

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 I, 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 (https://curriculum.law.georgetown.edu/course-search/?cluster=cluster_4)

LAW 363 v02 Advanced Mediation and Dispute Systems Design ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 363 v02](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20363%20v02))
J.D. Seminar | 3 credit hours

This seminar is an interactive workshop designed to introduce students to the theory, principles and practice of dispute 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.

This course focuses on the study and practice of dispute systems design - understanding the structure and design choices made by, and the challenges presented to, organizations. This includes examination of court processes and other government or private systems for managing conflict. Dispute systems designers also develop and improve upon mediation and other alternative dispute resolution (ADR) service programs, as well as provide assessments of their appropriateness in various contexts. Knowledge and skills of dispute systems design are transferable to the emerging needs of practicing attorneys who are more and more frequently called upon as systems designers. Many lawyers, even if they never take the design initiative to lead a project, often serve as stakeholders and representatives of bar or professional associations recruited by systems designers to participate in the design process. This course also enhances the basic mediation and conflict management skills learned in other ADR related courses by application to the dispute system design framework.

Students will be expected to read, write, discuss, critique and participate in simulated exercises. After an overview of dispute systems design theory and principles, students will, through readings, discussions and exercises, study seven actual systems that reflect dispute systems 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. Simulations will lead students through the various stages or architecture of systems design, from taking design initiative through assessment, creating processes and systems and implementation. This course also focuses on advanced mediation and dispute systems design topics, including recent developments in neuroscience and their potential impact on dispute resolution, choice architecture and "nudge" principles, the impact of mediator orientations on program design, restorative justice practices, and transformative mediation. The practical and ethical implications of systems design work will also be explored, as well as opportunities for synthesis of systems design skills into legal practice.

The course meets over two weekends (Friday afternoon through Sunday). Due to the intensive and interactive nature of the seminar, attendance at all class sessions is mandatory. Grades will be based on class participation including teamwork, discussions and simulations (25%), the quality of a 6-page journal analyzing a class consulting team simulation and applying dispute 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 resolve disputes) which demonstrates application and mastery of dispute systems design knowledge and skills (50%).

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 Multiparty Negotiation, Groups Decision Making and Teams. The two-credit sections of International Negotiations Seminar do not satisfy the prerequisite for this class.

LAW 885 v01 Advocacy in International Arbitration ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 885 v01](https://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 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 advocacy 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 3175 v00 Arbitration Practice in China ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3175 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203175%20v00))

LL.M. Seminar (cross-listed) | 1 credit hour

This course provides an in-depth analysis of the arbitration system in China, juxtaposed with international arbitration practices. Students will explore the historical development, legal framework, and procedural intricacies of Chinese arbitration, alongside a comparative study of international arbitration norms and practices. The course will cover key topics such as the structure and function of major arbitration institutions in China, China's Arbitration Law, the enforcement of arbitral awards, and the role of Chinese courts in arbitration and other issues.

Learning Outcomes:

1. Comprehend the arbitration practice and the arbitration rules of leading arbitration institutions in China and internationally.
2. Comprehend China's Arbitration Law and its ongoing amendments.
3. Gain proficiency in the procedural aspects of joinder, multiple parties, multiple contracts, and consolidation, etc. regarding the arbitration conducted under China International Economic and Trade Arbitration Commission (CIETAC), Shenzhen Court of International Arbitration (SCIA), and Shanghai International Arbitration Center (SHIAC), which play significant roles in the arbitration landscape in China.
4. Understand the differences between various institutional arbitration rules and ad hoc arbitration.
5. Analyze the process for the recognition and enforcement of arbitral awards pursuant to the international conventions like the New York Convention within China; identify the grounds for challenging and setting aside arbitral awards under Chinese law.
6. Analyze the key international conventions, treaties, and model laws that regulate arbitration proceedings.
7. Know the international arbitration practice.

Recommended: Students should have some knowledge about international arbitration.

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.

