic reasons, to overcome high barriers to productive agreement. Or protagonists may act purposefully, but fail for reasons well worth further analysis. For case leads that satisfy at least one of these preliminary tests, my colleague, Mike Wheeler, often wisely but persistently disciplines my enthusiasm by asking: "so this certainly sounds interesting, but," his voice inflecting up, "it is case of *what*?"

Sometimes you find a negotiation case lead that meets criteria that interest you; by definition such prospects pre-answer the "case of what" question. For other cases that may have arisen as targets of opportunity, developing a clearer answer is worthwhile. For example, is it a challenging instance of a smaller, apparently weaker party negotiating against a larger, stronger one? Or, are the tactics--hardball or cooperative--unusual and worth analysis? Is its interest mainly driven by gender, culture, or personality clash? Does it feature remarkable coalition building, breaking, or very creative deal design? Does time or a deadline play an unexpected role? Do principal-agent dynamics, internal negotiations, "negotiations on each side of the table," or non-standard "moves away from the table" loom large? Are there new sorts of momentum-generating or action-forcing events? Are there distinct critical moments or turning points? How about moves that entail irreversibilities? Does an insightful strategy or set of tactics change perceptions of the game itself? Is the process orchestrated in an unusual fashion or are the dynamics intriguing? Is there an unexpected failure or breakthrough from which others could learn? Is this case part of a context or topic on which you or others consciously seek to develop a body of knowledge (e.g., negotiating joint ventures in China or Turkey, on biotech licensing deals, for budget or headcount, etc.)

However, the episode you have in mind may simply not be a very good candidate in that lots of other, very similar cases have been written and the candidate situation would add little. For example, suppose it is a pretty simple, one-off price deal with the parties either splitting the difference after a few rounds or playing "chicken with their final offers." Not too interesting or worth much effort developing. While cases with big dollar numbers or famous protagonists or well-known organizations have some intrinsic interest, such glitzy hooks will rarely carry a case that doesn't have a much better substantive answer to the "case of what" question. You may have a protagonist or sponsoring organization that wants a negotiation case written (and published) but slanted for highly self-serving reasons, with little prospect of including other perspectives. And sometimes a case meets all your criteria of interest, but the essential story and/or vital information will be clearly

unattainable for reasons such as strong confidentiality, competitive or legal sensitivities, threatened pride, restrictions on talking to key players (including the other side), etc. These factors may prevent a good answer to the “case of what” question. (Of course, sometimes a case won’t likely be of much value or interest to a broader audience, but a potential casewriter who actually lived through an intense negotiation may derive personal insight from the exercise of writing it up, may gain a sense of closure, or even find the process cathartic.)

Or does your potential case seem compelling for reasons that are hard to put your finger on? I’ve often written cases that had something about them that I just found intriguing and was only later able to pin down and clarify its value. For example, looking at an impressive but unexpected outcome, or a deal that “should have happened” but somehow blew up, I will often simply wonder “how’d they pull that off?” or “WHAT happened?” When that feeling is strong but lacks definition, it can still be worth proceeding. One invaluable function of field-based casewriting is to unearth phenomena and dynamics that have mostly been overlooked in the literature.

Once a case is written, it often takes a number of instructors discussing and teaching it several times to discover its greatest value and to identify its most important insights. (It is still another matter to develop the pedagogy for a given case so that a group leaves the discussion with the key insights, in John Hammond’s words, “ringing in their ears.”) And, if your case is well-conceived and executed, others will frequently use it in different settings, for different purposes, and deriving different insights from those you originally envisioned.

So, expecting that you (or others!) will uncover unexpected aspects of the situation once you’re into the casewriting process, or when later teaching and/or discussing the case, you should still seek good provisional answers to the “case for what” and “case of what” questions. With humility as to the ultimate answers, a good case prospect should permit you to plausibly fill in the following blanks: “this appears to be an intriguing case of \_\_\_\_\_, and thus, worth delving into more deeply, in order to use for the following reason(s): \_\_\_\_\_.”

## **II. Advice on choosing case perspective and type.**

Cases can often be divided according to their perspective: they can mainly be told from the viewpoint of a specific protagonist (“protagonist-centered”) or they can describe an overall situation from a non-specific or multiple perspectives (“situation-centered”). Hybrids are common, but normally emphasize one or the other perspective. And a few other design choices--standalone or whether to incorporate an associated experiential exercise, “library” v. “field” cases, actual v. disguised situations--merit brief mention.

