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 ascendency 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,
Alternative Dispute Resolution

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

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

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

LAW 888 v00 Advanced International Commercial Arbitration: Practice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20888%20v00)
LL.M Seminar (cross-listed) | 3 credit hours
The seminar will be a combination of the theoretical and practical aspects of international commercial arbitration, with an emphasis on the practical. Its centerpiece will be the handling of a mock international arbitration case from the drafting of the arbitration agreement to the drafting of a final award, with units in between on the appointment and challenge of arbitrators, discovery of documents, and a live arbitration hearing. Teams of students will participate (as counsel to the parties) in the negotiation of arbitration agreements, in the drafting of motions and replies, in oral argument on such issues as the disqualification of arbitrators and the production of documents in discovery, in the hearing in a case, and in brief writing. Playing the role of arbitrators, students will also write final arbitral awards.

To the extent time permits, the course will also consider a handful of the many difficult and, to a large extent, still unanswered questions of national and international law that are emerging as the practice of international arbitration expands, including choice of law issues and, particularly in the United States, issues of the relation between federal and state laws.

The course will be limited to 12 students. It will meet once a week for two hours. There will be no final exam.

Prerequisite: A general course in international commercial arbitration.

LAW 885 v00 Advocacy in International Arbitration (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20885%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
This course blends mock litigation experiences with class discussion of techniques, strategy and ethics in international arbitration proceedings. Students directly participate in a series of practice problems based upon proceedings brought by a foreign investor against a State before the International Centre for the Settlement of Investment Disputes (ICSID), including role-playing as litigators and arbitrators. This course emphasizes advocacy in connection with jurisdictional disputes, selecting and challenging arbitrators, limits on the enforceability of awards and other litigation problems that arise in the globalized environment of international investment and arbitration. There will be a number of oral advocacy assignments throughout the semester. The course grade will be a function of those assignments and class participation.

Recommended: International Law I: Introduction to International Law

Note: Students participate in in-class exercises and are graded on those exercises and productive class participation.
LAW 363 v01 Conflict Management Systems Design Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20363%20v01)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to introduce students to the theory, principles and practice of conflict management systems design with the goal of training students to assume this new and creative professional role. Lawyers are increasingly being called upon to act not simply as litigators or deal-makers, but also as “process architects” for institutions, organizations and governments. In addition, they are being asked to design, tailor and manage systems to handle “streams” of disputes in an effective and efficient manner, such as those arising from commercial transactions, mass torts, natural disasters, government programs and restorative justice initiatives.

Students will be expected to read, write, discuss, critique and participate in simulated exercises. After an overview of conflict management theory and principle, students will, through readings, discussions and exercises, study actual systems that reflect conflict management design principles. Then through a series of 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 one Friday afternoon and two Saturdays (all day) and two Sundays (all day). 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 discussions and simulations, the quality of a five-page journal analyzing a class consulting team simulation and a 15-page final seminar paper analyzing a current dispute system, designing a new system or proposing a new framework for the systems design field.

**Prerequisite:** A course on an alternative dispute resolution topic is required (e.g., Negotiations Seminar, Mediation Seminar, Mediation Advocacy Seminar, Negotiations and Mediation Seminar, Multi-Party Dispute Resolution Seminar: Consensus Building and Other Negotiation Processes). The two-credit sections of International Negotiations Seminar do not satisfy the prerequisite for this class.

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

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

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

**Prerequisite:** Environmental Law.

**Strongly Recommended:** Prior or concurrent enrollment in Administrative Law. Foreign-trained LL.M. students must have completed a course in U.S. civil procedure, and U.S. Legal Research Analysis & Writing is strongly recommended.
**LAW 882 v00 International Arbitration**

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

Examines United States, foreign, and international law and practice relating to international commercial and investment arbitration, including the U.S. Federal Arbitration Act, the New York Convention on the Recognition and Enforcement of Arbitral Awards, the ICSID Convention, the UNCITRAL Arbitration Rules, and the arbitration rules of major arbitral institutions such as the ICC, the AAA and the LCIA. The course focuses on the procedural law applicable to and the practical aspects of arbitration. It will cover such topics as enforcing arbitration clauses, conducting arbitration proceedings, judicial oversight of arbitration, choice of law, enforcing and setting aside awards, and particular issues arising in arbitrations against sovereigns.

