EDUCATION LAW AND POLICY

Careers related to education, law, and policy range from school administrators (superintendent, principal) to lawyers at non-profit organizations, school districts, or law firms to policymakers and policy analysts at think tanks or governmental organizations. Our faculty, as well as our location in Washington D.C., combine to make Georgetown an ideal choice for students interested in education law and policy. On this page, we outline some of our course offerings.

Courses

Education law courses examine the laws and policies that govern the K-12 and higher education systems. Federal, state, and especially local authorities have a stake in the delivery of educational services. Issues that arise include equal educational opportunity, segregation and desegregation, gender discrimination, school finance, No Child Left Behind, special education, vouchers, charter schools, and school disciplinary processes.

We have tried to identify some core education law and policy courses as well as additional courses that students with an interest in this area might consider. Core courses include: Education Law and Higher Education and the Law Seminar.

In addition to these core courses, Georgetown offers a wide range of related courses. We suggest that students considering a career in education law consider issues such as health care, the separation of church and state, community organizing, immigration law, civil rights, land use, local government law, and labor law. The Law Center offers a variety of courses in these subject areas, and they are listed on the right side of this page.

Education lawyers, policymakers and advocates must possess a variety of skills including the ability to draft legislation, negotiate with multiple stakeholders, litigate, organize educational outreach campaigns, and design and update policies. We have included courses that emphasize these skills in the list on the right side of the page.

In addition to courses offered at the law school, J.D. students are able to take up to 6 credits at Georgetown's McCourt School of Public Policy (http://gppi.georgetown.edu) on the main campus. The McCourt school offers several education policy courses.

Search Education Law and Policy Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_85)

LAW 534 v01 Access to Health Care and Coverage: Law and Policy

J.D. Course (cross-listed) | 3 credit hours
The law governing access to health care has been in flux and in legal dispute in recent years. This course will examine America’s programs for health care access and finance, including employment-based private insurance, Medicare, Medicaid, CHIP, and VA. The course will also examine the enactment, implementation, and litigation of the Affordable Care Act. In addition to these payment systems, the course will also at laws affecting non-comprehensive systems such as emergency rooms, public hospitals, and community health centers. No previous knowledge of health law is required.

**Note:** The course will not focus on biomedical ethics, medical malpractice, or pharmaceutical regulation. This is a required course for the U.S. Health Law Certificate.

LAW 1474 v00 Advanced Civil Rights: The Civil Rights Act of 1964, The Frontiers of Civil Rights Enforcement and the Next Fifty Years

J.D. Seminar (cross-listed) | 2 credit hours
The Civil Rights Act of 1964, growing out of a sweeping grassroots civil rights movement was one of most important pieces of legislation passed in American history. At the time of passage, it was called a “Magna Carta of Human Rights” and during its first fifty years it produced enormous changes in legal doctrine, the workplace, and society. These changes in the legal landscape include disparate impact doctrine aimed at systemic racial discrimination, hostile work environment, religious accommodation, and gender stereotyping. This seminar will examine, from a practitioner’s perspective, how social change, evolving ideas of race and gender, globalization, global conflict, and technology will shape the development of this Act (and notions of equality) over the next fifty-years and the legal strategies to navigate this terrain. The course will focus on emerging issues such as coverage of sexual orientation and gender identity, big data and disparate impact, the intersection between criminal justice and employment opportunity, arbitration and privatization of adjudication, the "new" gig economy, migration and human trafficking, and religious pluralism.

**Strongly Recommended:** Constitutional Law I and Employment Discrimination.
**LAW 286 v02 Church-State Law Seminar**  [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20286%20v02]

J.D. Seminar | 2-3 credit hours
This seminar will focus on the major shifts in church-state law over the past decades and key issues the Supreme Court will face in the next several terms. It will analyze and evaluate the various theories proposed by the sitting Justices on both free exercise and establishment clause jurisprudence and place those theories in the historical context of church-state law in America. The seminar will deal with such issues as tensions between the free exercise and establishment clauses, public aid to religious institutions, religion and public education, accommodating religious minorities, and church autonomy. It will also examine tension between demands for religious accommodation and demands for gender and sexual equality, protection of public health, and other social norms. Throughout, current litigation strategies related to these issues will be explored.

**Recommended:** Constitutional Law II: Individual Rights and Liberties.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 062 v01 Civil Rights**  [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20062%20v01]

J.D. Course | 2 credit hours
This course studies the statutory, common law, and constitutional issues that arise in federal civil rights litigation. For the fall semester of 2018, the course will focus on the primary civil rights statute, 42 U.S.C. § 1983, which is used for constitutional (and some other) claims against state and local governments and their officials. Such constitutional torts include most prison litigation and police misconduct litigation and provide the basic vehicle for claims for both damages and injunctions. The course is constructed around the fundamental issues of recognition of constitutional claims (prisoners’ rights to medical care, safety, and humane conditions, free citizens’ rights to freedom from unnecessary force, unreasonable searches, equality, etc.) and creation of offsetting defenses (absolute and qualified immunity, sovereign immunity, etc.). The course will offer at least two “workshops” that give students an opportunity for practical experience in implementing these concepts and the policies behind them. Some attention will be given to related statutes that may supplement §1983.

