ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution, or as it is more commonly named now, appropriate dispute resolution, is the study and practice of the many ways legal disputes and transactions are handled, managed or resolved. ADR is both the oldest and some of the newest ways of resolving conflicts that have legal implications. As long as there have been people and communities, methods for resolving disputes have had to be developed, ranging from mediation by older and wiser community members to the highly technical rule systems of our own litigation in both civil and criminal contexts. In recent years, interest in ADR has grown from two, often competing, sets of policy choices—greater efficiency in our case processing (docket clearing and “quantitative” ADR) and greater party participation and influence over situation-specific and adaptive solutions to conflict (“qualitative” ADR). ADR has come to mean almost any form of dispute resolution outside of full adjudication, even though less than ten percent of all cases filed in state and federal courts are actually tried to a judge and jury.

ADR should first be encountered in the first year basic course in Civil Procedure where processes of civil dispute resolution in the formal court system should be contrasted to the less formal methods of dispute resolution. ADR processes include dyadic negotiations between parties or their lawyers, before during and even after a lawsuit; arbitration in which a third party, like a judge, but chosen by the parties, makes a definitive ruling; and mediation or conciliation, where a third party facilitates a solution arranged by the parties themselves. Hybrids of these “primary” forms of ADR now often include fact-finding and ombuds services, summary jury trials in court, private mini-trials and variations of mediation and arbitration together.

Courses in ADR should be of interest to anyone who expects to practice law in litigation, transactional and governmental settings as well as to anyone who plans to work in management, government, or education. Courses in dispute resolution will have special relevance for those who expect to plan a career in litigation, diplomacy, international business, labor law or in the newer careers or arbitration, mediation, ombuds services and court administration, as well as more conventional legal careers in business transactions, legislatures and as judges. In fact, good courses in ADR skills could simply be considered among those “life skills” essential for the practice of any profession or living a meaningful life in which we seek to create good and quality solutions to difficult problems of resource allocation, legal rights and needs and human relationships.

A balanced curriculum in ADR should provide instruction in basic theory and jurisprudence, as well as a healthy dose of skills training and experiential work. Georgetown’s rich curricular offerings provide an opportunity to get a firm grounding in ADR theory and to apply the skills of negotiation and creative problem solving in a wide variety of substantive settings.

The study of dispute resolution requires a firm grounding in litigation (begun in Civil Procedure), as well as a variety of other disciplines that have contributed to this interdisciplinary field. The study of social and behavioral sciences such as anthropology (the social and cultural contexts of disputing), economics (efficiency and cost-benefit analyses of legal and dispute resolution regimes), game theory, sociology (who engages in disputes and why, with what structural and individual variations), cognitive and social psychology (methods of information processing and bargaining behavior, as well as personality and structural impediments to reaching agreements) all contribute to what we have come to call the theory of dispute processing.

At a jurisprudential level, students of ADR will come to understand when particular structures and processes of dispute resolution are most appropriate—when should cases receive the full adversary treatment of adjudication in courts and when should parties exert more control over both the process and outcome of their disputes. ADR study enables us to look at the remedial powers of courts and other dispute resolution institutions in contrast to potential “all gain” solutions crafted by problem-solving dispute resolvers, whether parties or professionals.

At a policy and planning level, lawyers need to know when and what kinds of dispute resolution clauses to draft for contracts and transactions and what to consider in use of settlement of lawsuits at individual, corporate and group levels. Given recent policy debates in Congress, students of ADR should understand who should make decisions about what process is most appropriate (the courts, the parties, their lawyers or Congress or state legislatures). ADR is now a major part of public systems of disputing in the courts, as well as gaining ascendancy in private dispute resolution and transaction planning. Systems designers plan grievance and dispute resolution processes for unions, government agencies, courts, corporations, hospitals and other health care providers and educational institutions.

A good sequence of study of ADR begins with one of the basic skills or orienting courses in ADR—the Alternative Dispute Resolution course or seminar, and/or the Negotiations or Mediation seminars—in order to understand basic theory and elementary skills of problem-solving. These courses all draw on basic negotiation theory, represented in such works as Fisher & Ury’s Getting to Yes, Menkel-Meadow’s “Toward Another View of Legal Negotiation,” Howard Raiffa’s The Art and Science of Negotiation, Lax & Sebenius’ The Manager as Negotiator, and Ken Arrow, et al.’s Barriers to Conflict Resolution. Whether as a party, representative lawyer or third party neutral, the student of ADR will learn the basic ideal of creative, synthetic, as well as analytic, problem-solving, the logic of question-framing, client counseling, option development and Pareto-optimal solution generation, as well as advocacy appropriate for particular processes. An alternative to the basic Negotiations course is the seminar in Negotiations and Mediation in a Public Interest Setting, which covers the same basic theory and elementary skills in the general course using examples and problems from public interest practice settings. The Multi-Party Dispute Resolution Seminar: Consensus Building and Other Negotiation Processes is a good alternative or companion course to the basic offerings mentioned above.

Courses that enable students to learn experientially, such as the “drafting and negotiating” courses and the advanced seminars in particular substantive areas, allow students to develop a competency in particular skills as well as to apply these skills in a wide variety of settings. Students who expect to specialize in their practices can choose from a broad array of courses that apply dispute resolution skills in particular subject areas (labor, international relations and business, commercial, business and real estate law, environmental law, legislation, sports, entertainment and computer law, family law and advanced litigation).

Students who expect to be mediators or arbitrators should also consider taking one of the clinical programs that will enable them to hone advocacy, negotiation and client facilitation and counseling skills in particular settings.

Students of ADR should also consider complementary courses that will enrich their study of ADR processes such as Administrative Law,
Employment Law and Labor Law and related courses, Environmental Law, Family Law, International Law, Legislation, Taxation and the Business Planning Seminar, and litigation-based courses and public interest courses, depending on their fields of interest. Issues presented in Professional Responsibility and in the various courses and seminars in gender and race relations and equality will also be essential in understanding modern ADR issues (cross-cultural disputing, conflicts of interests, power imbalances, standards of quality control).

Given the highly interdisciplinary and contested policy issues about ADR and its uses (the role of lawyer and client in decision-making, ethical issues implicated in its use, separation of powers issues in which institutions decide what is to be made available to whom, with what resources), the study of ADR is a good vehicle for understanding the operation of legal institutions at a macro level, as well as providing an opportunity to learn some important skills at the individual level.

Search Alternative Dispute Resolution Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_4)

**LAW 885 v00 Advocacy in International Arbitration** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20885%20v00)

LL.M Seminar (cross-listed) | 2 credit hours
This course blends mock arbitration experiences with class discussion of techniques, strategy, and ethics in international arbitration proceedings. Students directly participate in a series of practical exercises based upon a series of international arbitration fact patterns, which will entail their role-playing as advocates, cross-examiners, and arbitrators. The course emphasizes advocacy in connection with jurisdictional and procedural issues, selecting and challenging arbitrators, and other scenarios that often arise in international arbitration.

**Recommended:** An introductory course or some experience in international arbitration; International Law I: Introduction to International Law.

**Note:** Note: Students participate in in-class exercises and are graded on those exercises and productive class participation. Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

**LAW 885 v01 Advocacy in International Arbitration** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20885%20v01)

LL.M Seminar (cross-listed) | 2 credit hours
This course blends mock arbitration experiences with class discussion of techniques, strategy, and ethics in international arbitration proceedings. Students directly participate in a series of practical exercises based upon proceedings brought by a foreign investor against a State before the International Centre for Settlement of Investment Disputes (ICSID), including role-playing as litigators and arbitrators. The course emphasizes advocacy in connection with jurisdictional and procedural issues, selecting and challenging arbitrators, limits on the enforceability of awards, and other litigation problems that arise in the globalized environment of international investment and arbitration. There will be a number of oral advocacy assignments throughout the semester. The course grade will be a function of those assignments and class participation.

**Recommended:** International Law I: Introduction to International Law

**Note:** Students participate in in-class exercises and are graded on those exercises and productive class participation. Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 363 v01 Conflict Management Systems Design Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20363%20v01)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to introduce students to the theory, principles and practice of conflict management systems design with the goal of training students to assume this new and creative professional role. Lawyers are increasingly being called upon to act not simply as litigators or deal-makers, but also as "process architects" for institutions, organizations and governments. In addition, they are being asked to design, tailor and manage systems to handle "streams" of disputes in an effective and efficient manner, such as those arising from commercial transactions, mass torts, natural disasters, government programs and restorative justice initiatives.

Students will be expected to read, write, discuss, critique and participate in simulated exercises. After an overview of conflict management theory and principle, students will, through readings, discussions and exercises, study seven actual systems that reflect conflict management design principles. Then through a series of additional hands-on role plays and simulations, students will have the opportunity to develop systems design skills and work on a mock consulting team during class. The practical and ethical implications of systems design work will be explored, as well as opportunities for synthesis of systems design skills into legal practice.