**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 International Commercial Arbitration, International Arbitration, or the J.D. seminar, International Commercial Arbitration Seminar (CTLS course).

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**LAW 882 v08 International Arbitration**

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

Examines United States, foreign, and international law and practice relating to international commercial arbitration, including the U.S. Federal Arbitration Act, the New York Convention on the Recognition and Enforcement of Arbitral Awards, the UNCITRAL Arbitration Rules, and the arbitration rules of major arbitral institutions such as the ICC, JAMS, the ICDR, CIETAC, LCIA, HKIAC, and SIAC. The course focuses on the procedural law applicable to and the practical aspects of arbitration. It will cover such topics as enforcing arbitration clauses, conducting arbitration proceedings, judicial oversight of arbitration, choice of law, enforcing and setting aside awards as well as drafting dispute resolution clauses.

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

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

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**LAW 3035 v00 International Arbitration from the Arbitrator’s Point of View**

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

The course deals with “International Arbitration from the Arbitrator’s Point of View”. It describes the arbitrator’s role at each stage of the proceeding, the various relationships that exist and the legal, procedural, practical and even psychological issues that may arise.

The course starts from the proposal and selection of the arbitrator and ends with the notification of the award. Topic covered include: who may be an arbitrator; the first contact and the conflict check; the launching of the proceedings; relations with counsel and the parties’ representatives; the relationship among arbitrators; relations with experts; the conduct of the proceedings and, in particular, the hearings; deliberations and the decision; drafting of the award; the relationship with the institution; and the relation with the media.

The course will include both interactive lectures and some practical exercises.

**Recommended:** Prior or concurrent enrollment in an arbitration course.

**Note:** A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

**Note:** This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.
LAW 240 v01 International Business Negotiations (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20240\%20v01)
J.D. Seminar | 3 credit hours
This course is structured around a semester-long, simulated negotiation exercise in which the students in this class will represent a US pharmaceutical company (KJH Pharmaceutical Corporation) and the students in a similar class at the University of Dundee in Scotland, will represent an African agricultural production company (Malundian Cassava Corporation). The 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 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).

Note: 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 conference call dial-in.

LAW 240 v02 International Business Negotiations (http://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 either an African agricultural production company (Malundian Cassava Corporation) or a multi-national pharmaceutical company (KJH Pharmaceutical Corporation). Students in a similar class at American University will represent the other company. 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 face-to-face and videoconference negotiations. Substantive law issues related to the transaction, as well as negotiations strategy and related issues, will be addressed in this class.

The goals of this course are (i) to introduce students to transactional law, (ii) to provide negotiations training in the context of transactional practice, and (iii) to further practical legal skills. The focus is on having students apply their legal and non-legal knowledge in the context of serving as a lawyer negotiating an international business transaction within the controlled environment of the classroom. The thrust of this course is class participation and active involvement in the negotiations process. Students are expected to spend some 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).

Note: In addition to the 2-hour Monday classes, which will take place at the Law Center, this class has five Saturday sessions (see times below). These sessions are devoted to the live negotiations with American University and will be held at the DC offices of DLA Piper (near Gallery Place Metro) and Orrick (near Farragut North Metro). Due to the Saturday sessions, the Monday sessions will end earlier in the semester.

NOTE: In the event of a weather closing, this class may be held via conference call dial-in.
LAW 882 v03 International Commercial Arbitration

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

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

LAW 882 v06 International Commercial Arbitration

LL.M Course | 1 credit hour
In today’s global economy, parties to cross-border commercial transactions increasingly 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 the J.D. seminar, International Commercial Arbitration Seminar (CTLS course).