LAW 363 v01 Conflict Management Systems Design Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 363 v01](https://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 Multiparty 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. **NOTE: In the Spring 2023 semester, this course will take place online via Zoom.**

LAW 1947 v00 Dispute Resolution & the Pursuit of Fairness: Negotiating Neutrality, Scarcity, & Belonging ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1947 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201947%20v00))

J.D. Seminar (cross-listed) | 2-3 credit hours

This course explores (1) how interpersonal and structural choices around resource distribution – the sharing of rights, land, money, power – are shaped by neutrality narratives embedded in our laws, norms, and customs, (2) how the interplay between neutrality narratives, scarcity fears, and limited conceptions of who “belongs” can lead to *inequitable* distributive choices (i.e. how we share resources) in dispute resolution, and (3) how the pursuit of fairness in dispute resolution might require a reimagining of neutrality, belonging, and distributive choices.

To this end, this course will draw on myriad discourses, including but not limited to, critical legal studies, neuroscience, social psychology, history, and anthropology. In every class, students will be invited to consider texts, examine relevant case studies, and reflect on lived experience. In every case study examined, students will be invited to consider how – in the context of this particular dispute resolution process – an us/them binary came to create and/or legitimate a set of distributive choices.

With an eye toward reimagining, the latter half of the course will explore a handful of case studies that speak to *how* certain groups of people are working – despite neutrality narratives, scarcity fears, and limited conceptions of who “belongs” – to distribute resources in ways that are more just, inclusive, and equitable. The goal: to help budding attorneys at once reconsider the *why* of conflict and the *how* of dispute resolution.

The three-credit version of the seminar will require students to research, write, and edit a research paper that meets the requirements of the Law Center’s upperclass legal writing requirement (WR). The WR papers should consider the how interplay between neutrality narratives, scarcity fears, and limited conceptions of who “belongs” informs distributive choices (i.e. how we share resources) in dispute resolution. Student are invited to explore the nexus between theory and practice by considering relevant discourses and/or real life case studies. The research paper must present a clearly defined research question, proffer an intelligible thesis, and rely on robust research and source exploration.

Learning Objectives:

Substantive Learning Objectives:

- To, in the tradition of critical legal studies, begin to identify and deconstruct the narrative of neutrality that is embedded in many of the laws, customs, and norms that comprise our social world;
- To begin to explore how this narrative might “work with” scarcity fears and limited conceptions of belonging to perpetuate and/or legitimate inequity dispute resolution processes and the resulting distributive choices;
- To, in pursuit of fairness, begin to consider the legal structures, policy interventions, and or social constructs that lie beyond these narratives and might allow for more just, inclusive, and equitable conflict resolution.

Skills:

- Critical thinking and rigorous self-reflection
- Presentation and public-facing oratory skills
- Consideration and development of clear, cogent arguments, counter-argument, and inquiry
- Drafting and revising a scholarly research paper (WR)

Recommended: An introductory negotiation course.

Note: This course will not meet on Thursday, January 16, 2025. The course will meet instead on Friday, January 17, 2025, 1:20 p.m. - 3:20 p.m.

LAW 160 v01 Drafting and Negotiating Commercial Real Estate

Documents: Contracts, Loan Documents, and Leases Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 160 v01>)

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 the 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 1935 v00 Drafting and Negotiating for Commercial Real Estate Transactions (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1935 v00>)

J.D. Seminar | 2 credit hours

This course will help students develop the knowledge and skills needed to represent the key parties to a commercial real estate transaction. In order to do so, students need to gain an understanding not just of the underlying legal principles, but also with the customs, practices and forms typically used in commercial real estate transactions. This course addresses legal structures, processes, participants, and documentation necessary to complete common commercial real estate transactions.

Students will gain an understanding of the different types of commercial real estate (retail, office, industrial and multi-family), clients (buyers, sellers, lenders, tenants, landlords) and the roles played by brokers, title companies, insurance and, of course, lawyers, in getting commercial real estate transactions done (and what “closing” a deal actually means). Students will develop a basic understanding of legal issues that arise in commercial real estate transactions and the different ways in which those issues are typically addressed.

The course is designed around actual commercial real estate transactions and documents, with a focus on acquisitions and dispositions, commercial leasing, and joint venture agreements. Each topic is addressed through a mix of formats: mini-lectures, case analysis, document review, and class discussion. Significant portion of the course will focus on the role of collaborations and negotiations in the process of determining the terms of the documents and will include simulated collaborations and negotiations.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the LL.M. course, Drafting Contracts; the LL.M. seminar, Drafting Contracts, or Drafting and Negotiating Commercial Real Estate Documents: Contracts, Loan Documents, and Leases Seminar.