The class meets four weekend days. Due to the intensive and interactive nature of the seminar, attendance at all class sessions is mandatory. Students will also be expected to participate in a simulation (approximately three hours) between the two weekend sessions. Grades will be based on class participation including team work, discussions and simulations (25%), the quality of a 7-page journal analyzing a class consulting team simulation and applying systems design principles (25%), and a 14-page client proposal on a topic of the student’s choice (revising a current system or designing a new system to manage conflict and resolve disputes) which demonstrates application and mastery of conflict management systems design skills.

**Prerequisite:** A law school skills-based class on negotiation or mediation is required, such as Negotiations Seminar; Mediation Seminar; Mediation Advocacy Seminar; Negotiations and Mediation Seminar; or Multipart Negotiation, Groups Decision Making and Teams. The two-credit sections of International Negotiations Seminar do not satisfy the prerequisite for this class.

**Note:** This seminar is open to J.D. students only.

**ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS.** Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 160 v01 Drafting and Negotiating Commercial Real Estate Documents: Contracts, Loan Documents, and Leases Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20160%20v01)
J.D. Seminar | 3 credit hours
This course dissects the major commercial real estate documents – loan documents, contracts, and commercial leases – by focusing on the drafting and negotiation of each. The course will examine the interplay between substantive legal issues and practical business and strategy questions in determining the contents of these documents. Some of the issues covered include the economics of the transaction, the rights and responsibilities of the parties and the consequences of default. A significant portion of the course will focus on the role of negotiations in the process of determining the terms of the document and will include simulated negotiations and role playing.

**Mutually Excluded Courses:** Students may not receive credit for both this seminar and the LL.M. course, Drafting Contracts; or the LL.M. seminar, Drafting Contracts.

LAW 1277 v00 Environmental Dispute Resolution Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201277%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
The Environmental Dispute Resolution Seminar is an advanced practice course for students considering a career in any facet of environmental law or related regulatory fields. It explores the characteristics of environmental disputes and, through simulations, sharpens students’ skills in client communication, persuasive writing, oral advocacy, as well as negotiation and litigation strategy. The Seminar centers around simulations based on a complex civil environmental law dispute that initiates as a negotiation, proceeds to litigation, and culminates in a court-ordered mediation with a third-party neutral. The course examines the roles lawyers play in each approach, as students assume the role of attorneys from a governmental agency, public interest organization, and outside counsel for a corporate defendant. Through these practical applications, students evaluate the utility and limitations of various approaches to resolution. The Seminar further develops each student’s understanding of the key strategic decisions an attorney must make during various phases of dispute progression and resolution, including pre-enforcement determinations regarding compliance counseling. Students will ultimately write a major motion that will fulfill the Upperclass Legal Writing Requirement, submitting a draft for review and comment before the final product. **Environmental Law is a prerequisite for this course.**

**Prerequisite:** Environmental Law.

**Strongly Recommended:** Foreign-trained LL.M. students must have completed a course in U.S. civil procedure, and U.S. Legal Research Analysis & Writing is strongly recommended.
Alternative Dispute Resolution

LAW 882 v08 International Arbitration (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20882%20v08)
LL.M Course (cross-listed) | 2 credit hours
Examines United States, foreign, and international law and practice relating to international commercial arbitration, including the U.S. Federal Arbitration Act, the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and the arbitration rules of major arbitral institutions such as the ICC, JAMS, the ICDR, etc. The course focuses on the procedural law applicable to and the practical aspects of arbitration. It will cover such topics as enforcing arbitration clauses, conducting arbitration proceedings, judicial oversight of arbitration, choice of law, enforcing and setting aside awards as well as drafting dispute resolution clauses.

Recommended: International Law I: Introduction to International Law (or the equivalent International Law I); International Business Transactions.

Mutually Excluded Courses: Students may not receive credit for both this course and International Commercial Arbitration, Introduction to Commercial Arbitration, Introduction to International Commercial Arbitration or the J.D. seminar, International Commercial Arbitration Seminar (CTLS course).

LAW 1758 v00 International Arbitration in the Middle East (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201758%20v00)
J.D. Seminar (cross-listed) | 1 credit hour
Almost a decade has passed since the uprisings of the Arab Spring swept across the Middle East, causing political unrest and economic instability. These waves of upheaval and their aftermath have caused severe disruption to foreign investment inflows and cross-border business transactions, propagating a number of high-profile commercial and investment disputes and rendering arbitration an essential tool for doing business in the region more than ever.

This course will examine the history of arbitration in the Middle East and its evolution from the Islamic era, through the early colonial twentieth century's oil & gas arbitrations, to the modern-day proliferation of commercial and investor-State arbitration cases. The classes will draw upon a wide range of materials including law journal articles, arbitral awards, regional treaties, domestic arbitration laws and court decisions to discuss and provoke debate over core topics in the international arbitration field, such as the impact of Sharia law on the arbitration process; the internationalization of contract-based disputes; the contribution of the Iran-US Tribunal to the development of international investment law; the role of consent to arbitration contained in domestic laws; attribution and State responsibility in the context of the Arab Spring, enforcement of arbitral awards in the region; and the rise of inter-Arab investment arbitration through the investment treaty of the Organization of Islamic Conference.

This course is designed for students, young scholars, and practitioners who are interested in understanding the unique features of arbitration theory and practice in the Middle East, and appreciating the legal and cultural context within which the current arbitration practice in the region has developed. The course will also provide practical insights and commentary on domestic arbitration regimes of selected countries, and arbitration rules and processes of some of the region's arbitral institutions, including CRCICA, DIAC, DIFC-LCIA, ADGM-ICC, BCDR, and SCCA.

Learning Objectives:

Students will:

• Better understand the origins of the concept of arbitration in Islam, and the role that Sharia law plays in today's arbitration process in the Arab world.
• Develop familiarity with the arbitration practice and its evolution in the region through the lens of landmark cases involving Arab States and assess the contribution of these cases to the overall development of the international arbitration field.
• Gain knowledge of the protections and guarantees afforded to investors by regional treaties and domestic investment laws of Arab countries, including dispute resolution clauses that refer to international arbitration.
• Identify some of the legal challenges faced by investors when attempting to enforce a foreign or international arbitral award in the Middle East.
• Develop familiarity with some of the major regional arbitral institutions and their common structures and procedural rules.

Note: Withdrawals are permitted up until the last class for this specific course.
LAW 240 v01 International Business Negotiations (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20240%20v01)
J.D. Seminar | 3 credit hours
This course is structured around a semester-long, simulated negotiation exercise in which the students in this class will represent a US pharmaceutical company (KJH Pharmaceutical Corporation) and the students in a similar class, at the University of Dundee in Scotland, will represent an African agricultural production company (Malundian Cassava Corporation). The two companies are interested in working together to exploit a new technology developed by KJH Pharmaceutical that uses the cassava produced by Malundian Cassava Corporation. The form of their collaboration could be a joint venture, a licensing agreement or a long term supply contract. The negotiations will take place through written exchanges and through live negotiation via videoconference. Substantive law issues related to the transaction, as well as negotiations strategy and related issues, will be addressed in this class.

The purpose of the course is to provide students with an opportunity (i) to gain an introduction to transactional law and experience the sequential development of a business transaction over an extended negotiation, (ii) to study the business and legal issues and strategies that impact the negotiation, (iii) to gain insight into the dynamics of negotiating and structuring international business transactions, (iv) to learn about the role that lawyers and law play in these negotiations, (v) to give students experience in drafting communications, and (vi) to provide negotiating experience in a context that replicates actual legal practice with an unfamiliar opposing party (here, the students at Dundee).

The thrust of this course is class participation and active involvement in the negotiations process. Students are expected to spend time outside of class, working in teams, to prepare for class discussions involving the written exchanges as well as preparing for the live negotiations. Class discussions will focus on the strategy for, and progress of, the negotiations, as well as the substantive legal, business and policy matters that impact on the negotiations. Grades will be based on participation in the exercises, students’ diaries, and a final paper.

Recommended: Prior or concurrent enrollment in Corporations.

Mutually Excluded Courses: Students may receive credit for this course and the graduate course International Negotiations Seminar (LAWJ/G-958). Students may NOT receive credit for this course and the J.D. course International Negotiations Seminar (LAWJ/G-240) or the graduate course International Negotiations (LAWJ/G-3029).

Note: This seminar is open to J.D. students only.

Students may not withdraw from this class after the add/drop period ends without the permission of the professor. Due to the coordination with the class in Dundee, Scotland, this class does not cancel even if Georgetown Law is closed. In the event of a weather closing, this class will be held via Zoom.

LAW 240 v02 International Business Negotiations (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20240%20v02)
J.D. Seminar | 3 credit hours
This simulation course is structured around a semester-long negotiation exercise in which the students on one team of lawyers will be negotiating with students on another team of lawyers. One team will represent an African agricultural production company (Malundian Cassava Corporation) and the other team will represent a multi-national pharmaceutical company (KJH Pharmaceutical Corporation). In the simulation, the two companies are interested in working together to exploit a new technology developed by KJH Pharmaceutical that requires use of a plant crop (cassava) produced in Malundi and sold by Malundian Cassava Corporation. The form of their business collaboration could be a joint venture, a licensing agreement, or a long-term supply agreement.