LAW 1043 v00 International Commercial Arbitration and the Courts

J.D. Course (cross-listed) | 1 credit hour
This intensive course takes a close look at international commercial arbitration in U.S. law, with special reference to the judicial/arbitral interface. At every major milestone in an arbitration, judicial recourse is a significant prospect – from compelling arbitration or otherwise enforcing the agreement to arbitrate, to ensuring that a tribunal is properly composed and the arbitration takes off properly, to provisional relief over the course of the arbitration, to confirmation or vacatur of an international award made in the U.S., to recognition and enforcement of international awards made abroad (typically under the all-important New York and Panama Conventions).

The reading will consist (in addition to the basic federal statutory framework, the New York Convention, and selected US case law) of the most salient portions of the American Law Institute’s current “Restatement (Third) of the U.S. Law of International Commercial Arbitration” of which the instructor is Chief Reporter

Recommended: Civil Procedure.

Note: WEEK ONE COURSE. This seminar will meet for one week only, on the following days: Monday, January 9, 2017, through Thursday, January 12, 2017, 9:00 a.m. - 12:20 p.m. The course will have a take-home exam that must be completed during the week of Friday, January 20th through Friday, January 27th, 2017. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

Note: Attendance at all class sessions is mandatory and all enrolled students must attend the first class in order to remain enrolled. Students on the wait list must attend the first class in order to be admitted off the wait list. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar. Once the second class session begins, students may only seek a withdrawal by contacting an academic advisor in the Office of JD Academic Services. Withdrawals are permitted up until the last class for this specific course.

LAW 3033 v00 International Commercial Arbitration with a Foreign Sovereign

LL.M Seminar (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. This presents unique challenges, issues, and opportunities.

This class will address the relationship between international arbitration and court litigation; proper negotiation and issues arising under arbitration clauses and agreements; the negotiation; mediation; and ultimately final and binding arbitration of performance issues; how to conduct an arbitration; enforcement of the Award (show me the money); and a two-class practical moot, with all of the above focused on the dynamics of dealing with sovereign governments.

Recommended: Prior enrollment in a basic course in international arbitration
LL.M Course | 2 credit hours
The course begins with an introduction to International Energy Arbitration, followed by discussion of the International Energy Industry, its sources, segments, and players. Next comes the Science of Oil & Gas Disputes, an essential building block for any lawyer engaged in this field. An extensive presentation on the Legal Framework for International Energy Arbitration covers international laws and norms, national constitutions, national petroleum laws and regulations, and, in particular detail, the historical evolution of upstream host government petroleum contracts, including petroleum fiscal systems. To place the subject of host government contracts in its proper setting, the next section describes resource cycles and resource nationalism, as well as the legal status of host government contracts. Segments on contract stabilization and choice of law come next. The subject of international oil and gas dispute resolution explains the process and procedure for resolving these disputes through international arbitration, drawing on examples from actual international energy agreements and disputes. Discussion then moves to the early international oil and gas arbitration awards, from there to several modern international oil and gas arbitration awards, and finally to contemporary energy disputes with host governments. The course then moves to commercial disputes arising out of joint operating agreements, gas contracts, and LNG sales contracts. The final two substantive course subjects address disputes with host governments and with co-venturers over unitization / joint development of a common reservoir and decommissioning / abandonment of offshore production platforms and related facilities. Following a discussion of enforcement of energy awards, the final segments address advocacy in international energy arbitration and building an international energy arbitration practice. The course is designed to provide an in-depth knowledge of the main types and key drivers of international energy disputes, past and present, not only to aid in understanding the international energy industry, its business relationships and contracts, its broader legal framework, and its disputes, but to build better advocates to represent international energy companies and host governments in these contentious proceedings.

Recommended: Prior enrollment in International Law, Conflicts

Note: A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

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 nuances 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

LL.M 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 in the graduate program (LAWJ/G-958) or International Business Negotiations.

Note: 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 (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20958%20v00)

LL.M Seminar (cross-listed) | 2 credit hours
Examines the concept and technique of international negotiations, including substantive aspects of international agreements. During a portion of class time, the seminar will divide into teams for simulated negotiations, including transnational negotiations between private commercial parties and with governments.