**Protagonist-centered cases.** From the standpoint of improving practice, I’m convinced that negotiation cases usually benefit from having one or more identifiable protagonists who occupy distinct positions and who face difficult decisions in the course of the process. An ideal protagonist has a distinctive history, personality, psyche, and perspective. He or she should be embedded in a specific context and organization, with its own formal and informal structure, culture, and incentives. Cases without distinct

individuals lose the potential value of readers putting themselves in the protagonist's actual situation, wrestling with his or her hard choices, and learning from the process. Most real financial negotiations, for example, can't be meaningfully reduced to disembodied, dueling spreadsheets—though this sometimes happens in finance case studies that seem, almost incidentally, to entail negotiations. In protagonist-centered cases just as in the actual negotiations they mirror, *individuals* must interpret the situation through their own partial and often biased lenses. And *individuals* ultimately must choose courses of action, whether solo or as part of a group, actively or passively, taking into account the anticipated reactions of others, or not. The more a case faithfully reflects this protagonist-centric reality, the better the chances of its teaching genuine, relevant lessons for more better decision-making in negotiation.

Multiple protagonists--for most cases, two or three on the same "side"--can enliven the story and build in useful conflict. For example, two parties on the same side can hold radically different views of how best to proceed vis-a-vis the other side. For example, one person may advocate a deliberate, cooperative approach on all the issues; another may urge acting quickly, committing to an inflexible position, and dealing only with a subset of the issues potentially at stake. Working through this "internal" conflict may be enormously instructive.

A few distinctive risks do attend protagonist-centric cases. Casewriters can unconsciously downplay or omit others' perspectives in the case narrative and/or in preparatory research and interviewing. They may neglect vital interactive components of negotiating situations. They may inadvertently craft the case as if the outcome purely resulted from individual decisions made against a kind of "inert" background.

**Situation-centered cases.** Alternatively, a case may be written from a more omniscient, non-specific perspective, sometimes called "situation-centered." The goal may be analytic: to challenge readers to size up an overall situation without regard to point of view, to assess barriers and opportunities, and/or to understand the challenge from multiple perspectives. For example, without reference to specific individuals, is a community dispute or civil war "ripe" for productive negotiation or mediation? Or, if the case poses a policy challenge, then a situation-centered, overall perspective may be the most appropriate (though tracking a protagonist's negotiation decisions through a current or proposed system may be an illuminating analytical device). Examples would include how best to design a dispute resolution system, a process for distributing compensation funds, or a mechanism for inducing more productive negotiations siting hazardous waste facilities.

Of course, effective protagonists should strive to develop such a broader situational understanding and condition their individual actions on it. After all, how can one party negotiate or mediate effectively without a nuanced understanding of the overall situation as well as of the other parties, their interests and perspectives, no-deal options, organizational positions, and networks, as well as the "rules of engagement?" (By the way, this common mistake—failing to assess other players or the overall situation—may itself be the core of a potent case study.) As such, many cases have a hybrid perspective, written largely from the protagonist's viewpoint but with an overall orientation to the situation.

**“Decision” or “Autopsy” Case?** Two other dimensions merit discussion. “Decision cases,” which I generally prefer, ultimately place readers in challenging situations faced by the protagonists. Readers, typically in larger classes or discussion groups, must then evaluate the situation at key points, figure out a range of options, and decide what they would actually do to overcome the challenge or barrier. They must make these decisions knowing only what is actually known at that part of the story, with all the usual gaps and ambiguities. It is hard, but immensely educational, to confront the challenge without knowing what the case protagonist actually did or what happened. Then, on powerpoints (or videos), shown at appropriate points in the discussion, or in a sequel to be read before a subsequent discussion, participants can learn what the protagonist actually did, evaluate the action(s), suggest other options, see how things played out, and seek to generalize the conditions under which this would be a wise choice or not. Even better are cases written as they unfold in real time, *without* knowledge of the outcome, which can color perceptions.