**Learning Outcomes.** You should learn at the highest level of proficiency 1) topics listed in the primary syllabus and the theories and policies justifying them, 2) methods used by attorneys in the area of civil rights for finding or developing “law,” 3) professional skills (such as case analysis, potential case evaluation, how to listen and take notes, how to speak in public) used by attorneys in the area of civil rights, and 4) how to appreciate your own biases and limitations in doing all the above. The primary course evaluation is by the final exam.

**Prerequisite:** Prior or concurrent enrollment in Constitutional Law II: Individual Rights and Liberties. This prerequisite can be waived by the professor for students who have taken the substantial equivalent or show they have other preparation.

**Mutually Excluded Courses:** This course may not be taken in 2019-20 by persons also enrolling in the Civil Rights Policy Seminar in 2019-20.

**LAW 215 v00 Constitutional Law II: Individual Rights and Liberties**  [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20215%20v00]

J.D. Course (cross-listed) | 4 credit hours
This course focuses primarily on the First, Fifth, and Fourteenth Amendments (free speech, due process, and equal protection) and the role of the Supreme Court as ultimate interpreter and guardian of the Bill of Rights.

Note for Professor Barnett’s Fall section: As a way to understand the structure of current doctrines, Professor Barnett’s course will stress how and why the doctrines evolved from the Founding through the Civil War, Reconstruction, the Progressive Era, the New Deal, the Warren and Rehnquist Courts to the Roberts Court today. The course will also stress the effect that slavery had on the original Constitution and the Reconstruction Amendments. Coverage will include the Second and Ninth Amendments. Professor Barnett’s section will consist of a 3-hour unit consisting of two 85 minute class sessions and a 1-hour unit consisting of video presentations on the theory and practice of originalism that students can view at their convenience at any time before or during the semester. The 3-hour in class component will use the “flipped classroom,” with one or two 5-15 required videos accompanying the casebook that explain the reading assignments to be watched by students before coming to class. The 1-hour asynchronous unit will consist of video lectures by: (1) Larry Solum (UVA) Overview Of Originalist Theory, (2) Randy Barnett, Normative Rationales For Originalism, (3) Thomas Colby (GW), Criticisms of Originalism, (4) Larry Solum (UVA), Public Meaning Originalism, (5) Michael Rappaport (USD), Original Methods Originalism, (6) Jack Balkin (Yale), Living Originalism, (7) Stephen Sachs (Duke), Original Law Originalism, (8) Balkin, Rappaport, Sachs & Solum, Q&A, (9) Christina Mulligan (Brooklyn), Diverse Originalism, (10) Larry Solum & Randy Barnett, Originalism and Precedent, (11) Evan Bernick (GULC), Constitutional Construction, (12) Justice Thomas Lee (Utah Supreme Court) Corpus Linguistics, (13) Jud Campbell (Richmond), Originalist Sources, (14) John Dannenfodd (Florida), The Original Meaning Of Cruel & Unusual Punishment. These lectures are subject to change before class starts.) Internet access on any device is not allowed during class; all laptop use is disallowed in Professor Barnett’s course (unless necessary to conduct Zoom instruction).

**Learning goals for Professor Spann’s section**

The primary goal of the course is to teach students how to manipulate the doctrinal rules and underlying policy considerations that govern the topics in the course, and to get students to confront the normative implications raised by such vast amounts of doctrinal indeterminacy.

**Learning goals for Professor Lenhardt’s section**

Course Outcomes and Grading: Final grades in this course will be based on a final exam, the completion of class exercises and assignments, and class participation. Together, class discussions, exercises, and assignments will help students to acquire foundational knowledge of constitutional law.

Students should complete the course knowledgeable of and with facility in doctrinal analysis in U.S. constitutional law, to include close reading of cases and precedents, and the application the law to facts. Students should also have an understanding of the following:

- Historical development of constitutional law, the U.S. Supreme Court, and other legal institutions;
- Major themes and broad concerns of U.S. constitutional law;
- Jurisprudential considerations in legal analysis, including major theories of constitutional interpretation;
- The influences of political institutions in constitutional law;
LAW 131 v02 Disability Discrimination Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20131%20v02)
J.D. Course | 3 credit hours
This course covers the Americans with Disabilities Act, its amendments, regulations, and interpretive guidance as they relate to discrimination against people with disabilities in employment, the programs, services, or activities provided by government entities, and public accommodations. The course will take a pragmatic approach to exploring the rights and responsibilities arising from this law and will focus on such issues as defining disability, the concept of qualified persons with a disability, reasonable accommodations, medical exams and disability-related inquiries, program access, and public accommodations.

LAW 174 v00 Family Law II: Child, Parent, and the State (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20174%20v00)
J.D. Course | 3 credit hours
This course examines who makes decisions. It considers the the distribution of power and responsibility among child, parent, and the state through the study of selected topics, including procreation, education, medical decision making, child abuse and neglect, emancipation, and adoption. Family Law I is not a prerequisite.

Recommended: Prior or concurrent enrollment in Constitutional Law II: Individual Rights and Liberties.