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

Note: First class attendance is mandatory. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class. The first class session will be held in H6005.

LAW 611 v11 Internet Defamation Simulation: Alternative Dispute Resolution in a Transnational Dispute (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v11)

J.D. Seminar | 1 credit hour
This Week One simulation course is designed to introduce you to some of the issues that arise in transnational disputes and the skills employed by lawyers in representing clients in the context of an international dispute resolution proceeding. The course uses a single problem involving an article on a California news website alleging that a French plaintiff used his wine export business to launder money for organized crime figures in Russia and Italy. The French plaintiff has alleged that he was defamed by the article, and the parties, which also include a U.S.-based web hosting service, have agreed to resolve the dispute through an international arbitration proceeding.

Students will be assigned roles and will work in teams, representing one of the three parties to the dispute. They will begin the week by conducting client interviews to ascertain the facts from their client’s perspective. After debriefing on the client interview process, students will prepare for a simulated international arbitration hearing in which each student will argue whether French or United States (or some other) law should govern the dispute. Upperclass teaching fellows, in the role of arbitrators for the dispute, will render a decision on the choice of law issue, and students will then prepare for and represent their clients in a mediation session to try to settle the case on the merits. The assigned readings and classroom sessions during the week are designed to prepare students to engage in the simulated client interview, arbitration hearing, and mediation session. The materials and classes will introduce the theory and doctrine governing components of defamation law in several jurisdictions, limitations on liability for Internet Service Providers under U.S. and French law, choice of law theory and methodology, and techniques for preparing for arguments, interviewing clients, and conducting mediation sessions.

Note: FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 7, 2019, through Thursday, January 10, 2019. This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, see the Week One website (http://www.law.georgetown.edu/go/weekone). 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 Friday, November 30, at 3:00 p.m. After that point, permission to drop from the course professor and Assistant Dean for Experiential Learning is required. Students who are enrolled but do not attend the first class session will be withdrawn from the course.
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. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class. STUDENTS MAY NOT WITHDRAW FROM THIS CLASS AFTER THE ADD-DROP PERIOD ENDS WITHOUT THE PERMISSION OF THE PROFESSOR.

This course requires a paper. J.D. Students: this will fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 262 v00 Labor Arbitration Seminar**

**Prerequisite:**

- J.D. Seminar | 3 credit hours
- Arbitration has played a prominent role in American labor relations since its strong endorsement by the Supreme Court in 1957 in the Lincoln Mills decision. The procedure is viewed by many as the mainspring of the collective bargaining agreement, providing a means of dispute resolution without a strike. Sometimes arbitration is used to resolve deadlocked contract negotiations; more frequently, it is used to resolve employee grievances. The customary advantages of the process are speed, economy, finality and privacy. Although this seminar focuses on labor and employment arbitration, many of the principles and practices apply as well to commercial arbitration. The seminar explores fully the arbitration process—how it works; how arbitrators function and what standards and rules they apply; and whether the customary advantages remain valid. Special attention is given to practice and procedure in the labor arbitration hearing. Arbitration cases or arguments are simulated, and each student participates as witness, counsel, or the arbitrator. Independent of the simulations, a serious research paper is required.

**LAW 322 v03 Mediation Seminar**

**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 or Mediation Advocacy Seminar.

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

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. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
LAW v06 Mediation Seminar

J.D. Seminar | 3 credit hours
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 of a party in mediation. Class sessions will be devoted to a combination of lectures, mediation simulations, discussions, and videotaped mediation topics. Grades will be based upon: (1) the quality of class participation; (2) short written assignments; and (3) a final paper.

Class meets Tuesdays, 9:00 a.m. - 12:00 p.m. Due to the extensive use of exercises in which students must participate, class attendance is ESSENTIAL. Only one absence per semester will be permitted. A second absence will require completion of a significant make-up assignment. A third absence will result in failing the course. Class size is limited to 18 students.

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

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

Note: FIRST CLASS ATTENDANCE IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class.