“Autopsy” cases, by contrast, tell the story of the negotiation, from beginning to end. So there is no suspense and no decision points with unknown outcomes. In this sense, such cases are “dead” and it is up to the class, almost as a matter of “negotiation forensics,” to dissect the result and draw conclusions. By nature, autopsy cases lend themselves to more dispassionate analysis and discussion, which can be most insightful, including exploring counterfactuals. If categorized, lengthy monographs, articles, or books devoted to particular negotiations generally fall in the autopsy category. But, for discussion purposes, I almost always press for decision cases, which call for real engagement without the sense of *ex post* inevitability that often infuses autopsy case discussions.

**Stand-alone or with an associated negotiation exercise?** There is an art and science for writing successful negotiation exercises. That is not the concern here, but it can be well worth keeping the possibility alive that the structure of the case you’re undertaking may usefully be abstracted into a negotiation exercise, possibly to be carried out before or after the full case discussion. Noteworthy examples exist in which an experiential piece strongly complements, or even supplants, the written case discussion.

**“Library” or “field” case?** In general, “field” cases based on interviews with protagonists and access to non-public information have a clear edge over secondary source, “library” cases, despite the higher cost in money and time of field research. The exception may be for in-depth, *New Yorker*-style accounts by serious, objective authors or journalists who have probed situations without the need for written permission from sources (that is generally required for academic case studies.) Yet, sensitivities--competitive, legal, personal--may prevent protagonists from being willing to approve vital information for use in published cases, even though they've shared this information with you privately. If you develop confidence in the views of such sources, especially after interviewing others, their guidance about hidden perspectives, dynamics, and the like can still be invaluable in how you structure the narrative even if the result ends up as a purely secondary source, “library” case. And for situations that become (highly) public or contentious, you'll often have recourse to detailed outside accounts in magazine stories or trial transcripts. Calibrating for source bias and ensuring the integrity of the process, a good “inside” source

can help you accurately parse this welter of public information to choose the most valuable for your purposes.

**Actual or disguised case?** In general, where possible, I strongly prefer cases that accurately name and depict the underlying people, organizations, and situations. If the situation is too sensitive to obtain source approval, however, rather than abandoning a casewriting project or moving to a pure public sources version, you may ultimately offer to disguise identifying characteristics (names, locations, figures, even industries), while retaining the analytic essence of the situation. John Hammond sagely observes that disguised cases may lead protagonists to be much more forthcoming, with far better results than actual, but "neutered" versions. (And, he observes, there is a certain pleasure in having multiple participants from different firms come up to you after discussing a disguised case, insisting that this is, without a doubt, *their* company.)

### **III. Nuts and bolts advice on structuring and producing your case.**

Let's assume that you've decided to pursue a case lead. Here are ten suggestions and design criteria—addressed to casewriters and researchers—for preliminary casewriting efforts. Yes, you can do an situation-centered or autopsy case, but I'm going to frame my advice for a prospect that will ultimately become a "decision" case, with a flesh-and-blood protagonist, from whose viewpoint the case will be crafted and with whose decisions at key junctures readers will have to wrestle.

**1. Plan ultimately to produce multipart case series, with at least "A" and "B" parts.** Start with my preferred goal: the "A" case should set the stage and pose negotiating challenges for discussion, with a sequel "B" case that explains how the protagonist addressed the challenges and the results. (If there are multiple sequels, there may be "C", "D", and further parts.) The "A" case should convey essential information about the situation in brief historical context, critical events as the negotiations unfold, an understanding of the key parties and their interests, as well as the major barriers to successful negotiation that faced the protagonist early on: structural, process, deal design, psychological, tactical, cultural, etc. In other words, the "A" case should permit readers to assess the major barriers that stand between the protagonist and a successful result; that is, what makes his or her task difficult? Ideally, the "A" case should also set up a few especially challenging *specific* situations that faced the protagonist during the process--without revealing how he or she handled them. In fact, an excellent way to start a case is with the protagonist confronting a challenging decision, then flashing back to develop supporting material.<sup>vii</sup>

Imagine that a group of students or seminar participants were to read the "A" case *before* a class session. This case should contain enough information to support a good conversation around the following kinds of questions (as well as others): a) What major barriers faced the protagonist as he or she became involved? b) What *broad* options did he or she have to overcome these options, and which seem most promising? c) What should he or she do and why? d) With respect to each *specific* challenge (enumerated in the "A" case), what specifically should he or she do? Why? e) Under what conditions would your advice (fail to) hold, and why?