LAW 174 v01 Family Law II: Child, Parent, and the State (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20174%20v01)
J.D. Course | 3 credit hours
This course examines decision-making within diverse family structures. It considers the relational distribution of power and responsibility among child, parent, and the state. It will consider these broader questions through the study of selected topics including procreative decision-making, informed consent within the family unit, child abuse and neglect, reproductive technologies, and adoption. These topics address some of the most current, multi-faceted, and dynamic areas of modern family law to study. These areas are changing rapidly and profoundly in law, society, and politics. This course intersects with many other areas of law in complex ways, such as Torts, Contracts, Constitutional Law, and Professional Responsibility and provides great depth and breadth in job opportunities and law reform initiatives.

By the completion of this course, you should be able to:

- Analyze legal issues governing decision-making within family structures;
- Contextualize family decision-making using multi-faceted lenses grounded in social, economic, and policy considerations and recognizing the implications of legal frameworks across cultures, communities, and diverse family structures;
- Construct persuasive client narratives to achieve specific client goals;
- Advise clients regarding their rights and responsibilities as parents;
- Read and interpret statutory provisions regulating the family unit and analyze their constitutionality, their policy implications, and their effect on prospective clients.

LAW 530 v00 Federal Legislation Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20530%20v00)
J.D. Clinic | 10 credit hours
Please see the Federal Legislation Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/federal-legislation-clinic) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 531 v02 Global Cities and Urbanization Seminar: Mixed Income Housing Development (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20531%20v02)
J.D. Seminar | 3 credit hours
Community Economic Development is the work of revitalizing communities to assist poor, unemployed, underemployed, and otherwise marginalized populations through the development of low income housing, integrated social services, microbusinesses, workforce training, and community job growth. Having its roots in social movement and community empowerment initiatives in the sixties, community economic development provides a unique opportunity to integrate social theory and practice within the context of real grassroots efforts to serve marginalized communities.

This course is designed for students interested in learning more about or perhaps someday working in the field of community economic development, as lawyers and/or consultants on a fulltime or pro bono basis. The skill sets developed cut across the business/legal divide and expose students to substantive subject matters ranging from startup ventures, real estate finance and development, and regulatory frameworks for micro lending, affordable housing, and new market development. Student papers will focus on problems encountered by entities engaged in community economic development, providing a unique opportunity to understand the industry from the inside out. Community activists and various economic development experts in law, business, and public policy will be invited to discuss their work across the semester, affording students the opportunity to develop and/or expand their networks in the field.

This class satisfies the Upperclass Legal Writing Requirement.

Recommended: Previous exposure to community organizing and economic development is helpful but not required.
LAW 206 v03 Health Care Law and Policy
J.D. Course (cross-listed) | 4 credit hours
This course is Georgetown Law's introduction to the law and policy of health care provision and financing. No single course can serve as a comprehensive introduction, and this class won't try. Rather, we'll consider central themes and selected topics, with an eye toward the larger questions that drive legal, political, and ethical conflict in the health sphere. We'll begin with some context – the non-medical determinants of health, which have much greater influence on population-wide health than does clinical care. We'll then turn to the idea of a right to health care, then to the roles of markets and government in making care available and containing medical costs. Next up will be an introduction to the Affordable Care Act, with an eye toward its conceptual framework, its critics' core objections, and the main problems that it has left unresolved. We'll examine some of the legal conflicts that have arisen over the ACA, then turn to brief introductions to several other areas of health care law, including medical malpractice, antitrust, and the role of for-profit v. non-profit institutions. We'll finish with consideration of racial disparities in health care and tension between medicine's clinical and social roles.

COVID-19 has put a spotlight on our medical care system's shortcomings, as well as the social inequities that shape Americans' health and well-being. Our nation's response to COVID will thus play a substantial role in this year's edition of the course – as both a matter of national urgency and a window onto these shortcomings.

LAW 311 v01 Higher Education and the Law Seminar
J.D. Seminar | 2-3 credit hours
Higher education plays a singular role in our society. Colleges and universities are complex organizations and institutions with unique missions to discover, create and transmit knowledge, and to further social mobility. Higher education intersects with the law in a myriad of ways. This course examines the legal issues that shape higher education, particularly in the United States. The course covers the distinctions between public and private colleges and universities, religion and higher education, accessibility to and financing of higher education, academic freedom, shared governance, admissions, free expression, privacy and freedom of association, campus safety with a particular focus on sexual assault, and issues of race, disability, gender and sexual orientation. We will consider student rights and responsibilities, faculty issues concerning research ethics and the classroom, and the roles of presidents, governing boards, and university general counsels. Materials include relevant statutes and cases as well as readings from related fields. Our goal throughout the course will be to understand the breadth of issues faced by higher education in the United States in pursuing its mission, and the ways in which legal rules and norms relate to these issues.

Recommended: Prior or concurrent enrollment in Constitutional Law II: Individual Rights and Liberties.