LAW v50 Mediation Seminar

J.D. Seminar | 3 credit hours
Mediation skills have become essential for attorneys working in all areas of practice, whether in transactional or litigation settings, as clients demand cost-effective ways to resolve problems. Many courts require litigants to attempt resolution prior to trial. In this skills-building course, you will develop an in-depth knowledge of the practice and principles of mediation. Emphasis is on learning the skills used by mediators, but also on becoming an effective advocate for a party in mediation. 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.

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 (30%); (2) planning documents and short written assignments (40%); and (3) a 10-page paper evaluating a mediation scenario (30%). Students will be graded on their planning, but not on the outcomes of the mediation simulations.

Prerequisite: Contracts or Bargain, Exchange, and Liability.

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

Note: This course will be enrolled via waitlist. Class size is limited 24 students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS (from 9:00 a.m. - 4:30 p.m.). All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. FAILURE TO ATTEND A CLASS OR PORTION WILL RESULT IN NO CREDIT FOR THIS COURSE. No electronics are permitted in the classroom, unless directed by the professors. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course. Students in this course may be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty's request on behalf of enrolled students. This additional fee will be placed directly on a student's account in early June. 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 327 v01 Multi-Party Dispute Resolution Seminar:**

Consensus Building and Other Negotiation Processes (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20327%20v01)

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

This seminar will focus on complex, multi-party disputes and the combinations of traditional processes (negotiation) and newer ones (consensus building, reg-neg) that are being used to facilitate settlements. The course will open with review of democratic and process theory from law, political science and philosophy and then turn to some basic skills training in behavioral approaches to negotiation, mediation, facilitation and other dispute resolution processes when there are multiple parties and multiple issues at stake. We will then explore several case studies taken from environmental conflicts, local governance issues, racial and ethnic conflicts, community disputes and international conflicts. We will study group and organizational behavior, coalitions, argumentation and principled bargaining, the role of law in negotiations and mediations, tensions between competition and cooperation as modes of conflict resolution, the differences between secret and public settings for negotiation, the role of power in multi-party cases and the role of different kinds and styles of conflict management and facilitation. We will discuss issues of legality, ethics and legitimacy in the use of these different approaches to conflict resolution. The course will combine reading, lectures, discussions and some role-playing and simulations. Students will write several short papers and one 15 page paper or case study analysis.

Learning goals for this course:

1. skill development in negotiation, facilitation and mediation
2. skill development in group organization, as leaders and as members

**Recommended:** A prior course in mediation, negotiation or ADR is desirable, but not required.

**Note:** The course will meet for six days of intensive sessions in Fall 2016 as follows: September 16, 17, and 18, 9:00 a.m.- 5:00 p.m., and October 28, 29, and 30, 9:00 a.m.-5:00 p.m.

**ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS.** All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

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**LAW 1480 v01 Negotiations and Mediation Seminar** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%201480%20v01)

J.D. Seminar | 3 credit hours

This seminar will focus on negotiation and mediation theory and practice as applied in a variety of legal settings. Students will study multi-disciplinary theories of negotiation and mediation through readings by Roger Fisher, Carrie Menkel-Meadow, Howard Raiffa, Robert Mnookin, David Lax and James Sebenius, Leonard Riskin and others, and will put these theories into practice through a series of negotiation and mediation simulation exercises. Students will be exposed to the wide range of legal, ethical, and practical issues that must be addressed by lawyers when representing clients in negotiations and mediations, and they will gain the tools necessary for creative problem-solving when resolving legal disputes. Students will have the opportunity to participate in role-play exercises as disputants, attorneys, negotiators, mediators and facilitators. Exercises will be designed around ethical issues, coalition-building, creativity, and diversity issues. One-on-one and multiple-party simulation exercises will be based on business, criminal, family, civil rights, and employment cases, as well as on community and public disputes. One of the simulated exercises will be videotaped, and students will also participate in a negotiation via email. Additionally, students will have the opportunity to observe an actual court-based mediation session in D.C. Superior Court. The seminar will meet once a week for three hours. Student evaluation will be based on several short writing assignments, class participation, and a paper due at the end of the semester.