The negotiations will take place through written exchanges and through face-to-face negotiation sessions. Substantive legal topics related to the transactions, as well as to the process of international negotiation and related issues, will be covered in this course.

The goals of this course are (i) to introduce students to transactional law and practice, (ii) to provide negotiations training and experience in the context of international transactional practice, and (iii) to develop legal-practice skills. Students will apply their legal and non-legal knowledge in the role of lawyers negotiating an international business transaction, within the controlled environment of the classroom.

This experiential course is built around active involvement in the transactional negotiations process. Students may expect to spend some time outside of the class meetings working in teams to prepare the written exchanges and prepare for the negotiations. Class meetings will focus on the strategy for and the process of the negotiations as well as on many of the substantive legal, business and policy issues that arise in the course of business negotiations. Grades will be based on 1) written self-evaluation “journal” entries and 2) a final paper (see “Course Requirements” below).

Recommended: Prior or concurrent enrollment in Corporations and Contracts.

Mutually Excluded Courses: Students may receive credit for this course and the graduate course International Negotiations Seminar (LAWJ/G-958). Students may NOT receive credit for this course and the J.D. course International Negotiations Seminar (LAWJ/G-240) or the graduate course International Negotiations (LAWJ/G-3029).

Note: This course is open to J.D. students only.

In addition to the 2-hour Monday classes, this class has five Saturday sessions (see times below). These sessions are devoted to the live negotiations. Due to the Saturday sessions, the Monday sessions will end earlier in the semester. NOTE: In the event of a weather closing, this class may be held via conference call dial-in.
LAW 882 v03 International Commercial Arbitration

J.D. Seminar (cross-listed) | 2 credit hours
This course presents an introduction to international commercial arbitration. It examines the nature of arbitration, the procedures used in international arbitration (both institutional and ad hoc), and the enforcement and setting aside of arbitral awards. The course will also cover drafting arbitration agreements, the law applicable to arbitrations (including the New York Convention, the ICSID Convention and various institutional rules), challenges to arbitration, multi-party arbitrations, jurisdiction, preliminary or interim measures and selection of the arbitral tribunal. The course also provides an introduction to arbitration between investors and states. Grades will be based primarily upon short papers addressing current issues in international arbitration.

Mutually Excluded Courses: Students may not receive credit for both this course and the LL.M. seminars International Commercial Arbitration, Introduction to International Commercial Arbitration, or International Arbitration; or the CTLS seminar, International Commercial Arbitration Seminar.

LAW 882 v06 International Commercial Arbitration

LL.M Course | 1 credit hour
In today’s global economy, parties to cross-border commercial transactions usually choose to resolve their disputes through international arbitration. This course provides students with an understanding of the law and practice of international arbitration from the perspective of United States law. Among other things, the course will consider the alternatives to international arbitration, the international conventions and U.S. arbitration statute; the arbitration agreement; the role of courts and tribunals in determining issues of arbitrability; international arbitration rules; provisional measures; judicial enforcement of arbitration agreements and arbitration awards; and judicial setting aside of arbitration awards.

Mutually Excluded Courses: Students may not receive credit for both this course and International Arbitration, Introduction to Commercial Arbitration or the J.D. seminar, International Commercial Arbitration Seminar (CTLS course).

Note: WEEK ONE COURSE. This course will meet for one week only on the following days: Monday, January 10, 2022 through Thursday, January 13, 2022, 9:00 a.m. - 12:20 p.m. The course will have a take-home exam that must be completed during between January 21 and January 28, 2022.

This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 3033 v00 International Commercial Arbitration with a Foreign Sovereign

LL.M Course (cross-listed) | 2 credit hours
Resolution of disputes between private sector companies and sovereigns arising under international contracts and projects typically are resolved by international commercial arbitration, giving rise to unique challenges, issues, and opportunities.

This class will address the relationship between international arbitration and court litigation, key fora and features that exist in this realm, proper negotiation and mediation techniques, analysis of foreign sovereign immunities, choice law issues, the importance of language and culture in these disputes, interplay with treaty arbitration, issues arising under arbitration clauses, critical trends in case law and arbitral institutions, and enforcement of arbitration awards globally. The course will feature guest speakers, hands-on exercises, use of materials from actual arbitrations, optional field trips to local courts, and a two-class practical moot—all focused on the dynamics and practicalities of dealing with the disputes of sovereigns and private parties.

Recommended: Prior enrollment in a basic course in international arbitration
LAW 3032 v00 International Energy Arbitration

LL.M Course | 2 credit hours
The course begins with an introduction to international energy arbitration, followed by discussion of the international energy industry, its sources, segments, and players, including its evolution during the energy transition. An extensive presentation on the legal framework for international energy arbitration covers international laws and norms, national constitutions, national petroleum laws and regulations, and, in particular detail, the historical evolution of upstream host government petroleum contracts, including petroleum fiscal systems. To place the subject of host government contracts in its proper setting, the next section describes resource cycles and resource nationalism, as well as the legal status of host government contracts. Segments on contract stabilization and choice of law come next. Discussion then moves to the early international oil and gas arbitration awards, from there to several modern international oil and gas arbitration awards, and finally to contemporary energy disputes with host governments. The course next covers commercial disputes arising out of joint operating agreements, gas contracts, and LNG sales contracts. Following a discussion of enforcement of energy awards, the final segment concerns building an international energy arbitration practice. The course is designed to provide an in-depth knowledge of the main types and key drivers of international energy disputes, past and present, not only to aid in understanding the international energy industry, its business relationships and contracts, its broader legal framework, and its disputes, but to build better advocates to represent international energy companies and host governments in these contentious proceedings.

Recommended: Prior or concurrent enrollment in an introductory international arbitration course.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. While the first three days of this course meet during the Fall add/drop period, a student may only drop this course without a transcript notation prior to the start of the second class session by submitting a written request to the Office of the Registrar. After the start of the second class session, a student must seek permission from an advisor to withdraw.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students

LAW 3029 v00 International Negotiations

LL.M Seminar (cross-listed) | 2 credit hours
The International Negotiation course will focus on the methods and objectives for successfully engaging in international negotiations. This course will include in-depth reviews and class discussions of negotiations conducted by governments, the private sector, non-governmental organizations, as well as international institutions. The course will provide important insight into the necessary preparations and research necessary to conduct international negotiations as well as a better understanding of the complexities and nuance of actual negotiations. The course will provide students an opportunity to review and dissect previous negotiations and prepare and conduct negotiations based on their understanding of what works and what does not. Discussions will focus on the most important aspects of negotiations -- mutual understanding of the expected outcome, in-depth review of the expected positions of the parties, how to accurately understand the extent of any leverage and how to assess a successful outcome. Cultural, linguistic and other possible impediments to a successful negotiation will also be explored to provide students a full understanding of all that goes in to a successful negotiation.

Recommended: Prior enrollment in International Law, Conflicts

Strongly Recommended: Legal writing

Mutually Excluded Courses: Students may not receive credit for this course and the International Negotiations Seminar or International Business Negotiations.
LAW 3106 v00 International Negotiations II

This simulation course is designed for students who have taken an International Negotiations course and want to further develop the skills introduced in that course. Specifically, in this smaller class environment, students will obtain real-world, international negotiating experience based on actual negotiations and international issues. Students will face the same situations experienced negotiators face in the international context and the course will provide students with opportunities for one-on-one interaction with international negotiators during their negotiation simulations.

Through this course, students will:

- Develop and sharpen legal and negotiating skills in the international context by simulating real-world negotiations in a real-world setting.
- Gain knowledge in how to prepare, strategize, and conduct a negotiation in the international context. This includes legal, historical, political, diplomatic, and other research necessary to prepare for an international negotiation.
- Come to understand and be able to use an organized theoretical framework in which to analyze the problems of international negotiations.
- Engage in effective problem-solving with respect to the simulated exercises, whether alone or in teams.
- Identify and appreciate ethical considerations related to international negotiations and the importance of credibility, authenticity, and honesty.
- Demonstrate professionalism in interactions with classmates and professors.
- Engage in self-reflection and peer critique, including applying lessons learned in exercises to future performances, and providing constructive criticism to classmates.

Prerequisite: International Negotiations or International Negotiations Seminar

Note: For students who have completed International Negotiations Seminar with Timothy Harr (LAWJ-240-05), please contact LLMAS@georgetown.edu to have a prerequisite waiver posted on your account.

Recommended: International Law

LAW 240 v00 International Negotiations Seminar

This seminar seeks to develop skills and knowledge to participate in negotiations and in particular international business negotiations. Approximately a third of the course time is devoted to the negotiating process and analysis of negotiation principles and dynamics. Another third is spent on the cultural, practical, legal and strategic elements of international business transactions. The balance is spent on a series of “mock” negotiations. Students, individually and in groups, experiment with different negotiating techniques and fact situations of increasing complexity. The course requirement is principally satisfied through preparation of a comprehensive negotiated agreement and follow-up memorandum. Heavy emphasis is placed on class participation, including the negotiations. The final negotiating problem requires substantial team work with others, including strategy, analysis, and preparation. Negotiations are carried on both inside and outside normal class time.

Recommended: Contracts.