Note:

Students may take this seminar for either 2 or 3 credits. All members of the seminar are required to write a number of short reaction papers. Students taking the seminar for 3 credits are also required to write a research paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement.
LAW 037 v00 Immigration Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20037%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course will examine the U.S. immigration system through legal and policy perspectives. We will explore the source, scope and constitutional limits of congressional power to regulate immigration; the executive branch implementation of immigration legislation, particularly procedures for entry and removal, and the extent of, as well as constitutional constraints on, Presidential power; and the administrative and judicial review of executive branch action. Close attention will be paid to how membership laws and policies are established and implemented: What laws and policies govern U.S. citizenship? Who is eligible to become a legal immigrant? How are annual admissions numbers set? How and why are family and employment priorities created? How does the U.S. protect refugees? With respect to the arrival of unaccompanied children from abroad, we will consider the laws and policies that govern how the U.S. government treats them. Unauthorized migration will also be examined to understand why some migrants do not use the legal route into the U.S. and what laws and policies the U.S. has in place to deter such unlawful movements at the border and control unlawful presence in the interior. We will analyze the impact of the major 1996 immigration control legislation and its implementation, with particular attention to detention and removal. We will closely examine the role of the Justice Department’s Immigration Courts, with special attention to access to justice issues. We will explore the extraordinary need for, and challenges of, immigration law reform, as well as the particular situation of the Dreamers, children without lawful immigration status brought to and raised in the United States by their parents. Finally, we will assess the various changes implemented by the Trump and Biden Administrations, particularly in connection with the treatment of asylum seekers at the U.S.-Mexico border, the resettlement of refugees from abroad, and the removal of unauthorized immigrants.

LAW 037 v02 Immigration Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20037%20v02)
LL.M Course (cross-listed) | 2 credit hours
This class will cover the constitutional and political framework for the U.S. Immigration System, enforcement and adjudication agencies, immigrants, nonimmigrants, removals and deportations, detention and bond, immigration hearings, judicial review, grounds for removal and inadmissibility, "crimmigration," immigration reform, "Chevron" deference, refugee and asylum status and other international protections. It will also include reading and analyzing major immigration cases like INS v. Cardoza-Fonseca, 480 U.S. 421 (1987) (well-founded fear) and Matter of Kasinga, 21 I&N Dec. 357 (BIA 1996) (female genital mutilation).

Mutually Excluded Courses: Students may not receive credit for both this course and National Security Law Through an Immigration Framework.

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

NOTE FOR THE SUMMER 2021 SECTION: This professor has committed to teaching this course from the classroom on campus. Students may participate in-person or remotely.

LAW 532 v02 Juvenile Justice Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20532%20v02)
J.D. Clinic | 9 or 14 credit hours
Please see the Juvenile Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/juvenile-justice-clinic) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course in the first semester.

J.D. Course | 3 credit hours
This course surveys the judicial and administrative regulation of labor relations in the United States. After gaining a brief historical perspective, students examine in depth the rights conferred and duties imposed upon employees, unions, and employers by the National Labor Relations Act, as amended. The focus is upon the rights of employees to select a union to represent them in dealings with their employer; rules governing union organizational campaigns; collective bargaining between unions and employers; the economic weapons available to influence the outcome of collective bargaining and the limits imposed by law on their use (strikes, lockouts, primary and secondary boycotts, etc.); methods of enforcing agreements reached through collective bargaining; and the union’s duty to fairly represent all of the employees it has been chosen to represent.

Note: The internet may not be used during class sessions.

J.D. Course | 3 credit hours
The subject of labor law deals principally with the relationship between employers and unions. This course covers union organizing campaigns, collective bargaining disputes, strikes, lockouts, grievance-arbitrations, and related litigation. The student will develop skills that can lead to a career with management-side law firms, union-side law firms, the National Labor Relations Board, and public interest organizations.

This course will focus on the National Labor Relations Act. We will cover the scope of employee rights to engage in union activities; employee rights to engage in concerted activities even in the absence of a union; the National Labor Relations Board procedures for elections and unfair labor practice charges; the collective bargaining process; the duties of successor employers; strikes and lockouts; grievance and arbitration procedures; and a union’s duty of fair representation.

We will also cover secondary boycotts, federal/state pre-emption, and discuss how the Railway Labor Act (covering the railroad and airline industries) compares with the National Labor Relations Act.
J.D. Course | 3 credit hours
Labor law is the law governing workers’ collective action, union organizing, and collective bargaining. This course will focus on labor law in the private sector, which is governed mainly by the federal National Labor Relations Act, as amended. We will cover the legal regulation of workers’ collective action, union organizing campaigns and processes, workers’ rights to strike and their limitations, the collective bargaining process, the powers and procedures of the federal National Labor Relations Board, and the relationship between federal labor law and individual constitutional rights. The student will develop skills that can lead to a career with the National Labor Relations Board, union-side law firms and/or unions, management-side law firms, and other worker advocacy organizations.

LAW 272 v00 Land Use Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20272%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course explores the variety of ways in which the law attempts to resolve conflicts among land uses, as well as plan and regulate the impacts of different land use patterns. Topics will include common law; state, regional, and local planning; zoning; environmental controls; growth management; historic preservation; restrictions relating to residential development; and constitutional limits on land use regulation. Particular emphasis will be placed upon analysis of the political and economic context of land use law.

LAW 315 v00 Literacy and Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20315%20v00)
J.D. Seminar | 2 credit hours
In this seminar, we use children’s literature and participatory methodology to explore the relationships between law and literacy simultaneously as we bring to the surface fundamental principles of law, justice, and democracy. We do this using a dynamic, experiential approach, with examples from children’s literature, children’s writing, and learner-centered teaching methodology and a combination of readings, interactive seminars, and placements involving weekly reading with emergent readers. We examine learning theories and practices regarding emergent literacy and discuss their legal, educational, and social implications. Readings are drawn from law, educational theory and practice, and children’s literature. We explore the variety of learning approaches that now inform literacy instruction in America. Legal implications to be considered include restrictions on literacy due to historical oppression and educational disadvantage, equal protection and diversity, freedom of speech, school finance, discipline, gender, and English as a second language. We also focus on the relationship between interactive, experiential learning, civic skills, and the democratic process.