**Learning Objectives:**

Learning objectives for the seminar include the following:

1. Identify, obtain, practice, and improve skills for resolving disputes through negotiation and mediation;
2. Identify, obtain, practice, and improve skills for assisting clients in resolving their legal issues through negotiation and mediation;
3. Develop self-reflection and peer review skills and practice generalizing lessons learned in specific simulations to broader negotiation and mediation contexts.
4. Develop an understanding of the multi-disciplinary theories underlying negotiation and mediation processes; and
5. Develop an appreciation for policy and ethical issues regarding the use of negotiation and mediation in legal disputes.

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

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

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.
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:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

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 enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be enrolled in the course, whichever is later. Students who drop the course will not be refunded.

**Learning Objectives:**

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

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

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

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 the amount. Students approved to withdraw will not be refunded the amount.

**Grades:**

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.
LAW 317 v15 Negotiations and Mediation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v15)
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 and mediation exercises, students will develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication.

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.

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

If you are planning to take the MPRE in Spring 2018, the exam may conflict with this course because the MPRE will be offered on a Saturday in March or April. The date should be released by the National Conference of Bar Examiners in October and will be available at http://www.ncbex.org/exams/mpre/registration/.

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.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
LAW 317 v01 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v01)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas, including community, commercial, environmental, interpersonal, litigation, and transactional disputes. The effect of gender, culture, power, politics, impasse, and attitude toward conflict will also be explored.

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

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

Learning Objectives:

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

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

Recommended: Contracts, Torts, Civil Procedure.

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

LAW 317 v04 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v04)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class (one simulation 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. The course will also offer an introduction to the use of alternative dispute resolution and conflict management systems design as a means to break negotiation impasse.

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

The class meets one Friday afternoon and four weekend days. Attendance at all sessions is required to fulfill class commitment and students must attend the first class to be enrolled. Grades will be based on class participation including discussions and simulations, the quality of the student’s 15-page journal (including analysis, application of theory and principles, self-reflection, style, and organization), and a five-page paper on a topic of a student’s choice which demonstrates mastery of negotiation theory, practice and principles.

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: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. This seminar will meet for five days of intensive sessions. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

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. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
LAW 317 v11 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v11)
J.D. Seminar | 3 credit hours
Most lawyers, irrespective of their specialty, must negotiate. Litigators resolve far more disputes through negotiation than by trials. Business lawyers—whether putting together a start-up company, arranging venture financing, or preparing an initial public offering—are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators.

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

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

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

Grades are based on the quality of student participation and several writing assignments, including a final journal reflection 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 v14 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v14)
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 videotape a negotiation with a classmate and write a short (2-4 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%)
- Videotaped negotiation and self-critique paper (2-4 pages) (25%)
- Final Paper (10-15 pages) (45%).

Learning Objectives:

- Gain knowledge about negotiation theory, including differences between competitive bargaining and integrative bargaining.
- Know how to prepare for 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. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

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. Withdrawals are permitted up until the last class for this specific course.
This course will begin with a consideration of leading scholarship. Is settlement the most appropriate means of conflict management? Are there instances in which negotiated compromise vitiates the litigants’ true interests? Do broad public policy implications and precedential value trump the experience of individual resolution?

Set within the framework of Principled Negotiation, seminar participants will engage in role plays created by the American Bar Association and the Harvard Program on Negotiation. Students will hone their ability to meet the varied interests of stakeholders without acquiescing to positional demands. Participants will receive peer commentary through the use of a 360-degree feedback model.

Drawing upon his experience as a commercial litigator and white-collar criminal defense attorney, the instructor will present case studies to elucidate salient aspects of the process.

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

**Note:** This course will be enrolled via waitlist.

In Summer 2017, this seminar meets from 9:00 a.m. to 5:30 p.m. on the following days: 6/9, 6/10, 6/11, 6/17, and 6/18.

**ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS.** All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. Full attendance and participation is required at all five sessions.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty’s request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.
LAW 317 v22 Negotiations Seminar

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: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class. Because role-play pairings are pre-assigned and depend on the presence of all participants, attendance at every class in its entirety is mandatory.

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. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

LAW 317 v24 Negotiations Seminar

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

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

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

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. This seminar will meet for six sessions. Full attendance and participation is required. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. The schedule is a demanding one, and students who cannot firmly commit to be at all six sessions should not enroll.

There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
LAW 317 v25 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v25)

J.D. Seminar | 3 credit hours

Negotiation is a primary activity in the legal profession, whether the attorney is engaged in transactional, litigation, corporate, non-profit, academic or policy work. This skills-based seminar is designed to develop a deep understanding of the theory and practice of negotiation in professional settings. Students will learn through interactive role play simulations, readings and writing. The seminar is highly interactive, therefore to obtain credit for the course attendance at every class session is mandatory. Grades will be determined by the quality of class participation, assignments that reflect the preparation for negotiation role play simulations, and a final paper assignment.

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

Learning Objectives:

In this skill-building course you will:

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

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

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

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

LAW 317 v26 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v26)

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 international 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, 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 (1:15 p.m.-5:45 p.m.) and four weekend days (9:00 a.m.-5:30 p.m.); 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.

Prerequisite: Contracts.

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: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
LAW 317 v28 Negotiations Seminar (http://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 videotape a negotiation with a classmate and write a short (2-4 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%)
• Videotaped negotiation and self-critique paper (2-4 pages) (25%)
• Final Paper (10-15 pages) (45%)

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 course will be enrolled via waitlist.

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

LAW 741 v00 Pre-Negotiation Strategies for Cross-Border Transactions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20741%20v00)
LL.M Course (cross-listed) | 2 credit hours
As economies globalize and organizations increasingly form cross-border relationships, there should be more focus on problems facing legal practitioners caused by cross-cultural differences. While international transactions comprise of distinct phases, the aim of this course is to explore the importance of pre-negotiation phase of international transactions. The legal training in the United States tend to devote far too little time and attention to the pre-negotiation phase than most of our counterparts from other countries. American lawyers generally want to “dispense with the preliminaries” and “to get down to cases” at the negotiation table. For seasoned lawyers and executives, however, this phase of Pre-negotiation is the most important stage to determine whether they want to negotiate at all and, if so, what they will talk about, and how, when, and where they will do it. Without a proper pre-negotiation phase, one may not get to that negotiation table, let alone explore any dispute resolution mechanisms.

Pre-negotiation phase can be characterized by information-gathering efforts to evaluate the parties’ interests and comprises of a process entailng rational choice to pursue negotiation or not. This course, “Pre-negotiation Strategies,” will attempt to introduce an analytical framework for understanding and formulating culturally responsive legal strategies for international lawyers. This highly interactive class will utilize case studies as well as various international agreements to highlight the importance of evaluating and analyzing the negotiating environment before it actually takes place. The course will address the need for practitioners to research and identify certain cultural mores and behavioral patterns in dealing with an unfamiliar culture as well as examine foreign bureaucracies, foreign laws, and multiple currencies in order to develop cross-culturally sensitive strategies in international transactions.

Active in-class participation and simulations will be required.

Note: First class attendance is strongly encouraged.
LAW 611 v14 Restorative Justice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v14)
J.D. Course | 1 credit hour
This Week One, project-based simulation course is designed to introduce students to restorative justice theory and practice. Across the country restorative justice has emerged as an alternative approach to addressing harm in the juvenile and criminal justice systems, in schools, and in community 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); architects of restorative justice community courts; policymakers implementing and integrating restorative responses into legislation; and practitioners of restorative justice in a variety of settings.

Restorative justice is a distinct form of conflict resolution that aims to redirect society’s retributive response to harm. For example, crime, in the context of restorative justice, is not considered just an offense against the state but rather is viewed as a wrong against another person and indicative of a broken relationship between the offender, victim, and community. Accordingly, restorative justice practice seeks to elevate the role of victims and community members, hold offenders directly accountable for their harm(s), and restore, to the extent possible, the emotional and material losses of victims through dialogue and problem solving.