LAW 882 v08 International Arbitration ([https://](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 882 v08)

curriculum.law.georgetown.edu/course-search/?keyword=LAW 882 v08)

LL.M. Course (cross-listed) | 2 credit hours

This course aims to familiarize students with international commercial arbitration and will follow the traditional steps of international arbitration proceedings from the registration of the dispute to enforcement and challenges of an award in national courts. This course will not rely solely on US law but, instead, adopt a global approach to international arbitration.

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 3177 v00 International Arbitration and Human Rights: Past, Present, and Future (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3177 v00>)

LL.M. Seminar (cross-listed) | 1 credit hour

Traditionally, the law of human rights has received scant regard in the study and practice of international arbitration. Nor have students, scholars, or practitioners of human rights law seen international arbitration as much more than a form of private dispute settlement that is anathema to the principle of an open system of public justice underpinning the rule of law. That position has only been entrenched by the phenomenon of specialization and fragmentation in the study and practice of international law and dispute settlement.

This course offers a different perspective and approach to the subject, at a time when the relationship between the law of human rights and international arbitration is being fundamentally recast, and when international arbitration and human rights are both subject to a populist challenge. The course will address both the substantive and procedural legal issues arising today at the interplay of human rights and international arbitration from the perspective of both legal scholarship and practice. Students will be taken to the key treaties, as well as to decisions of arbitral tribunals, domestic courts, and regional human rights courts. The course will also explore areas of future development, including in the burgeoning areas of ESG and business and human rights.

Recommended: International Arbitration, or International Commercial Arbitration, or Introduction to International Commercial Arbitration, or Current Topics in International Investment Arbitration.

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.

LAW 1758 v00 International Arbitration in the Middle East (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1758 v00>)

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 ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 240 v01](https://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 course is open to J.D. and LL.M. students.

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 ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 240 v02](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20240%20v02))
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 SMU Dedman School of Law (SMU), 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 be conducted through written exchanges and via five (5) negotiation sessions, via videoconference. Substantive law issues related to the transaction, as well as negotiations strategy and related issues, will be addressed in this class.

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

The thrust of this course is class participation and active involvement in the negotiation 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 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).

LAW 882 v03 International Commercial Arbitration (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 882 v03>)
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 (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 882 v06>)
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 6, 2025 through Thursday, January 9, 2025, 9:00 a.m. - 12:20 p.m. The course will have a take-home exam that must be completed during the week of January 18 and January 25, 2025.

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 (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3033 v00>)

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 (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3032 v00>)

LL.M. Course | 2 credit hours

The course begins with an introduction to international energy arbitration, followed by discussion of the future of the international energy industry as it transforms to meet the imperatives of climate change. The next section concerns the industry's value chains, life cycles, and commercial relationships. An extensive presentation on the legal framework for international energy arbitration covers international laws and norms, national constitutions, national petroleum laws and regulations, and the historical development of upstream host government petroleum contracts and petroleum fiscal systems. To place the subject of host government contracts in its proper setting, the next section describes resource politics and resource cycles and examine the legal status of host government contracts. Segments on contract stabilization and choice of law come next.

Identification of the types of upstream host government disputes sets the stage for discussion of 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 then examines commercial disputes arising out of joint operating agreements, gas contracts, and LNG sales contracts. It concludes with a discussion of U.S. court enforcement of energy awards relating to projects in Colombia, Mexico, Laos, and India. For those students considering international energy arbitration as a career, the course materials end with the professor's advice on how to build an international energy arbitration practice.

The course provides in-depth knowledge of the main types and key drivers of international energy disputes, including disputes that may arise during the energy transition, and the substantive issues involved in their resolution, 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.

To aid students to learn and retain important facts and features about the international energy industry and its disputes, the course materials contain 19 sets of Key Take-Aways, which appear after each section of materials, except those sections comprising only a few slides.

Recommended: Prior or concurrent enrollment in an introductory international arbitration course would be helpful but not necessary.

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 unless the professor has excused their absence. 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 a mandatory pass/fail and will not count toward the

LAW 3029 v00 International Negotiations (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3029 v00>)

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.

LAW 240 v00 International Negotiations Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 240 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This seminar seeks to develop skills and knowledge to participate in negotiations and in particular international business negotiations. Approximately a third of 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 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 (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 958 v00>)
LL.M. Seminar (cross-listed) | 2 credit hours

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.