Students are required to spend at least one hour per week working with an emergent reader. The placement may be a literacy program at a local school or center (e.g., the Early Learning Center at Georgetown Law), or some other arrangement of a participant’s choice, approved by the instructors (e.g., siblings, relatives, or parents/grandparents). The reading sessions may be conducted in person or online. Writing requirements include both a monthly 5-page journal and a short paper. The paper may be a conventional paper or, the more frequent choice, the writing of a children’s book that integrates legal and educational issues and which is accompanied by a short analytical essay describing the book’s connections between literacy and law. Please contact the professors for more information.
This course surveys the legal environment, political values and policy debates that shape local government in the United States. After completing the course, students will be able to identify many of the key doctrinal principals, and analyze how they apply to the socio-economic context of federalism today. Some of the topics for discussion include: (1) the forms and powers of the various types of local governments (e.g., cities, counties, and special districts); (2) the allocation of power between states and their local governments and the role of local governments in the federal system; (3) the pivotal role of local government in the regulation of private land use; (4) local sources of revenue and limits on borrowing; (5) recent trends in blight, suburbanization, sprawl and redevelopment; and (6) inter-local cooperation and regional governments. The course also will challenge students to explore the tension between the historical movement toward greater local home rule and the modern favor for “smarter growth” and regional solutions. Finally, the course will enable students to exercise and develop skills of particular relevance to local decision-making: statutory interpretation, working effectively in teams, understanding the dynamics of the negotiation process, and discussing negotiation theory and principles.

Learning Objectives:

This course aspires to empower its students to:

1. Recognize and apply several core legal doctrines that enable and constrain the existence of various local government entities.
2. Describe how several prominent strains of American political theory have guided the historical development of local government law.
3. Apply several constitutional principles and legal standards that regulate local government functions – for example, local taxation and expenditures, land use regulation, education, public safety and the other local services.
4. Understand the menagerie local entities and appreciate how alternative forms of governance impact a lawyer’s ethical obligations.
5. Explain the predominant funding mechanisms for local government, and analyze how state and local policies can affect the viability of local government.
6. Identify several state and federal policies that can impair the sustainability of local government.
7. Develop and deliver principled arguments about how socio-economic policy issues relate to legal doctrine, intra-regional wealth, sprawl and alternatives to local government.

Note: Although no prerequisites are required for this course, Professor Gardner strives to highlight connections between the material discussed in class and other substantive legal topics. Third- and fourth-year students will be encouraged to share learning from related courses – for example, civil procedure, constitutional law, administrative law, land use law and other legal subjects. In particular, this course will offer a meaningful segue leading to (and from) courses in land use and administrative law.

J.D. Course | 3 credit hours

**LAW 410 v04 Local Government Law**

This course surveys the legal environment, political values and policy debates that shape local government in the United States. After completing the course, students will be able to identify many of the key doctrinal principals, and analyze how they apply to the socio-economic context of federalism today. Some of the topics for discussion include: (1) the forms and powers of the various types of local governments (e.g., cities, counties, and special districts); (2) the allocation of power between states and their local governments and the role of local governments in the federal system; (3) the pivotal role of local government in the regulation of private land use; (4) local sources of revenue and limits on borrowing; (5) recent trends in blight, suburbanization, sprawl and redevelopment; and (6) inter-local cooperation and regional governments. The course also will challenge students to explore the tension between the historical movement toward greater local home rule and the modern favor for “smarter growth” and regional solutions. Finally, the course will enable students to exercise and develop skills of particular relevance to local decision-making: statutory interpretation, working effectively in teams, understanding the dynamics of the negotiation process, and discussing negotiation theory and principles.

Learning Objectives:

This course aspires to empower its students to:

1. Recognize and apply several core legal doctrines that enable and constrain the existence of various local government entities.
2. Describe how several prominent strains of American political theory have guided the historical development of local government law.
3. Apply several constitutional principles and legal standards that regulate local government functions – for example, local taxation and expenditures, land use regulation, education, public safety and the other local services.
4. Understand the menagerie local entities and appreciate how alternative forms of governance impact a lawyer’s ethical obligations.
5. Explain the predominant funding mechanisms for local government, and analyze how state and local policies can affect the viability of local government.
6. Identify several state and federal policies that can impair the sustainability of local government.
7. Develop and deliver principled arguments about how socio-economic policy issues relate to legal doctrine, intra-regional wealth, sprawl and alternatives to local government.

Note: Although no prerequisites are required for this course, Professor Gardner strives to highlight connections between the material discussed in class and other substantive legal topics. Third- and fourth-year students will be encouraged to share learning from related courses – for example, civil procedure, constitutional law, administrative law, land use law and other legal subjects. In particular, this course will offer a meaningful segue leading to (and from) courses in land use and administrative law.