For a follow-on class before which students read the “B” case (or if the main points from “B” are presented later in the first class as video interviews, in person, or on slides), the “B” case should reveal what the protagonist actually did to overcome those barriers, how he or she handled the specific challenges, and how things played out. So equipped, the class can evaluate his or her actions, suggest possible alternatives, and seek to draw generalizations. To permit this kind of evaluation, it is important for the B case to be specific. It should avoid largely meaningless, but distressingly common, generalities like “The protagonist read the tricky situation perfectly, negotiated hard, and attained the following outcome . . .”

I’ve written this as if two-part cases should be the norm. In many circumstances, however, the situation should unfold through a class session or over multiple class periods via “B”, “C”, “D”, and even more case parts. Typically short enough to be distributed and read in a few minutes--or presented on slides--each subsequent part can “roll the tape” forward, add information, and pose new decisions. Alternatively, later case parts can be vehicles to suggest hypothetical changes in key case facts, to stimulate discussion of (any) appropriate changes in decisions.

At some point in the casewriting process, if at all possible, you should plan to ask the protagonist such questions directly and get his or her answers and insights (ideally, on video) to be integral parts of the ultimate case materials and discussions. Ditto for counterparts if at all available (which, surprisingly often, in my experience, they are).

Let me pause for a moment to stress the value of brief, highly relevant video supplements to written materials. Short of an in-person visit, video can provide the best direct sense of the protagonist(s), his or her style, quirks, affect, body language, etc. With video increasingly easy to shoot, edit, and show, and with expectations of audiences increasingly running toward this medium, I strongly recommend making the effort to video key players. (And, as been my happy experience, your initial plans for a written case may be entirely superseded by a self-contained multi-part, video case requiring NO specific preparation for discussion and analysis.)

With a written and video “A”, “B”, etc., case series as the goal of the casewriting process, I have several suggestions about how to get there.

**2. Start the casewriting process by developing a timeline and narrative that tell the essential story and include information on critical elements.** As you read enough accounts, articles, books, court transcripts, and other public source material to begin to understand the case, and after you’ve done any preliminary interviews, start putting together a rough, annotated timeline, which you’ll continually update and refine. Note blanks and gaps in your understanding, and keep an eye out later for information to flesh out the events. From this timeline, write a draft that tells the story from beginning to end in one piece, including both challenges and actions to handle them, as well as how things play out. For now, don’t worry about how to structure the material in the ultimate “A” and “B” format as described above; that step will come later.

While this draft should be in narrative form, it should contain information vital to understand and analyze the situation. Some such elements are described above, but here's a fuller summary of what should be included somewhere in the narrative. Important: these elements should **not** be presented in mechanical lists or case sections, but rather, should be worked into the natural flow of the story:

- a) essential *history* and *context*;
- b) critical *issues* to be resolved;
- c) key directly and indirectly involved *parties* and constituencies, their personalities and important aspects of their individual histories and experiences, their formal and informal *roles*, a full understanding of their *interests* and *incentives*, important formal and informal *relationships*, their *positions* on the issues, as well as their *perspectives* on the situation;
- d) a sense of how each party saw, assessed, and possibly shaped its *no-deal options* (what would likely happen in the event of no agreement);
- e) the main *process so far*, especially how the interaction has been orchestrated and what seem to be strategies, important moves, tactics, critical moments, turning points, and any sticking points;
- h) the shape of *possible emerging agreements*;
- f) *actions by the parties or others away from the table* that affect the at-the-table-negotiations; and
- g) *consequential events* and developments along the way.

While not explicitly included in this enumeration (above), these elements should provide enough information for readers to identify and characterize the most important *barriers* to realizing the potential of agreement described above. For example barriers may be interpersonal, psychological, and tactical; they may involve shortcomings in the proposed deal design; they may involve the “setup” of the negotiation (wrong parties, wrong interests, disadvantageous no-deal options, poor sequence or process orchestration); as well as many other possibilities.<sup>viii</sup>

Finally, the narrative should include information required to make sense of the negotiation. Little is more annoying to the discerning reader than to review a merger negotiation case, for example, without sufficient industry, strategic, or financial data to assess its feasibility. Or to be confronted with financial data, but to have no sense of how who the protagonists are, let alone how they are motivated or compensated.