The course aims to improve students’ understanding of restorative justice and their effectiveness as future lawyers. The pedagogy of this course is grounded in an understanding that students must perform complex skills in order to gain expertise. The design of the course is primarily experiential and will expose students to skills associated with interviewing, fact investigation, conflict resolution, problem solving, facilitation, professional collaboration, and self-reflection. To introduce these skills students will engage in (actual and simulated) restorative justice practices (i.e., circles, conferences and/or dialogues) as well as view and analyze case study videos of restorative practices.

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

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, see the Week One website (http://www.law.georgetown.edu/academics/academic-programs/jd-program/specialized-programs/week-one-law-in-a-global-context.cfm). 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 Friday, November 30, at 3:00 p.m. After that point, permission to drop from the course professor and Assistant Dean for Experiential Learning is required. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

LAW 611 v05 Social Intelligence in the Practice of Law: Dealing Effectively with Clients, Colleagues, and Opposing Counsel (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v05)
J.D. Course | 1 credit hour
This Week One simulation will introduce students to the essential concepts and competencies of social intelligence implicated in all forms of a law practice, including law firms, government agencies, corporations, non-profits and a solo practice. Students will learn about emotional intelligence and research that illustrates how basic brain function and other factors, such as strong emotion, influence how a person makes decisions. Using a combination of lecture, discussion, videos, skills exercises and simulations of common legal practice scenarios, this course will emphasize concrete, practical tools to increase students’ effectiveness in managing themselves and their interactions with others. The course will equip students with an improved ability to effectively communicate with others and make them feel heard; present information in the most persuasive light; recognize and address their own internal biases; act with assertiveness when necessary; learn how to effectively give and receive criticism; and deal with highly emotional or extremely difficult individuals. This course also will present positive strategies for dealing with common interpersonal relationships in the legal workplace: lawyer-client, lawyer-opposing counsel, and lawyer-co-counsel. Students completing this course will have developed a solid grasp on how to address the wide variety of interpersonal dynamics that commonly arise in the legal arena.

The main objectives of this course are to increase students’ awareness of the substantial role of social intelligence in the practice of law, and to provide students with concrete skills to effectively handle day-to-day interactions. Students will learn research-based skills and strategies from the fields of neuroscience, the study of emotions and emotional intelligence, negotiations and communication. As they learn theory, students will have the opportunity to practice techniques for harnessing these dynamics in professional interactions commonly involved in the actual practice of law. The simulations will emphasize positive strategies for dealing with common interpersonal 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; deal with highly emotional or extremely difficult individuals – skills that talented legal minds need to become great counselors at law.

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

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, see the Week One website (http://www.law.georgetown.edu/academics/academic-programs/jd-program/specialized-programs/week-one-law-in-a-global-context.cfm). 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 Friday, November 30, at 3:00 p.m. After that point, permission to drop from the course professor and Assistant Dean for Experiential Learning is required. Students who are enrolled but do not attend the first class session will be withdrawn from the course.
LAW 1399 v00 Working on a Deal: Analytical, Negotiation and Drafting Challenges (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201399%20v00)

J.D. Seminar | 2 credit hours

“Working on a Deal: Analytical, Negotiation and Drafting Challenges” will take the class through a semester-long simulation of a single, complex joint venture transaction. Combining teaching on the core elements of a joint venture, extensive negotiation of a letter of intent for the transaction, and drafting of key elements of the definitive joint venture agreement, the course will seek to expose students to the work of a transactional lawyer on an actual joint venture. The goal of the course will not be to produce fully-developed transactional lawyers. Rather, it will be to expose students – to the degree possible in a classroom setting – to the analytical and substantive skills required in a complex transaction. Students will also have the chance to see first-hand why transactional work can be exciting, dynamic and fun.

Full-time Faculty

James C. Oldham