J.D. Course | 3 credit hours

**LAW 317 v01 Negotiations Seminar**

This course is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas, including community, commercial, environmental, interpersonal, litigation, and transactional disputes. The effect of gender, culture, power, politics, impasse, and attitude toward conflict will also be explored.

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

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

Learning Objectives:

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

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

Recommended: Contracts, Torts, Civil Procedure.

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

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

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

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

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

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. This seminar will meet for four days of intensive sessions, and one simulation between the weekend classes. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

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

LAW 317 v11 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v11)
J.D. Seminar | 3 credit hours
Most lawyers, irrespective of their specialty, must negotiate. Litigators resolve far more disputes through negotiation than by trials. Business lawyers—whether putting together a start-up company, arranging venture financing, or preparing an initial public offering—are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators.

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

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

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

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

Learning Objectives:

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

More specifically, our goals are:

- To increase your awareness about negotiation and negotiating behavior:
  - The pervasiveness of negotiation;
  - The implicit working assumptions that underlie your behavior;
  - Understanding others’ perceptions and reactions;
  - The importance of process (how we negotiate): its effects on the progress of negotiations and the relationship between negotiators.
- To enhance your understanding of negotiation theory by providing:
  - Exposure to social science research related to negotiation;
  - Some basic organizing concepts;
  - A common vocabulary to enhance preparation, negotiation, and review;
  - Analytic tools for diagnosing problems and developing strategy.
- To help you develop some guidelines to improve your negotiation experience.
- To help you apply what you learn so that you can keep improving your negotiation experience, and encourage you to develop your own prescriptions.
- To work on bridging the gap between theory and practice.
- To allow you to practice and experiment with skills;
- To learn from experience and from each other, so that we all keep working on our negotiation.
- To practice a cycle of Prepare Act Review;
- To increase your awareness about negotiation and negotiating experience, and encourage you to develop your own prescriptions.
- To help you apply what you learn so that you can keep improving your negotiation experience, and encourage you to develop your own prescriptions.
- To work on bridging the gap between theory and practice.
LAW 317 v14 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v14)
J.D. Seminar (cross-listed) | 3 credit hours
This intensive, interactive seminar is designed to teach both the theory and practice of negotiation. The goal is to improve students’ understanding of negotiation as well as their ability to negotiate effectively. Students will spend much of their time participating in negotiation exercises and simulations from a variety of practice areas. Through the in-class negotiation exercises, debriefings, and lectures, students will develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication. Class lectures and discussions will focus on such topics as the difference between competitive and integrative bargaining, the psychological and ethical dimensions of negotiations, and the importance of planning and choosing negotiation strategies.

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

Grades will be based on:
- Participation in class (30%)
- Midterm reflection paper (20%)
- Final paper (10-15 pages) (50%).

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

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

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

Note: 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 differences between competitive and integrative bargaining, the psychological and ethical dimensions of negotiations, and the importance of planning and choosing negotiation strategies.

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

Grades will be based on:
- Participation in class (30%)
- Midterm reflection paper (20%)
- Final paper (10-15 pages) (50%).

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

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

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

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

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs.
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 expedience 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 to 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.

**Learning Objectives:**

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

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

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

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

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

**Note:** NOTE FOR THE SUMMER 2021 SECTION: The professor will teach this intensive, interactive seminar is designed to teach participants the theory and practice of effective negotiation and negotiation advocacy so that they may improve their skill in joint problem solving and joint decision making. Negotiation skills are best learned by doing, so this seminar includes numerous opportunities for participants to enact the skills, principles, and approaches learned. The simulations and activities are designed to familiarize students with the negotiating process, help them prepare for entering and conducting a formal negotiation, teach them to identify and engage in the types of informal negotiations that occur every day, allow them to experiment with various styles and techniques, and introduce a variety of practical and ethical problems that they might encounter. Simulations are derived from a range of practice areas, including interpersonal, commercial, transactional, and criminal disputes, among others. The effects of culture, gender, power, politics, psychology, neuroscience, and personal conflict styles will be examined. Participants will apply their negotiation skills in the real world and evaluate the results. The course will also explore the use of alternative dispute resolution and conflict management systems to break or avert impasse in negotiation and facilitate the constructive handling of conflict.

Participants will learn to negotiate by actively engaging in simulations and discussions, analyzing negotiation exercises, giving and receiving critique, keeping a reflective journal that addresses the links between theory and practice, conducting a negotiation outside of class and then presenting the lessons learned, and writing a formal negotiation preparation memo about a newsworthy negotiation. This class meets on two Friday afternoons and four full weekend days; attendance at all sessions is mandatory. Grades will be based on class participation, development and application of negotiation skills, journal quality (including analysis, application of theory and principles, self-reflection, creativity, style, organization, and grammar), an analytical paper, and a presentation.
LAW 317 v22 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v22)

J.D. Seminar | 3 credit hours
The Negotiation Seminar is an intensive, skills-based class that emphasizes the ability to think and write analytically about the process of negotiating. The Seminar utilizes role-plays, problem sets, instructional readings, and in-class discussions to provide a comprehensive approach to negotiating in all contexts. We will focus on two conceptual frameworks, namely “Principled Negotiation,” as developed by Roger Fisher and the faculty of the Harvard Negotiation Project, and the “Three Tensions” of Negotiation, as developed by Robert Mnookin and the faculty of the Harvard Negotiation Research Project. The interactive nature of this class provides participants with an opportunity to work closely with each other and with the professor.