**3. Interview with tact and care.** As you identify potentially valuable interviewees, approach them carefully and respectfully. (Make special efforts to interview those on the “other side” that almost always provide valuable, sharply divergent perspectives.)

Interviewees are often extremely busy and understandably reluctant to share what might be sensitive information. So, I suggest several actions.

a) after establishing some rapport and expressing genuine appreciation, be crystal clear on your purpose, which is educational. Full stop. You're writing a case from which to learn and advance theory, not to get a "scoop" or engage in "gotcha" journalism, a common fear among interviewees. You should strongly emphasize this point;

b) if appropriate, make this assertion credible by clarifying the terms of the interview upfront, specifically by indicating that any non-public information resulting from your conversation will be held in strict confidence and will only be disclosed to others or used in a case (or article) with the *written* permission of the source. (Be careful, however, about signing formal confidentiality or non-disclosure agreements; as a matter of principle, I refuse to do so, since they can expose you to significant unexpected liabilities.) If necessary, as discussed above and generally as a last resort, you can offer to disguise identifying aspects of the case while preserving the essential negotiation dynamics;

c) closely related to your purpose, remember that the possibility for *others* to learn from their experience often strongly appeals to interviewees. Don't be shy about making this point, which is true;

d) demonstrate respect for interviewees' time by keeping carefully to an agreed schedule and making clear that you've already invested heavily in understanding all publicly available information before the interview. In this way, you are evidently using their scarce time for high value purposes, not going over ground you could have independently covered;

e) stress that their perspective is vital to flesh out (correct?) the public basis for the case (on which you might reluctantly have to rely on if they won't cooperate—if this is true);

f) employ a mix of specific questions (to fill in gaps you've already identified) as well as open-ended questions (to open up unforeseen topics). Some examples of the open-ended variety: "What were you worried about and what did you hope to achieve as you approached the negotiation? What was the most difficult aspect of the process and how did you plan to overcome it? Were there any critical moments or turning points in the process? If so, please describe them and how they affected the process and outcome. What especially effective (and ineffective!) moves did you or the other side(s) make? If you were doing the negotiation again, what might you do differently? If you were coaching the other side, what would you advise them to do differently? Etc.";

g) keep good notes (and, with their permission, a tape recording).

h) express genuine appreciation for the time and clarify any next steps for both sides, including offering them case copies when the process is done; and

i) remember that one mark of a true scholar is genuine eagerness to and expectation of learning something valuable from practice, often from people with little formal education or training, but with remarkable experience and accomplishment.

**4. If relevant, draw heavily on the judgment of (faculty) supervisors, outside readers, or other advisors to help identify key elements of the stories, vital information, major barriers, critical moments and actions, missing pieces, and—ultimately—the most promising structure and focus for the cases.** While it is the responsibility of research associates, casewriters, and/or student to gather and present the raw material for the story, (faculty) supervisors, outside readers, or other advisors should offer their experience and judgment about these aspects of the case. As the stories become clearer, the faculty/supervisor should begin to crystallize the key barriers and challenges—overall and very specific—in order to focus the emerging cases. Supervisors will also highlight key gaps and missing information along the way. As the preliminary cases take shape, outside judgment will be essential to making wise choices about how and where to break up and organize the material into the ultimate “A” and “B” cases described above in point #1.

**5. Keep the main text of the ultimate “A” and “B” cases short: aim for 4-6 single-spaced pages for each case part, with a strongly suggested MAXIMUM of 10 pages per part, possibly with a set of supplementary exhibits to follow and elaborate information in the main text.** Books, monographs, and lengthy articles have often been written on specific negotiations and, in negotiations that have attracted public notice. Such extensive background work is great for industry, area specialists, issue analysts, and broader policy types. However, normally, the main purpose for your audiences is **not** to learn a great deal about the particular people, place, industry, or any number of intriguing historical, cultural, or policy questions that pervade negotiating situations. Instead, we need to know just enough about each situation to pose and answer sophisticated questions relevant to negotiation, mediation, and diplomacy. Certain material such as maps, tables, timelines, and other supplementary information not vital to the narrative often make good “exhibits” or appendices following the text.