Mutually Excluded Courses: Students may not receive credit for this course and the International Negotiations Seminar (LAWJ/G-958) or International Negotiations (LAWJ/G-3029) in the graduate program, or International Business Negotiations.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off of the waitlist.

Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 958 v00 International Negotiations Seminar

After introductory lectures on negotiation theory and practice, the seminar students will be divided into teams for a series of simulated negotiations covering government-to-government, government-private and transnational private negotiations. Student performance in these negotiations and class discussions will comprise most of the course grade; no research paper or examination is required.

Mutually Excluded Courses: Students may receive credit for this course and International Business Negotiations. Students may NOT receive credit for both this course and International Negotiations or the J.D. course, International Negotiations Seminar.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.
Modern interstate dispute resolution finds its basis in a string of ad hoc arbitrations and claims commissions from the 18th, 19th, and early 20th centuries. The United States was an early adopter of arbitration as a means of resolving interstate disputes, first agreeing with the United Kingdom in 1794 in the Jay Treaty to resolve certain disputes remaining from the Revolutionary War.

In the first part of the 20th century, there was an effort to formalize such disputes, first through the PCA and then the PCIJ and ICJ. In the latter half of the 20th century and into the 21st century, there was a rapid increase in formal mechanisms or courts to hear state to state disputes, including the WTO and ITLOS mechanisms, other specialized courts, and a host of regional courts and tribunals. Ad hoc arbitration and claims commissions continue to be used to resolve disputes as well.

This course will tackle state-to-state disputes a historical and comparative perspective, tracking the development of interstate dispute resolution over time and across institutions. We will approach the history of interstate dispute resolution from both a legal and political science perspective. In so doing, the course will ask the following questions:

- Why have states agreed to submit their disputes to arbitration or other dispute resolution mechanisms? What were the international relations factors that permitted the use of such mechanisms?
- How successful are such means in resolving disputes between states? What sorts of disputes can be resolved through arbitration or similar mechanisms?
- How does interstate dispute resolution work in practice?
- What are common procedures for such disputes?
- How do international courts develop international law?
- What are the prospects for interstate dispute resolution going forward?

Prerequisite: International Law I

Recommended: International Commercial Arbitration

Note: For the Spring section: FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.

Student who no longer wishes to remain enrolled will not be permitted to drop the class but may request a withdrawal BY PROFESSOR PERMISSION ONLY. This course requires a paper. J.D. Students: this will fulfill the J.D. Upperclass Legal Writing Requirement.
Arbitration has played a prominent role in American labor relations since its strong endorsement by the Supreme Court in 1957 in the Lincoln Mills decision. The procedure is viewed by many as the mainspring of the collective bargaining agreement, providing a means of dispute resolution without a strike. Sometimes arbitration is used to resolve deadlocked contract negotiations; more frequently, it is used to resolve employee grievances. The customary advantages of the process are speed, economy, finality, and privacy. Although this seminar focuses on labor and employment arbitration, many of the principles and practices apply as well to commercial arbitration. The seminar explores fully the arbitration process—how it works; how arbitrators function and what standards and rules they apply; and whether the customary advantages remain valid. Special attention is given to practice and procedure in the labor arbitration hearing. Arbitration cases or arguments are simulated, and each student participates as witness, counsel, or the arbitrator. Independent of the simulations, a serious research paper is required.

The final grade for the seminar will be based on three components (this class does not have a final examination): (1) class participation, including discussion and simulation exercises; (2) a 5-page post-course reflective journal, and (3) a final 10 to 12-page paper creating a mediation advocacy simulation problem. Additional instructions on these graded components will be provided in the course syllabus and in class.

Learning Objectives:

Through this course, students will:

- Develop and sharpen skills to act as an effective advocate in mediation.
- Understand and evaluate strategies and tactics used by a mediator in order to determine the best strategy and tactic as a mediation advocate.
- Gain knowledge in the doctrinal and theoretical underpinnings of mediation advocacy.
- Use your knowledge of an organized theoretical framework to analyze the issues of mediation advocacy through the use of a simulated mediation problem.
- Engage in effective problem-solving during different stages within the mediation advocacy simulation problem.
- Identify and appreciate ethical considerations that may arise while acting as an advocate in mediation.
- Demonstrate professionalism in interactions with classmates and professors.
- Engage in self-reflection and peer critique, including applying lessons learned in exercises to future performances.
- Provide constructive feedback to classmates.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Mediation Seminar, the Negotiations and Mediation Seminar, or Mediation Skills and Process.

Note: This course is only open to J.D. students.
LAW 322 v03 Mediation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20322%20v03)
J.D. Seminar | 3 credit hours
This seminar is an interactive course designed to teach the practice and principles of mediation. The course will explore the mediation process from multiple perspectives, including disputants, advocates and mediators. Particular emphasis will be placed on how to be an effective advocate during the mediation process. The course is designed to allow students to develop proficiency in mediation, both from a strategic and behavioral perspective. The effect of culture, power, and individual attitudes toward conflict will be explored. The class will address practical and ethical questions which surround the use of mediation as a dispute resolution mechanism. Hybrid mediation processes and current issues in mediation will also be explored.

Students will be expected to read, write, discuss, critique and participate in simulated disputes. The simulations are designed to familiarize students with the mediation process, to determine when mediation is appropriate, to plan and prepare for a mediation, to participate effectively as both a disputant and advocate in a mediation, to overcome impasse and deal with difficult situations, and to raise practical and ethical issues. Simulations are taken from a variety of practice areas, including community, commercial, environmental, international, litigation and transactional disputes.

The class will meet one Friday afternoon and four weekend days; attendance at all class sessions is required to fulfill class commitment and students must attend the first class to be enrolled. Grades will be based on class participation including discussions and simulations (25%), the quality of the student’s 7-page journal analyzing and comparing two simulations from the class (25%), and a 14-page client mediation advocacy plan on an issue of the student’s choice (50%).

Prerequisite: Completion of all first year courses, except Property and Criminal Justice (or the equivalent Democracy and Coercion or Criminal Procedure), is required.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar or Mediation Advocacy Seminar.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last day of classes for the specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.

LAW 322 v06 Mediation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20322%20v06)
J.D. Seminar | 3 credit hours
Mediation skills have become essential for attorneys working in all areas of practice, whether in transactional or litigation settings, as clients demand cost-effective ways to resolve problems. Many courts require litigants to attempt resolution prior to trial. In this skills-building course, you will develop an in-depth knowledge of the practice and principles of mediation. Emphasis is on learning the skills used by mediators, but also on becoming an effective advocate for a party in mediation. Students will experience the roles of mediator, counsel, and party in various simulations. Special focus is placed on planning for a mediation, for mediators and attorneys/clients, with takeaway materials to use in practice after law school. Several simulations will devote enough time to practice these skills in a full mediation. Various videos and demonstrations will further illustrate the principles. Emphasis will be placed on the ethical rules and guidelines that bind the mediator and advocate.

Class sessions will be devoted to a combination of lectures, preparation for and participation in mediation simulations, discussions, and videotaped mediation topics. Grades will be based on: (1) the quality of class participation (25%); (2) planning documents and short written assignments (30%); and (3) a 10-12 page final paper evaluating a mediation scenario (45%). Students will be graded on their planning, but not on the outcomes of the mediation simulations.

Due to the extensive use of exercises in which students must participate, class attendance is ESSENTIAL. Only one absence per semester will be permitted. A second absence will require completion of a significant make-up assignment. A third absence will result in failing the course. Class size is limited to 18 students.

Learning Objectives:
In this skill-building course you will:

• Develop an in-depth knowledge of the practice and principles of mediation
• Recognize the settings in which it is appropriate to use mediation (litigation, transactional, etc), and what type of mediator (and mediator styles) is appropriate
• Explain the benefits of the process of mediation and its differences from other forms of alternative dispute resolution
• Learn negotiation skills necessary in mediation
• Master the principles and benefits of interest-based bargaining
• Acquire proficiency in necessary communication skills
• Demonstrate the skills of a mediator, including in co-mediation
• Learn to identify each party’s interests, creating value to meet them, and alternatives if mediation is unsuccessful
• Prepare a client to participate in mediation and to understand the differences between the client’s role in mediation vs litigation
• Become an effective advocate as a lawyer negotiating on behalf of a client
• Understand the effect of cultural considerations in mediation
• Recognize and handle confidentiality issues in mediation
• Identify and adhere to the ethical rules and guidelines for mediators and for advocates in mediation
• Understand court-ordered and court-annexed mediation

Prerequisite: Contracts (or Bargain, Exchange, and Liability) and Civil Procedure (or Legal Process and Society).

Strongly Recommended: Negotiations Seminar.