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

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. Because role-play pairings are pre-assigned and depend on the presence of all participants, all enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

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

LAW 317 v24 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v24)

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

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

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

Recommended: Contracts, Torts, Civil Procedure.

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

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

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. The schedule is a demanding one, and students who cannot firmly commit to be at all six sessions should not enroll. There is a course
LAW 317 v25 Negotiations Seminar

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 plays, readings and writing. The seminar is highly interactive, therefore to obtain credit for the course attendance at every class session is mandatory. Grades will be determined by the quality of class participation, assignments that reflect the preparation for and post-negotiation reflections on negotiation role plays, and a final paper assignment.

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

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

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

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

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. 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

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.
be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.

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 conduct a negotiation with a classmate and write a short (1-2 pages) self-critique about the experience. In addition, a final paper (10-15 pages) is required, in which students should demonstrate that they have learned the concepts, principles, and theories from lectures, readings, and exercises.

Grades will be based on:

- Participation in class (30%)
- Midterm Negotiation/Self-Critique Paper (1-2 pages) (20%)
- Final Paper (10-15 pages) (50%).

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

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

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

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

LAW 317 v50 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20317%20v50)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions.

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

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

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

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

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

Note: This course will be enrolled via waitlist.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled and must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty's request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.
LAW 317 v53 Negotiations Seminar [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v53]
J.D. Seminar | 3 credit hours
This course will introduce the frameworks and tools critical for effective negotiation. The pedagogy is primarily experiential and interactive. In this course, we will learn from one another. Most class sessions will consist of a brief lecture followed by hands-on simulations, exercises, and group discussions. We will cover myriad topics including but not limited to -- value creation, value distribution, principal-agent tension, dealing with difficult tactics, advanced listening, and facilitating difficult conversations. Critical to success in this course is intentional engagement and robust self-reflection: students rigorously review their performance through in-class discussions, out-of-class journaling, and peer-to-peer feedback. The capstone project will be a final paper.

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

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

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

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

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

LAW 326 v00 Non-Profit Organizations Seminar [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20326%20v00]
J.D. Seminar | 2 credit hours
This seminar examines the nature, formation, classification, and governance of non-profit organizations under state and federal law. Emphasis is on tax exemption and unrelated business income; powers and duties of officers and directors; tort liabilities of members, agents, officers and directors; legal issues in fiscal management; antitrust implications; and joint ventures with for-profit corporations. Issues that receive special treatment include: lobbying and political activities; First Amendment religion, speech, and association issues; and liabilities for "public interest" service providers. This seminar includes a general overview of tax considerations for non-profit organizations, but not in depth; tax matters are covered in depth in Tax Treatment of Charities and Other Nonprofit Organizations, which is offered in the Graduate Program.

**Mutually Excluded Courses:** Students cannot receive credit for this course and Non-Profit Organizations.
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course is designed for students who wish to work for a public interest law organization that deals with issues connected to poverty. Students will participate in a two-hour/week seminar (in both the fall and spring semesters) that focuses on the framework, history, and current issues related to American poverty. Students will also work for a public interest law organization that works on issues connected to poverty; students may work for either 10 or 15 hours/week in both the fall and spring or 30 hours/week in one semester only. In addition, students may work for 10 hours/week in the fall and 15 hours/week in the spring or vice versa.

**SEMINAR:** Classes in the fall will cover the definition of poverty, the history of antipoverty policy, welfare, work supports, and safety net issues. Spring classes will feature guest lecturers covering education, health, housing, homelessness, juvenile justice, and child welfare. Students will be involved in participatory exercises in the course of both semesters: in the fall, mock press conferences, testimony to Congress, and meetings with public officials; and in the spring, a group project on developing a plan for neighborhood transformation, using materials studied through the year. A final paper will be required. Students will earn four graded credits for the seminar (two credits each semester); one grade will be provided at the end of the year.

**FIELDWORK:** In the four, five, or six-credit, mandatory pass-fail, fieldwork portion of the practicum, students will work with a public interest law organization that deals with issues connected to poverty. Students may work for either 10 or 15 hours in both the fall and spring, 10 hours in the fall and 15 hours in the spring or vice versa, or 30 hours/week in one semester only. The host organization may work from either a national or a local perspective on issues connected to poverty. Placements might involve a focus on poverty per se or “poverty and...” e.g., civil rights, women, education, housing, health, juvenile and criminal justice, child welfare or immigration. Depending on the organization, activities at placements could include litigation and/or policy advocacy, including governments on all levels and in either the executive branch or the legislative. Students may propose and arrange their own placements; these must be approved by Professor Edelman. Alternatively, Professor Edelman is available to assist in finding and setting up the placements. Depending on the number of hours worked, students will earn four, five, or six pass/fail credits for the fieldwork; one grade will be provided at the end of the year.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum and an externship or another practicum course. If students complete their fieldwork hours for this practicum entirely in one semester, they may be eligible to enroll in a clinic for the other semester.