In my sad experience—more true in 2010 than in 2000 and even more the case than in 1990 or before--*the longer the text, the less likely people will read it with any care.* Don’t fight this reality; while difficult, adapt the case to it. I have written (and read!) far too many cases that were dysfunctionally long. No more! Remember Abe Lincoln's apology: “I'm sorry I wrote such a long letter. I did not have the time to write a short one.” We must be concise. While the preliminary, unstructured narratives (see item #2 above) will almost always be much longer than 10 pages, each of the final “A” and “B” products should be ruthlessly distilled to fall within this limit, and preferably 4-6 pages per part.

**6. Let the cases tell the story; don’t editorialize or evaluate as part of the narrative; save your analysis for other vehicles.** If required or desirable, supplement the cases with your analysis and assessment. In particular, keep your analyses, explanations, and evaluations *out* of the cases, especially the “A” case. Cases should provide the *raw material* for analysis, explanation, and evaluation—but they should **not** include these elements. The cases should equip students who discuss the cases and authors of

academic articles based on case events with the necessary ingredients to support their own assessments. While it is often useful to include the views of protagonists and close observers at the time about the difficulty of a challenge or the pluses and minuses of an action, the cases (including such observations) should mainly help readers understand what happened and protagonists' perspectives. In particular, *don't* attach your own assessments ("brilliant move," "remarkable prescience," "an act of incredible stupidity," "an inexplicable lapse," etc.). If such assessments seem warranted, let the reader come to that view, or not, as a result of reading the story. "B" cases can contain evaluations and assessments by various participants, observers, and commentators, but I urge you to keep your own explicit evaluative and analytic views out of the "A" and "B" cases.

Where then, should your analyses, explanations, insights, assessments, evaluations, comparisons, and generalizations go? After all, these should be the real payoffs from casewriting. I urge you to consider writing a separate "case analysis" or "case commentary" in which you can develop these implications of the case. Of course, writing an article for which the case provides key raw material is often valuable. And, if you're pedagogically adept, it makes good sense to craft a separate teaching note, in which you not only develop the case pedagogy but the underlying analysis and generalizations as well.

**7. Keep detailed references/sources along the way; obtain any required source permissions rapidly.** As you proceed, carefully footnote all statements, quotes, and claims that aren't general knowledge. Include page numbers. Keep a running list of full bibliographic sources—by which I mean full name of author(s), exact article or book titles, editor(s), publisher, city, date, volume number, issue number, page range, any urls including title of associated web pages and date referenced--sufficient to cite later without hunting. Make this a habit. *Don't wait until later to (desperately) hunt for sources for non-general knowledge items and develop such a reference list. To underscore: Don't wait until "later" to cite sources for key statements or to develop a detailed reference list.*

If you interview someone for a potential case, be sure that person knows that most case clearinghouses (like Harvard Business School's) won't publish any direct quotes or any non-public information shared with you by a case sources without that person's written permission. It is a wise idea to get the necessary quote release forms, which you should have signed as soon as possible, often well before we've got the whole case in hand (for example, if you request permission to use specific quotes in any ultimate case.) Of course, if you are writing a case that won't be published or distributed, these considerations are much weaker.

**8. Keep a running, alphabetical "glossary" of names, organizations, and acronyms with a few identifying facts about each entry.** This list will be invaluable for you and others as the case develops. In fact, I've found that such a glossary ultimately makes a wonderful last "Exhibit" for the "A" case. (Why "last"? This offers readers a detachable cheat sheet to stay oriented to the often-complex players and entities involved.)

**9. Minimize direct quotations from copyrighted sources.** While quotes from involved players and observers are vital, it is generally better in the ultimate, publishable cases to avoid more than very brief quotations from other copyrighted sources. In

intermediate drafts such as the narrative timeline, lengthy direct quotes may be economical, efficient, and elegant devices to convey key aspects of the story; go ahead and include them. In general, as you move to final versions, however, it is better to paraphrase and fully cite sources—rather than directly quote them--except where absolutely necessary. Why? Direct quotes from articles and books that are more than very brief typically require written permission of the sources to include. Obtaining that permission can require tracking down copyright holders, which can be difficult, time-consuming, expensive, and often impossible. So extract critical information, cite fully, and look for supporting items (e.g., maps) that are in the public domain. Government sources, which are typically not copyrighted, are great for this.