Mutually Excluded Courses: Students may not receive credit for both this course and the Negotiations and Mediation Seminar.
**Law 322 v50 Mediation Seminar**

J.D. Seminar | 3 credit hours

Mediation skills have become essential for attorneys working in all areas of practice, whether in transactional or litigation settings, as clients demand cost-effective ways to resolve problems. Many courts require litigants to attempt resolution prior to trial. In this skills-building course, you will develop an in-depth knowledge of the practice and principles of mediation. Emphasis is on learning the skills used by mediators, but also on becoming an effective advocate for a party in mediation. Students will experience the roles of mediator, counsel, and party in various simulations. Special focus is placed on planning for a mediation, for mediators and attorneys/clients, with takeaway materials to use in practice after law school. Several simulations will devote enough time to practice these skills in a full mediation. Various videos and demonstrations will further illustrate the principles. Emphasis will be placed on the ethical rules and guidelines that bind the mediator and advocate.

Class sessions will be devoted to a combination of lectures, preparation for and participation in mediation simulations, discussions, and videotaped mediation topics. Grades will be based upon: (1) the quality of class participation (25%); (2) planning documents and short written assignments (30%); and (3) a final paper, not to exceed 15 pages, evaluating a mediation scenario (45%). Students will be graded on their planning, but not on the outcomes of the mediation simulations.

**Learning Objectives:**

In this skill-building course you will:

- Develop an in-depth knowledge of the practice and principles of mediation
- Recognize the settings in which it is appropriate to use mediation (litigation, transactional, etc), and what type of mediator (and mediator styles) is appropriate
- Explain the benefits of the process of mediation and its differences from other forms of alternative dispute resolution
- Learn negotiation skills necessary in mediation
- Master the principles and benefits of interest-based bargaining
- Acquire proficiency in necessary communication skills
- Demonstrate the skills of a mediator, including in co-mediation
- Learn to identify each party's interests, creating value to meet them, and alternatives if mediation is unsuccessful
- Prepare a client to participate in mediation and to understand the differences between the client's role in mediation vs litigation
- Become an effective advocate as a lawyer negotiating on behalf of a client
- Understand the effect of cultural considerations in mediation
- Recognize and handle confidentiality issues in mediation
- Identify and adhere to the ethical rules and guidelines for mediators and for advocates in mediation
- Understand court-ordered and court-annexed mediation

**Prerequisite:** Contracts or Bargain, Exchange, and Liability.

**Strongly Recommended:** Negotiations Seminar.

**Mutually Excluded Courses:** Students may not receive credit for both this seminar and the Mediation Advocacy Seminar, the Negotiations and Mediation Seminar, or Mediation Skills and Process.

**Note:** Note for the Summer 2022 section: This simulation course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) no earlier than the last week in April to request admission.

**Law 1757 v00 Multiparty Negotiation, Groups Decision Making and Teams**

J.D. Seminar | 3 credit hours

All lawyers work in environments that present opportunities to work and negotiate with multiple parties — whether across the table, behind the table, or as colleagues on a team or in a group. This seminar explores the special challenges and complexities of multiparty negotiation, group decision-making, and working collaboratively in teams. Using simulations, large- and small-group discussion, exercises, lectures, video, and journal writing, the workshop will help students engage with various frameworks, tools, and perspectives that will enable them to become more effective and successful in multiparty settings in the future. Topics addressed will include: the differences between multilateral and bilateral negotiations, coalitional dynamics and strategy, decision rules for groups, preparation methods, process design and management, facilitation, and the role of emotions and identity, among others.

The seminar is intensive (9:00am to 5:00pm) for six session, spread over two long weekends (Friday/Saturday/Sunday), plus a time to be scheduled between the two weekends for videorecording and reviewing one negotiation). Full attendance and participation is required at all six sessions given the complexities of scheduling multiparty simulations and the condensed nature of the course.

Grades are based on the quality of student's in-class participation, two directed journal assignments, and a 10- to 12-page final paper.

**Learning Objectives:**

By combining theory and practice, this seminar aims to improve your conceptual understanding of and effectiveness in multiparty negotiations, groups, and teams.

More specifically, the course goals/learning outcomes are:

1. To increase your theoretical understanding about common dynamics at play in multiparty negotiations, groups, and teams by exposing you to:
   - Various frameworks for understanding and analyzing multiparty negotiations and teams;
   - Empirical research findings on behavioral best practices;
   - A common vocabulary to enhance preparation, conduct, and review

2. To enhance your behavioral skills negotiating in multiparty contexts and working in groups and teams:
   - While there is no "best" way to negotiate in all dyadic circumstances, it is even harder to offer prescriptive advice in the multiparty context. Nonetheless, you may be able to develop some general guidelines to structure your preparation for, conduct of, and review of negotiations and teams. We will offer our own best advice and encourage you to develop your own prescriptions:
     - To assess the skills you have as a negotiator;
     - To broaden your repertoire of simple, usable, and effective tools and strategies for multiparty negotiations and working in teams;
     - To allow you to practice and experiment with these skills in a low-risk, collaborative learning environment;
     - To work on bridging the gap between theory and practice

3. To increase self-awareness of yourselves as agentic actors in multiparty negotiations and teams:
   - To help you diagnose your own and others' strengths and weaknesses in multiparty negotiations and teams
   - To help you identify your own and others' default tendencies in such situations
   - To expand your capacity for taking on different roles in different contexts
Withdrawals are permitted up until the last class for this specific course. Students approved to withdraw will not be refunded. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.

Note: This seminar is open to J.D. students only.

Learning Objectives:

- Familiarization with negotiation and mediation theory, concepts and principles.
- Deepening of behaviors, processes and mindsets required for effective negotiation and mediation.
- Sharpening skills in the areas of listening, asking questions, creative thinking, and persuasive communication.
- Engaging in reflective practice.
- Awareness of the role that assumptions, differences (e.g., culture, gender) and psychology play in shaping negotiation/conflict dynamics.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations Seminar, the Mediation Seminar, or the Mediation Advocacy Seminar.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs.
LAW 317 v01 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v01)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas, including community, commercial, environmental, interpersonal, litigation, and transactional disputes. The effect of gender, culture, power, politics, impasse, and attitude toward conflict will also be explored.

Students learn to negotiate by participating in simulations, studying and discussing negotiation theory and principles, analyzing negotiation exercises, and being critiqued. They will analyze their own negotiations by maintaining a weekly journal throughout the seminar.

The class meets once a week for three hours; attendance is required to fulfill class commitment and students must attend the first class to be enrolled. Grades will be based on class participation, development and application of negotiation skills, the quality of the student’s journal (including analysis, application of theory and principles, self-reflection, creativity, style, and organization), and the quality of and result of simulated negotiations. Any absence or lateness may result in a reduced class participation score.

Learning Objectives:

The aim of this workshop is to help students improve their skills in negotiation, joint decision-making, and joint problem-solving, and to make them better able to develop these skills further in the future. These skills are key components of practicing law. More specifically, the aims are:

1. To give you an organized theoretical framework with which to analyze problems of negotiation – one that will help you to keep learning from your experiences.
2. To enable you to experiment actively with a variety of negotiating techniques and your own negotiating styles.
3. To become aware of the dynamics of the negotiation process and self-aware of one’s actions within that process.
4. To help you become more sensitive to ethical issues in negotiation.
5. To improve communication, listening, and problem solving skills, and better understand the role of language and culture in negotiations.
6. To give you an understanding of other forms of dispute resolution.
7. Specific objectives include learning:
   • how to plan for a negotiation
   • how to create value
   • how to actively listen
   • understanding negotiation styles, tactics, strategies and techniques
   • how to overcome barriers to agreement
   • how to consider the impact of culture on negotiations

Recommended: Contracts, Torts, Civil Procedure.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: This seminar is open to J.D. students only.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.

LAW 317 v04 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v04)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class (one simulation of approximately three hours between the two weekend classes). The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations (both bi-lateral and multi-lateral), to identify and experiment with individual negotiating styles, to deal with impasse and difficult situations, and to raise ethical and practical questions. Simulations are taken from a variety of practice areas, including community, commercial, environmental, interpersonal, litigation, and transactional disputes. The effect of culture, power, and attitude toward conflict will also be explored.

Students learn to negotiate by participating in simulations, studying and discussing negotiation theory and principles, and analyzing negotiation exercises.

The class meets four weekend days. Attendance at all sessions and participation in the simulation exercise between the two weekend classes are required to fulfill class commitment; students must attend the first class to be enrolled. Grades will be based on class participation including discussions and simulations (25%), the quality of the student’s 7-page journal involving two simulations of the student’s choice (including analysis, application of theory and principles, self-reflection, style, and organization) (25%), and a 14-page client negotiation advocacy memorandum on a topic of a student’s choice which demonstrates mastery and analysis of negotiation theory, practice and principles (50%).

Prerequisite: Completion of all first-year courses, except Property.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: This seminar is open to J.D. students only.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.
LAW 317 v11 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v11)

J.D. Seminar | 3 credit hours
Most lawyers, irrespective of their specialty, must negotiate. Litigators resolve far more disputes through negotiation than by trials. Business lawyers—whether putting together a start-up company, arranging venture financing, or preparing an initial public offering—are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators.