LAW 3136 v00 Interstate (State-to-State) Dispute Resolution (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3136 v00>)

LL.M Seminar (cross-listed) | 2 credit hours

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 from a legal, historical and comparative perspective, tracking the development of interstate dispute resolution over time and across institutions. In addition, the course will serve as a primer for practice in interstate dispute resolution, including at the ICJ, and within a state's foreign ministry. We will tackle such practical topics as jurisdictional objections, provisional measures, advisory opinions, and claims commissions. The goal of the course is to be able to practice in the field and approach interstate disputes from legal and policy angles.

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?

LAW 1752 v01 Introduction to Alternative Dispute Resolution (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1752 v01>)

J.D. Seminar | 3 credit hours

This course will explore the frameworks and tools critical for effective negotiation, mediation, and arbitration. To ensure that students can understand the interplay between theory and practice, the course will utilize lecture, large group discussion, small-group case study dissection, and exercises/simulations. The course will cover myriad topics including but not limited to – the interest-based framework for negotiation, value creation/distribution in negotiation, creation/implications of “ethical climate” in negotiation, principal-agent preparation in mediation, components and critiques of mediation processes, arbitration procedure and agreements, and fairness in arbitration. To explore these topics, this course will use a textbook, contemporary writings, case studies, and exercises.

Learning Objectives:

- This is by definition a survey course that examines the theory and practice of alternative dispute resolution (ADR). As such, students will leave this course with (1) a high-level understanding the theoretical distinctions and overlap between negotiation, mediation, and arbitration and (2) an appreciation of how the processes can be/are used in the American legal system.
- Critically, students will leave this course able to analyze and critique the extant ADR system(s) with an eye towards (1) understanding the strengths and weaknesses of these processes, (2) appreciating applicability (or lack thereof) across context, and (3) identifying how these processes might be altered in the pursuit of justice.

Mutually Excluded Courses: The professor recommends that students who have taken an interest-based negotiation course not take this course as there will be significant overlap.

Note: Laptops may not be used during class sessions.

LAW 1752 v00 Introduction to Alternative Dispute Resolution (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1752 v00>)

J.D. Seminar | 2 credit hours

This class will survey the various forms of alternative dispute resolution (ADR), including negotiation, mediation, arbitration and hybrid approaches. Students will also participate in a number of simulated practical exercises. Grades will be based on written assignments and class participation.

Note: Enrollment for this course is restricted to third and fourth year J.D. students.

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 will be posted to your student account in January, 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 676 v00 Investor-State Dispute Resolution Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 676 v00>)

LL.M Seminar | 3 credit hours

The subject of investor-state disputes and their resolution lies at the cutting edge of international law, and is a major factor in the development of the global economic system in years to come. Study of this form of arbitration provides insight into the evolving shape of customary international law, the conflict between capital-importing and capital-exporting states, and the status of individuals in the international legal order. This seminar will provide students with a firm grounding in the history, present practice, and future implications of arbitration between foreign investors and host states, sanctioned by multilateral and bilateral investment treaties. Topics that will be covered in this course are the history of the treatment of aliens and investments under international law; an overview of the most important international treaties that give investors a right to arbitration of claims; the most important elements of procedure that characterize investor-state arbitration, including tribunal composition, jurisdiction, evidence, award and challenge or annulment; substantive law of investment arbitration, the standards that apply when a tribunal determines whether a breach of the treaty has occurred; and the future development of investor-state arbitration including the challenges of globalization and other stresses, the clash of capital-importing and capital-exporting countries, environmental protection and free trade, restrictions on state sovereignty, the construction of an international investment jurisprudence, the limits on arbitrability, and the expansion of multilateral investment protections worldwide. Active participation in discussion of the course materials is required.

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.

LAW 1447 v00 Mediation Advocacy Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1447 v00>)

J.D. Seminar | 2 credit hours

Mediation is a core dispute resolution process, both within the context of courtroom and administrative litigation, as well as in the transactional context. This is true in all types of disputes, including commercial, employment, labor, international, cultural/community, policy, and domestic relations.