**10. Avoid other common mistakes:** Here are a few of many: a) including material in a protagonist-centered case that he or she could/did not know at the time a decision was required; b) confusing a stapled-together “pile” of news and business stories or a two-paragraph illustrative anecdote from an airplane magazine with a well-researched, well-crafted case study; and c) shoehorning the negotiation as it actually happened into a form that more neatly “fits” a pre-conceived or *a priori* theoretical construct, in order to “illustrate” theory with practice. Yes, yes, we all know about inevitable subjectivity in casewriting and the effect that prior conceptions have on what we see and judge to be important—but we should strive to be open to the “world” teaching us something new during the casewriting process.

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Broadly speaking, progress in understanding negotiation has and will come from two venerable methodological traditions, ultimately inspired by Francis Bacon and René Descartes. To oversimplify, the bulk of modern negotiation analysis has been Cartesian in spirit; that is, either implications are deduced from first principles, or a set of ideas, embodied in a theory, is subjected to controlled experiments or statistical investigations. By contrast, field casewriting about negotiation is Baconian in its extensive reliance on direct observation and an inductive approach. Freeman Dyson, professor *emeritus* at the Institute for Advanced Study (Princeton) and one of the twentieth century’s most distinguished physicists, contrasted these approaches in other scientific realms:

"There are two kinds of science, known to historians as Baconian and Cartesian . . . . Modern science leapt ahead . . . as a result of fruitful competition between Baconian and Cartesian viewpoints. The relation between Baconian science and Cartesian science is complementary. We need Baconian scientists to explore the universe and find out what is there to be explained. We need Cartesian scientists to explain and unify what we have found . . . It is right and healthy that there should be a clash between their viewpoints, but it is wrong for either side to treat the other with contempt."<sup>ix</sup>

For field casewriters, operating in the Baconian tradition, I hope the set of observations and suggestions that I’ve put together above will enhance the quality and impact of their work.

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<sup>i</sup> I owe much to many people, especially authors of terrific cases that I have encountered over the years, for useful insights into casewriting. While a hopelessly incomplete list, I'd like to especially acknowledge John Hammond, David Lax, Mark Moore, Howard Raiffa, Malcolm Salter, and Michael Wheeler. John Hammond and Mike Wheeler provided especially useful feedback on earlier drafts of this article.

<sup>ii</sup> For brevity, I will use the term "negotiation" as an inexact but shorthand proxy for related topics such as bargaining, dealmaking, diplomacy, mediation, arbitration, as well as conflict management and resolution.

<sup>iii</sup> For seasoned general advice on writing management case studies in the Harvard Business School tradition, see, for example Raymond E. Corey's *Writing Cases and Teaching Notes*, item 399077, Boston: Harvard Business Publishing, November 5, 1998; or Michael J. Roberts' *Developing a Teaching Case (Abridged.)*, item 901055, Boston: Harvard Business Publishing, June 28, 2001.

<sup>iv</sup> George, Alexander L. (1979). "Case Studies and Theory Development: The Method of Structured, Focused Comparison," in Paul G. Lauren (ed.), *Diplomacy: New Approaches in History, Theory and Policy*. New York: Free Press, pp. 43-68.

<sup>v</sup> Among many discussions of this vast topic, see, for example, George, Alexander L. and Andrew Bennett, (2005), *Case studies and theory development in the social sciences*. London, MIT Press 2005.

<sup>vi</sup> Theory and empirical evidence—economic, game-theoretic, behavioral, etc.—should certainly inform the analysis of negotiation case studies. And field-based case studies should certainly inform theory development and validation. Yet teasing out the legitimate intellectual bases for exploiting potential complementarities between casewriting and other research methodologies must remain a subject for elsewhere.

<sup>vii</sup> Please, however, spare readers from the casewriting equivalent of "once upon a time," which generally takes the form: "It was a crisp fall afternoon as Hubert twirled his jeweled cigarette holder, gazing out the 15th floor window of his office, wondering what he should do."

<sup>viii</sup> For a fuller understanding of the elements I find essential for a good negotiation analysis and for greater clarity on what I mean by the above terms, I suggest that you read the first 50 pages, the "nutshell" framework, of my book (with David Lax), *3D Negotiation* (HBS Press, 2006). While this book is aimed at a business audience, its elements apply equally in public and diplomatic negotiations. Others will have different frameworks and different emphases that imply key elements for inclusion in the case.

<sup>ix</sup> Dyson, F. J. (2002). "In Praise of Amateurs." *New York Review of Books* 49(19): 6-7.