This seminar, by combining theory and practice, aims to improve both the participants’ understanding of negotiation and their effectiveness as negotiators. Drawing on work from a variety of research perspectives, the readings and lectures will provide students with a framework for analyzing negotiations and tools and concepts useful in negotiating more effectively. In particular, this seminar will expose students to the problem-solving approach to negotiation. Accordingly, our main texts will be Getting to Yes, by Roger Fisher, William Ury, and Bruce Patton, and Beyond Winning, by Robert Mnookin, Scott Peppet, and Andrew Tulumello. An additional packet of readings will also be required for the course.

Participants will spend much of their time in a series of negotiation exercises and simulations, where, as negotiators and critical observers, they will become more aware of their own negotiation behavior and learn to analyze what works well, what does not, and why. Class sessions will be devoted to a combination of lectures, case simulations, discussions, and film clips.

The seminar is intensive (9:00 a.m. to 5:00 p.m. for six sessions, spread over two weekends, plus a time to be scheduled by each student between the two weekends for videotaping and reviewing one negotiation). Full attendance and participation is required at all six sessions.

Grades are based on the quality of student participation and several writing assignments, including a final negotiation preparation memo and analysis of a video recorded negotiation.

Learning Objectives:

By combining theory and practice, this seminar aims to improve both your conceptual understanding of the negotiation process and your effectiveness as a negotiator. The class should help you improve your ability to prepare for a negotiation, to engage others in joint problem-solving and decision-making, and to diagnose what is going wrong and what to do differently when negotiations break down. Most importantly, the course will equip you to continue refining your skills as you gain more experience.

More specifically, our goals are:

- To increase your awareness about negotiation and negotiating behavior:
  - The pervasiveness of negotiation;
  - The implicit working assumptions that underlie your behavior;
  - Understanding others’ perceptions and reactions;
  - The importance of process (how we negotiate): its effects on the progress of negotiations and the relationship between negotiators.
- To enhance your understanding of negotiation theory by providing:
  - Exposure to social science research related to negotiation;
  - Some basic organizing concepts;
  - A common vocabulary to enhance preparation, negotiation, and review;
  - Analytic tools for diagnosing problems and developing strategy.

LAW 317 v14 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v14)

J.D. Seminar (cross-listed) | 3 credit hours
This intensive, interactive seminar is designed to teach both the theory and practice of negotiation. The goal is to improve students’ understanding of negotiation as well as their ability to negotiate effectively. Students will spend much of their time participating in negotiation exercises and simulations from a variety of practice areas. Through the in-class negotiation exercises, debriefings, and lectures, students will develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication. Class lectures and discussions will focus on such topics as the difference between competitive and integrative bargaining, the psychological and ethical dimensions of negotiations, and the importance of planning and choosing negotiation strategies.

The seminar will meet for five sessions spread over two weekends. Attendance at all sessions is mandatory. Between weekend sessions, students will negotiate with a classmate and write a short reflection paper about the experience. In addition, a final paper (10-15 pages) is required, in which students should demonstrate that they have learned the concepts, principles, and theories from lectures, readings, and exercises.

Grades will be based on:

- Participation in class (30%)
- Midterm reflection paper (20%)
- Final paper (10-15 pages) (50%).

Recommended: Torts, Contracts, and Civil Procedure. Students with no formal negotiation training are encouraged to enroll.

Mutually Excluded Courses: Students may not receive credit for both this course and the Negotiations and Mediation Seminar.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs.
LAW 317 v19 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v19)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving, to improve students’ negotiating skills and to provide instruction in representing clients in mediations. Students will be expected to read, write, discuss, critique, and participate in simulated disputes. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas. Students learn to negotiate by participating in simulations, studying and discussing negotiation theory and principles, analyzing negotiation exercises, and being critiqued.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Negotiations and Mediation Seminar.

Note: NOTE FOR THE SUMMER 2021 SECTION: The professor will teach this course virtually via Zoom. Students may choose to participate from the classroom or via Zoom while the professor is participating remotely. Students who want to participate in person must be in the University’s COVID testing protocol (https://www.law.georgetown.edu/covid-19-updates/message-from-the-dean-covid-health-protocols-enforcement-and-discipline) and follow all other safety measures.

This course will be enrolled via waitlist. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. Full attendance and participation is required at all six sessions. The schedule is a demanding one, and students who cannot firmly commit to be at all six sessions should not enroll. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course. Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty’s request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.

LAW 317 v21 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v21)
J.D. Seminar | 3 credit hours
This intensive, interactive seminar is designed to teach participants the theory and practice of effective negotiation and negotiation advocacy so that they may improve their skill in joint problem solving and joint decision making. Negotiation skills are best learned by doing, so this seminar includes numerous opportunities for participants to enact the skills, principles, and approaches learned. The simulations and activities are designed to familiarize students with the negotiating process, help them prepare for entering and conducting a formal negotiation, teach them to identify and engage in the types of informal negotiations that occur every day, allow them to experiment with various styles and techniques, and introduce a variety of practical and ethical problems that they might encounter. Simulations are derived from a range of practice areas, including interpersonal, commercial, transactional, and criminal disputes, among others. The effects of culture, gender, power, politics, psychology, neuroscience, and personal conflict styles will be examined. Participants will apply their negotiation skills in the real world and evaluate the results. The course will also explore the use of alternative dispute resolution and conflict management systems to break or avert impasse in negotiation and facilitate the constructive handling of conflict.

Participants will learn to negotiate by actively engaging in simulations and discussions, analyzing negotiation exercises, giving and receiving critique, keeping a reflective journal that addresses the links between theory and practice, conducting a negotiation outside of class and then presenting the lessons learned, and writing a formal negotiation preparation memo about a newsworthy negotiation. This class meets on two Friday afternoons and four full weekend days; attendance at all sessions is mandatory. Grades will be based on class participation, development and application of negotiation skills, journal quality (including analysis, application of theory and principles, self-reflection, creativity, style, organization, and grammar), an analytical paper, and a presentation.

Learning Objectives:

By the end of the course, participants who complete all assignments, reflect on the course activities, and participate in class discussions, will be able to do the following things:

1. Assess a situation and determine whether it is in their or their client’s best interests to negotiate.
2. Select an overall negotiation approach (competitive or collaborative; position- or interest-based, etc.) for each situation and enact it.
3. Plan and enact a strategy specific to each negotiation based on a negotiation-preparation template of their own design.
4. Deploy specific negotiation skills and techniques, self-assess personal efficacy in using them, and assess the techniques’ value as applied.
5. Use a negotiation journal to sustain lifelong improvements in their negotiation skills and knowledge base.
6. Recognize and appropriately handle common ethical dilemmas that might arise in negotiations.

Prerequisite: Contracts (or Bargain, Exchange, and Liability).

Recommended: Prior or concurrent enrollment in a professional responsibility course.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: Note for the Summer 2022 section: This simulation course is open to current law students on a space-available basis. Admission is determined on a case-by-case basis by the professor. Students who are interested in enrolling should email the Office of the Registrar (lawreg@georgetown.edu) no earlier than the last class for the specific course. The professor reserves the right to accept any enrolled student as long as theWaitlist admission policy is followed. This simulation requires a full semester’s commitment and is not recommended for students who do not have the time to dedicate to the full commitment of the course. Students are expected to attend all class sessions and should not enroll if their personal circumstances make full attendance impractical. Students who drop the course will be charged a course materials fee to cover materials that the Law Center purchases at the faculty’s request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.
LAW 317 v22 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v22)
J.D. Seminar | 3 credit hours
The Negotiation Seminar is an intensive, skills-based class that emphasizes the ability to think and write analytically about the process of negotiating. The Seminar utilizes role plays, problem sets, instructional readings, and in-class discussions to provide a comprehensive approach to negotiating in all contexts. We will focus on two conceptual frameworks, namely “Principled Negotiation,” as developed by Roger Fisher and the faculty of the Harvard Negotiation Project, and the “Three Tensions” of Negotiation, as developed by Robert Mnookin and the faculty of the Harvard Negotiation Research Project. The interactive nature of this class provides participants with an opportunity to work closely with each other and with the professor.

Participants will be expected to prepare for role plays before class. Participants will also be required to write a 6-8 page paper and a 13-15 page final paper. There will also be a small group project. There will be no final examination.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: This seminar is open to J.D. students only.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. Because role-play pairings are pre-assigned and depend on the presence of all participants, all enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.

LAW 317 v24 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v24)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving, to improve students’ negotiating skills and to provide instruction in representing clients in mediations. Students will be expected to read, write, discuss, critique, and participate in simulated disputes. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas. Students learn to negotiate by participating in simulations, studying and discussing negotiation theory and principles, analyzing negotiation exercises, and being critiqued.