This seminar is an intensive, immersive, skills-oriented course designed around a simulated mediation of a complex dispute. Students will use this single mediation problem throughout three intensive days to learn the theory, principles, and practice of mediation advocacy by experimenting with different styles and techniques. Students will engage in various exercises within this simulation, such as selecting the appropriate type of mediator for the dispute, preparing clients that have conflicting goals, and coalition-building among parties with competing goals within mediation. Students will develop hands-on mediation skills that will help them recognize and capitalize on mediator tactics and prepare them to effectively advocate for a client. At the end of this course, students should understand the strategy and tactics necessary to build effective mediated settlement agreements in a multi-party dispute. This course will also prepare students to recognize and handle ethical and confidentiality issues in mediation, as well as the difficulties involved in mediating and resolving a case where the parties will continue to maintain relationships, either in the employment context or in the regulatory context.

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 15-page paper creating a mediation advocacy plan addressing a current or recent conflict or dispute in the news. 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 v50 Mediation Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 322 v50>)

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 Fall and Spring sections: This course is open to J.D. students only.

Class size is limited to 24 students. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrollment is limited to students who are currently

LAW 1481 v01 Negotiations and Mediation Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1481 v01](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201481%20v01))

J.D. Seminar | 3 credit hours

The Negotiations and Mediation Seminar is an intensive, skills-based class that emphasizes the ability to think and write analytically about negotiation and mediation. Readings and class discussions will provide students with a theoretical framework to prepare, conduct, and review negotiations and several strategies to enhance their abilities as negotiators and mediators. The seminar utilizes simulations, instructional readings, and in-class discussions to provide a comprehensive approach to negotiating and mediating in a range of sectors. The interactive nature of this class provides participants with an opportunity to work closely with each other and with the instructors.

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: 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. **NOTE: In the Fall 2022 semester, this course will take place online via Zoom.**

LAW 1482 v01 Negotiations and Mediation Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1482 v01](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201482%20v01))

J.D. Seminar (cross-listed) | 3 credit hours

All lawyers, irrespective of their specialty, must negotiate. This intensive, interactive seminar will explore the theoretical and practical aspects of negotiating and mediating transactions and disputes in our legal system. The goal is to improve students' understanding of negotiation and mediation as well as their ability to negotiate effectively.

Students will learn to negotiate by studying the negotiation theory, concepts and principles, and by participating in simulations and exercises from a variety of practice areas. The simulations are designed to familiarize students with the negotiating and mediation processes, sensitize them to their own negotiating behaviors, teach them how to use a mediator in aid of their negotiations, and raise a number of ethical and practical questions.

Through in-class negotiation exercises, 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 context in choosing negotiation strategies. Students will be videotaped while conducting at least one of their negotiations, followed by instructor evaluation and feedback.

Grades are based on the quality of student participation, several short "think pieces" and journal entries based on in-class experience, readings and lectures, and a final 10-15 page paper.

The Workshop is intensive (9:00 a.m. - 4:30 p.m. for six sessions spread over two weekends). Full attendance and participation is required at all six sessions.

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, Negotiations Seminar (LLM), Negotiations Seminar (LLM - Week One), Mediation Seminar, or Mediation Advocacy Seminar.

Note: In Spring 2025, this course will meet on 2/21, 2/22, 2/23, 3/28, 3/29, and 3/30.

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

LAW 317 v01 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v01](https://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

LAW 317 v04 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v04](https://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 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. **NOTE: In the Fall 2022 semester, this course will take place online via Zoom.**

LAW 317 v14 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v14](https://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%).

Learning Objectives:

- Gain knowledge about negotiation theory, including the differences between competitive bargaining and integrative bargaining.
- Know how to prepare to conduct an effective negotiation.
- Feel more comfortable negotiating and become more effective negotiators.
- Develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication.
- Engage in effective problem solving with respect to the simulated exercises, whether alone or in teams.
- Identify and appreciate ethical considerations related to negotiations.
- Engage in self-reflection and peer critique, including applying lessons learned in exercises to future performances and providing constructive criticism to classmates.

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. Withdrawals are permitted up until the last class for this specific course.

LAW 317 v21 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v21](https://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 LL.M. students, space permitting. Interested LL.M. students should

LAW 317 v22 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v22](https://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 v28 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v28](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v28))
J.D. Seminar | 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 conduct a negotiation with a classmate and write a short (1-2 pages) self-critique 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 Negotiation/Self-Critique Paper (1-2 pages) (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: 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.

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 v30 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v30](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v30))
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. 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. on 9/20, 9/21; 9:00 a.m. to 4:00 p.m. on 9/22; 9:00 a.m. to 6:00 p.m. on 11/1; 9:00 a.m. to 5:00 p.m. on 11/2 and 11/3) spread over two weekends, plus 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 two short journals and a final (10 to 12 page) paper.

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 v53 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v53](https://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 a myriad topics including but not limited to — value creation, value distribution, principal-agent tension, dealing with difficult tactics, advanced listening, and facilitating difficult conversations. In the latter half of the course, we will begin to explore the intersection of equity and negotiation. Building on the interest-based framework, we will consider how and why one might seek to embed procedural and substantive equity in their negotiations. 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.

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

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 ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v54](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v54))
J.D. Seminar | 3 credit hours

Course Description:

This course is designed to help you explore the theory and practice of negotiation. You will learn and apply theories from a range of disciplines including law, economics, psychology, sociology, and management. Theories will be discussed in class and practiced through interactive simulations. We will focus on the use of negotiation to make deals and resolve disputes. The simulations will become increasingly complex as we explore how circumstances change when moving from single issue to multiple issues, from two-party to multi-party negotiations, and how external factors, such as ethics and reputation, influence our behavior.

Course Goals:

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

- teach the theory and principles of negotiation;
- develop negotiation skills;
- allow you to experiment with a variety of negotiating techniques in different contexts;
- 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 attitudes toward conflicts.

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. 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 v55 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v55](https://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. 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),

LAW 317 v56 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v56](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v56))
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 (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 effects of communication, power, and attitude toward conflict will be explored.

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

Prerequisite: Completion of all first year courses, except Property and Criminal Justice and the first-year elective.

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

LAW 317 v57 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v57](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v57))
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 a myriad topics including but not limited to – value creation, value distribution, principal-agent tension, dealing with difficult tactics, advanced listening, and facilitating difficult conversations. In the latter half of the course, we will begin to explore the intersection of equity and negotiation. Building on the interest-based framework, we will consider how and why one might seek to embed procedural and substantive equity in their negotiations. 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.

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

Note:

In Spring 2024, this course will meet on the following dates: 4/5, 4/6, 4/7, 4/19, 4/20 and 4/21.

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. 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 611 v14 Restorative Justice: Theory and Practice in Criminal, Education, and Community Settings (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 611 v14>)

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 in criminal justice, educational and community settings, exploring its challenges, possibilities, and interface with legal systems. The course will involve advanced readings, group work, activities, guests, and simulated restorative processes to gain an experience for what readings and academic discussions cannot offer.

Course Learning Outcomes

- Identify key restorative principles and practices.
- 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: FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 6, 2025, through Thursday, January 9, 2025.

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. Details regarding the registration process will be provided to students during the fall semester via email, information sessions, and on the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations/>). ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled 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 25, 2024 at 3:00 p.m.** After that point, students must receive permission from both the course professors and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when

LAW 611 v05 Social Intelligence in the Practice of Law: Dealing Effectively with Clients, Colleagues, and Opposing Counsel (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 611 v05>)

J.D. Seminar | 1 credit hour

This skills-based simulation course will introduce students to the essential skills of social intelligence needed in all forms of a law practice –including law firms, government agencies, corporations, nonprofits, and solo practice. Students will learn about emotional intelligence and the factors that affect their abilities to interact with clients, co-workers, and opposing counsel. Students will study neuroscientific and psychological research that illustrates how basic brain function and other factors, such as strong emotion, influence how a person makes decisions. With this knowledge, students will develop strategies to improve their own decisions and to interact effectively with clients, colleagues, and opposing counsel as they engage in various types of decision-making. Using a combination of lecture, discussion, videos, skills exercises, and simulations of 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 to effectively communicate with others, present information in a persuasive light, recognize and address their own internal biases, and deal with interactions they may find difficult. 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, negotiation, 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 interactions 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 interactions they may find difficult—skills that talented legal minds need to become great counselors at law.

Note: FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 6, 2025, through Thursday, January 09, 2025.

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. Details regarding the registration process will be provided to students during the fall semester via email, information sessions, and on the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations/>). ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled 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 25, 2024 at 3:00 p.m.** After that point, students must receive permission from both the course professors and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when

Full-time and visiting Faculty

Ariel Eckblad
Douglas Emhoff