Learning Objectives:
The aim of this workshop is to help students improve their skills in negotiation, joint decision-making, and joint problem-solving, and to make them better able to develop these skills further in the future. These skills are key components of practicing law. More specifically, the aims are

1. To give you an organized theoretical framework with which to analyze problems of negotiation – one that will help you to keep learning from your experiences.
2. To enable you to experiment actively with a variety of negotiating techniques and your own negotiating styles.
3. To become aware of the dynamics of the negotiation process and self-aware of one’s actions within that process.
4. To help you become more sensitive to ethical issues in negotiation.
5. To improve communication, listening, and problem solving skills, and better understand the role of language and culture in negotiations.
6. To give you an understanding of other forms of dispute resolution.
7. Specific objectives include learning:
   - how to plan for a negotiation
   - how to create value
   - how to actively listen
   - understanding negotiation styles, tactics, strategies and techniques
   - how to overcome barriers to agreement
   - how to consider the impact of culture on negotiations

Recommended: Contracts, Torts, Civil Procedure.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. The schedule is a demanding one, and students who cannot firmly commit to be at all six sessions should not enroll. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.
LAW 317 v25 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20317\%20v25)
J.D. Seminar | 3 credit hours
Negotiation is a primary activity in the legal profession, whether the attorney is engaged in transactional, litigation, corporate, non-profit, academic or policy work. This skills-based seminar is designed to develop a deep understanding of the theory and practice of negotiation in professional settings. Students will learn through interactive role play exercises, readings and writing. The seminar is highly interactive, therefore to obtain credit for the course attendance at every class session is mandatory. Grades will be determined by the quality of class participation, assignments that reflect the preparation for and post-negotiation reflections on negotiation role plays, and a final paper assignment.

The class meets two weekends, Friday through Sunday from 9:00 a.m. to 4:30 p.m., with assignments between class sessions. Students should not make other commitments during the listed weekends as preparation will be necessary during the evenings between class sessions. Given that this condensed class format contains the content of an entire semester class, students should plan time to complete most of the class readings prior to the first class session.

Learning Objectives:
In this skill-building course you will:

- Develop an in-depth knowledge of the practice and principles of negotiation
- Recognize the settings in which it is appropriate to use negotiation (litigation, transactional, etc)
- Become an effective advocate as a principal party negotiating on your own behalf, as a lawyer negotiating on behalf of a client, as well as a member of a negotiation team
- Prepare a client to negotiate and to understand the differences between the client’s role in negotiation vs litigation
- Understand the proper preparation to negotiate and plan strategy
- Acquire proficiency in necessary communication skills
- Master the principles and benefits of interest-based bargaining
- Learn to identify each party’s interests, creating value to meet them, and alternatives if negotiation is unsuccessful
- Understand the effect of cultural considerations on negotiation behavior
- Identify and use the ethical rules and guidelines for advocates in negotiations

Students will spend much of their time in a series of negotiation exercises and simulations. The simulations will give students the opportunity to learn from their own experience and feedback from other negotiators. Students will experience negotiations as a principal party negotiating on your own behalf, as a lawyer negotiating on behalf of a client, as well as a member of a negotiation team. Various videos and demonstrations further illustrate the principles. Emphasis will be placed on the ethical rules and guidelines that bind the advocate.

Prerequisite: Contracts (or Bargain, Exchange, and Liability) and Civil Procedure (or Legal Process and Society).

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted
LAW 317 v30 Negotiations Seminar

J.D. Seminar | 3 credit hours

Most lawyers, irrespective of their specialty, must negotiate. Litigators resolve far more disputes through negotiation than by trials. Business lawyers—whether putting together a start-up company, arranging venture financing, or preparing an initial public offering—are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators.

This seminar, by combining theory and practice, aims to improve both the participants’ understanding of negotiation and their effectiveness as negotiators. Drawing on work from a variety of research perspectives, the readings and lectures will provide students with a framework for analyzing negotiations and tools and concepts useful in negotiating more effectively. In particular, this seminar will expose students to the problem-solving approach to negotiation. Accordingly, our texts will include Getting to Yes, 3d. Edition by Roger Fisher, William Ury, and Bruce Patton, and Beyond Winning, by Robert Mnookin, Scott Peppet, and Andrew Tulumello. An additional packet of readings will also be required for the course.

Participants will spend much of their time in a series of negotiation exercises and simulations, where, as negotiators and critical observers, they will become more aware of their own negotiation behavior and learn to analyze what works well, what does not, and why. Class sessions will be devoted to a combination of lectures, case simulations, discussions, and film clips.

The seminar is intensive (9:00 a.m. to 5:00 p.m. for six sessions, spread over two weekends, plus a time to be scheduled by each student between the two weekends for video recording and reviewing one negotiation). Full attendance and participation is required at all six sessions.

Grades are based on the quality of student participation and several writing assignments, including a final (10 to 12 page) paper and an analysis of a video recorded negotiation.

Learning Objectives:

By combining theory and practice, this seminar aims to improve both your conceptual understanding of the negotiation process and your effectiveness as a negotiator. The class should help you improve your ability to prepare for a negotiation, to engage others in joint problem-solving and decision-making, and to diagnose what is going wrong and what to do differently when negotiations break down. Most importantly, the course will equip you to continue refining your skills as you gain more experience.

More specifically, our goals are:

- To increase your awareness about negotiation and negotiating behavior:
  - The pervasiveness of negotiation;
  - The implicit working assumptions that underlie your behavior;
  - Understanding others’ perceptions and reactions;
  - The importance of process (how we negotiate): its effects on the progress of negotiations and the relationship between negotiators.
- To enhance your understanding of negotiation theory by providing:
  - Exposure to social science research related to negotiation;
  - Some basic organizing concepts;
  - A common vocabulary to enhance preparation, negotiation, and review;
  - Analytic tools for diagnosing problems and developing strategy.
- To assess the skills you have as a negotiator;
- To practice a cycle of Prepare Act Review;
- To help you apply what you learn so that you can keep improving after the seminar ends.
- To increase your awareness about negotiation and negotiating practice:
  - To learn about your own negotiation style and how it can be improved;
  - To understand the role of power and its effects on negotiation;
  - To understand the role of culture and its effects on negotiation;
  - To understand the role of impasse and its effects on negotiation;
  - To understand the role of attitude and its effects on negotiation.

Mutually Excluded Courses: Students may not receive credit for this seminar and the Negotiations and Mediation Seminar.

Note: This course will be enrolled via waitlist.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled and must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty’s request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.

LAW 317 v50 Negotiations Seminar

J.D. Seminar | 3 credit hours

This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions.

Simulations are taken from a variety of practice areas, including commercial, international, environmental, interpersonal, litigation, and transactional disputes. The effect of culture, power, impasse, and attitude toward conflict will also be explored.

Students learn to negotiate by participating in simulations, group exercises, studying and discussing negotiation theory and principles, analyzing negotiation exercises, and receiving critique, including from self, peers and the professor.

The class meets over two weekends: one Friday afternoon, a full-day Saturday and Sunday, and a second weekend day two weeks later involving only a full-day on Sunday (there is no Friday or Saturday class on the second weekend). To receive credit for the class, students must participate in a virtual negotiation between the two weekends, involving approximately four hours of work outside of class (an hour of preparation, an hour of work with a partner, the negotiation itself and a write-up of the results). Attendance at all sessions as well as participation in the virtual negotiation outside of class time is required to fulfill class requirements and students must attend the first class to be enrolled. Grades will be based on class participation (including the virtual negotiation), the quality of a 7-page journal on two class simulations of the student’s choice (including analysis, application of theory and principles, self-reflection, style, and organization), and a 13-page formal Client Negotiation Advocacy Memo on a topic of the student’s choice demonstrating the student’s ability to apply to a real-life scenario the concepts, practices and principles presented in the class.

Prerequisite: Completion of all first year courses, except Property and Criminal Justice (or the equivalent Democracy and Coercion or Criminal Procedure), is required.
LAW 317 v53 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v53)
J.D. Seminar | 3 credit hours
This course will introduce the frameworks and tools critical for effective negotiation. The pedagogy is primarily experiential and interactive. In this course, we will learn from one another. Most class sessions will consist of a brief lecture followed by hands-on simulations, exercises, and group discussions. We will cover myriad topics including but not limited to -- value creation, value distribution, principal-agent tension, dealing with difficult tactics, advanced listening, and facilitating difficult conversations. Critical to success in this course is intentional engagement and robust self-reflection: students rigorously review their performance through in-class discussions, out-of-class journaling, and peer-to-peer feedback. The capstone project will be a final paper.

The seminar is intensive. Full attendance and participation is required at all six sessions.

Grades are based on the quality of student participation and several writing assignments, including two journal assignments and a final paper.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: NOTE: In the Fall 2021 semester, this course will take place online via Zoom (https://www.law.georgetown.edu/wp-content/uploads/2021/08/Online-Class_21_Students.pdf).

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course's in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.

LAW 317 v54 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v54)
J.D. Seminar | 3 credit hours
This interactive course is designed to help you explore the theory and practice of negotiation. You will be expected to learn and apply theories from a broad range of disciplines including law, economics, psychology, sociology, and management. These theories will be discussed and debated in class and put into practice through highly interactive simulations. We will focus on the use of negotiation in making deals and in resolving disputes. We will conduct simulations in a variety of contexts (including one simulation of approximately four hours following the two weekend classes). We will explore how dynamics change when moving from two-party to multi-party negotiations and look at how ethics should influence our behavior.

The class meets four weekend days. Attendance at all sessions and participation in the simulation exercise between the two weekend classes are required to fulfill class commitment. Attendance at all sessions is mandatory. Grades are based on participation in discussions and simulations (33%), reflective journals (33%), and a final project (34%).

Goals:
This class is an intensive and interactive skills course designed to:

• teach the theory, principles, and practice of negotiation, joint problem solving, and joint decision making;
• develop negotiation skills;
• allow you to experiment with a variety of negotiating techniques in a variety of contexts, including legal, personal, commercial, bilateral, multi-lateral and multi-issue matters;
• help you recognize and handle ethical issues in negotiation;
• introduce you to alternatives to negotiation; and
• allow you the opportunity to explore your individual style, reactions, and attitude toward conflicts and disputes.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: This course is restricted to J.D. students only. Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at a later date (Date TBA).

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. Students in this course may be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty’s request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June (for Summer courses), August (for Fall courses), or December (for Spring courses). Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.
LAW 317 v55 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v55)
J.D. Seminar | 3 credit hours
As a lawyer, you will probably negotiate more than you do anything else. You will negotiate not just over cases, but any time that you need something that you cannot get alone. You will negotiate with your boss, your clients, your paralegal, and all of their counterparts (plus the lawyers) on the other side. You will negotiate with "the system" whether it is the court, the government, the structure of society, or the law. You will also continue to negotiate with your family, your friends, and yourself.

This course is designed to: (1) develop your understanding of negotiation, and your awareness of yourself as a negotiator; (2) give you some tools and concepts for analyzing and preparing for negotiations; (3) enhance your negotiating skills through frequent role plays, reflection, and feedback; and (4) teach you how to keep learning from your own negotiation experience.

In addition to negotiation skills and theory (including interviewing, counseling, negotiation, fact analysis, legal analysis, and collaboration), you will be introduced to issues of representation, ethics, and the place of negotiation in our legal system.

The Negotiation Seminar is an intense, interactive course. We will require preparation of readings, simulations (including one simulation of approximately four hours between the two weekend classes), and written assignments. Basically, you will learn by reading about specific research and doing simulated negotiations -- figuring out with the rest of the class what works and what does not, writing about what you're learning, and trying again.

Because participation in the simulations is central to the course, attendance at all classes is required. Since we will begin our simulation exercises on the first day of class, all students who are interested in taking the course need to be present for the first class.

Grades will be based on:
- Class participation (30%)
- Written feedback to fellow students (10%)
- Planning Memo (20%)
- Midterm “Right Speech” Paper (20%)
- Final reflection paper (20%)

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations and Mediation Seminar.

Note: This course is restricted to J.D. students only.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. Students in this course may be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty's request on behalf of enrolled students. This additional fee will be placed directly on a student's account in early June in its entirety. For more information, please see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the

LAW 611 v18 Restorative Justice: Law and Policy Intersections (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v18)
J.D. Seminar | 1 credit hour
Restorative justice has been part of American law and policy for more than three decades. It exists as an alternative approach to addressing harm across multiple public systems (i.e., juvenile and criminal justice, education, and child welfare) as well as in community-based settings. In the context of harm, restorative justice is a distinct form of conflict resolution that aims to redirect society’s retributive responses. For example, crime, in the context of restorative justice, is not considered just an offense against the state but rather viewed as a wrong against another person and indicative of a broken relationship between the offender, the victim, and the community.

More recently, restorative justice has expanded into mainstream reform conversations—particularly around addressing mass incarceration and securing justice—and gained a new urgency following nationwide protests in response to racial violence and anti-Blackness. The increasing exchange between criminal justice reform and restorative justice cannot be ignored. Proponents and opponents of the expansion of restorative justice in law must think carefully about the existing U.S. restorative justice scheme, to ensure the construction and refinement of restorative justice laws do not yield undesirable state and local practices.

This Week One course provides an introductory examination of restorative justice in U.S. law in an intensive and condensed format. First, it will review the most common uses of restorative justice in the U.S. in public systems. This includes consideration of the application of restorative justice values, frameworks and practices in contrast to retributive theories. Next, using American criminal law as a case study, it will examine contemporary ethical and legal issues emerging from the legalization of restorative justice. The capstone requires application of the course materials in a simulated negotiation, development, and drafting of a restorative justice law.

The course aims to improve students’ effectiveness as future lawyers. The course design promotes learning through the application of knowledge and performance of skills to gain expertise. Students will develop skills associated with legal analysis, legal writing, professional collaboration, negotiation, and self-reflection.

Learning Objectives:
- Familiarity with fundamental restorative justice theories and principles.
- Ability to describe and analyze the application of restorative practices.
- Development of an informed perspective of the nature of restorative justice in public systems.
- Identification of legal and ethical intersections in the U.S. restorative justice scheme.
- Identification and assessment of challenges and possibilities for restorative justice.
- Practice of introspection through experiential exercises.

Note: This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the
LAW 611 v14 Restorative Justice: Theory and Practice in Criminal, Education, and Community Settings (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v14)
J.D. Seminar | 1 credit hour

Restorative Justice (RJ) is a distinct form of conflict resolution – rooted in indigenous traditions – that aims to redirect society’s retributive response to harm. For example, crime, in the context of RJ, is not considered an offense against the state but rather a harm against another person with impacts that reverberate through the community. Harm represents an imbalance in the community, not just the missteps of individuals. RJ elevates the role of those involved in and affected by harm in seeking acknowledgment and understanding; restoring relationships, emotional, and material losses; and addressing root causes of the harm through dialogue and problem solving. Across the country, RJ has emerged in public systems (i.e., juvenile and criminal justice, education, child welfare) and in community-based settings. This has increasingly placed lawyers (and judges) in the role of decision makers regarding the use of restorative justice at different stages of the juvenile and criminal justice process (i.e., pre-trial diversion, deferred adjudication, sentencing, and re-entry); co-architects of restorative justice programs; policymakers implementing and integrating restorative responses into legislation; and practitioners of RJ in a variety of settings.

We will be learning about the theory and practice of Restorative Justice – and as it relates to the theory and practice of punitive justice – through a variety of local case studies. Last year these included sexual harm at institutions of higher education such as Georgetown, police reform, community-based paroling, and domestic violence services in the District. This year’s topic areas are still to be determined, but may include some or all of the above. These are some of the most complex, politically charged, and emotionally sensitive issues for RJ to address. We will also discuss the broader history and legal debates around RJ in the US as it manifests in criminal justice systems, educational systems, and community contexts. As such, we will consider the challenges and possibilities for restorative justice on campus, the DC area, and beyond, ending our final class with a simulated restorative process to gain an experience for what readings and academic discussions cannot offer.

Course Learning Outcomes

- Identify key restorative principles and practices.
- Articulate the problem in each of the case studies; assess traditional responses to these problems and the legal environment within which they take place; and identify the potential of Restorative Justice.
- Describe the application of RJ in criminal justice, educational, and community settings, identifying and assessing legal challenges and possibilities.
- Experience restorative processes for community building and responsive to harm.
- Practice introspection through course exercises.
- Introduce and/or enhance fundamental skills and professional ethics that restorative practitioners need to practice.

Note: This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and

LAW 611 v05 Social Intelligence in the Practice of Law: Dealing Effectively with Clients, Colleagues, and Opposing Counsel (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v05)
J.D. Seminar | 1 credit hour

This Week One simulation will introduce students to the essential concepts and competencies of social intelligence implicated in all forms of a law practice, including law firms, government agencies, corporations, non-profits and a solo practice. Students will learn about emotional intelligence and research that illustrates how basic brain function and other factors, such as strong emotion, influence how a person makes decisions. Using a combination of lecture, discussion, videos, skills exercises and simulations of common legal practice scenarios, this course will emphasize concrete, practical tools to increase students’ effectiveness in managing themselves and their interactions with others. The course will equip students with an improved ability to effectively communicate with others and make them feel heard; present information in the most persuasive light; recognize and address their own internal biases; act with assertiveness when necessary; learn how to effectively give and receive criticism; and deal with highly emotional or extremely difficult individuals. This course also will present positive strategies for dealing with common interpersonal relationships in the legal workplace: lawyer-client, lawyer-opposing counsel, and lawyer-co-counsel. Students completing this course will have developed a solid grasp on how to address the wide variety of interpersonal dynamics that commonly arise in the legal arena.

Learning Objectives:

The main objectives of this course are to increase students’ awareness of the substantial role of social intelligence in the practice of law, and to provide students with concrete skills to effectively handle day-to-day interactions. Students will learn research-based skills and strategies from the fields of neuroscience, the study of emotions and emotional intelligence, negotiations and communication. As they learn theory, students will have the opportunity to practice techniques for harnessing these dynamics in professional interactions commonly involved in the actual practice of law. The simulations will emphasize positive strategies for dealing with common interpersonal relationships in a legal practice: lawyer-client, lawyer-opposing counsel and lawyer-colleague. At the end of the course students will have an improved ability to effectively communicate and negotiate, present information in a persuasive light; recognize and address internal biases; and deal with highly emotional or extremely difficult individuals – skills that talented legal minds need to become great counselors at law.

Note: This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by Monday, November 28, 2022 at 3:00 p.m. After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

Effectively with Clients, Colleagues, and Opposing Counsel
LAW 611 v05
Full-time Faculty