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

This course may be suitable for evening students who can attend seminar and participate in fieldwork during business hours. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. A student wishing to withdraw from the course will be withdrawn from both the seminar and fieldwork components. Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all sessions. A student wishing to withdraw from the course may be withdrawn from the practicum course.
The course will cover segregation in public accommodations, residences and education, historically and currently. Although the workforce, marriage, and access to citizenship and voting were segregated for centuries in the U.S., employment discrimination, anti-miscegenation, immigration and election law are beyond the scope of this course. Students will learn that the US is racially segregated in housing and education and that segregation is discriminatory. They will grapple with the fundamental question of why segregation exists and the role of law in creating and responding to segregation. Students will gain a historical perspective on the ideology of white supremacy that animates segregation. They will learn that the chief consequence of segregation is inequality, for everyone, people of color and whites. Among those consequences are mass incarceration, health and wealth disparities, wasted human capital due to lack of opportunity, racial hostility, militarized policing in certain neighborhoods (Ferguson & all its antecedents and successors), environmental degradation, and suburban sprawl. Students will also learn strategies for dismantling segregation and, hopefully, help develop innovative solutions in their research papers.

Learning Objectives:

This course aspires to empower its students to:

- Recognize and apply several core legal doctrines that enable and constrain state governments and various local government entities.
- Describe how several prominent threads of American political theory have guided the historical development of state and local government law.
- Apply several constitutional principles and legal standards that regulate state and local government
- Explain the predominant funding mechanisms for state and local governments, and analyze how state and local policies can affect the viability of local government.
- Identify several state and federal policies that can impair the sustainability of local government; and federal policies that constrain the autonomy of states in performing their core functions.
- Develop and deliver principled arguments about how socio-economic policy issues relate to legal doctrine, intra-regional wealth, housing and land use policy and alternatives to local government.

Recommended: Although no prerequisites are required for this course familiarity with constitutional law, property law and administrative law are helpful.
LAW 1397 v00 Street Law: Criminal Justice and Human Rights (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201397%20v00) (Project-Based Practicum)
J.D. Practicum | 5 credit hours
Please see the Street Law website (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/street-law-program) and this video (https://youtu.be/wc99f_eeMNA) for more information.

OVERVIEW: Street Law is a project-based practicum where Georgetown Law students teach practical law courses at DC public high schools. Street Law instructors help the local community better understand the law, identify how it impacts them, and develop legal and analytical skills. Law students will be assigned to a DC public high school class or the DC Jail to teach law and law-related concepts for the semester. Law students are immersed in the practical application of law and exercise actual lawyering skills (public speaking, legal research, and writing, advocacy, etc.). The curriculum focuses on the purpose of laws and legal reasoning, legal negotiations, criminal justice, and human rights. The course capstone is a human rights “mini” mock trial where the high school students perform as lawyers and witnesses and compete against other Street Law classes. This practicum allows law students to gain invaluable lawyering skills while actively giving back to the local community.

SEMINAR: The seminar provides instruction in the law and legal concepts, classroom management, lesson planning, and student assessment using interactive methods. Outside of the seminar, faculty provide intense support for each student to support their learning and growth.

PROJECT WORK: Law student instructors are placed in DC public high school classrooms based primarily on their academic schedules for the semester. All high school classes will be taught in person. There, they will work for at least 10 hours/week preparing for and teaching a course in practical law. Law student instructors have the primary responsibility for the instruction and grading of their students. Street Law faculty and fellows observe each law student instructor and conduct post-observation debriefs at least three times per semester. The instructional methods are subject to change to accommodate Georgetown Law and DC Public Schools COVID policy.

ORIENTATION: There is a four-day interactive orientation from 10:00 a.m. to 4:30 p.m., August 23-26 where law students will experience the student-centered teaching methodology they will use in their own classes. Attendance at the orientation is mandatory.

ENROLLMENT INFORMATION: Students enroll in this course via MyAccess (https://myaccess.georgetown.edu). Students are encouraged to enroll in this practicum course and the spring semester practicum course Street Law: Mock Trial Advocacy. A background check will be required.

After registering via MyAccess, please email Street Law Professor Charisma Howell at ch329@georgetown.edu to set up an informational interview with Street Law staff.

Prerequisite: Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses:
Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may not receive credit for this course and the summer course, Street Law: Corrections and Community.

LAW 1398 v00 Street Law: Mock Trial Advocacy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201398%20v00) (Project-Based Practicum)
J.D. Practicum | 4-5 credit hours
Please see the Street Law website (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/street-law-program) for more information about the program.

OVERVIEW: Street Law is a project-based practicum course where Georgetown Law students teach a course in mock trial advocacy at DC public high schools or a variety of community settings ranging from adult and juvenile correctional facilities to treatment centers for alcohol and drug addiction. Street Law instructors help the local community better understand the law, identify how it impacts them, and develop legal and analytical skills. This project-based course will focus on trial and litigation skills and prepares high school students and community members to compete in the Annual City-wide Mock Trial Tournament. Law students help their students prepare for a complicated criminal or civil trial. The law students develop a thorough understanding of trial procedure, law, and effective advocacy skills. This practicum allows law students to actively give back to the local community while gaining invaluable lawyering skills.

SEMINAR: Seminars are devoted to teaching law and legal reasoning, mock trial advocacy skills, classroom management, lesson planning, and student assessment using interactive methods. Outside of the seminar, faculty provide intense supports for each student to support their learning and growth.

PROJECT WORK: Law student instructors are assigned to regular DC public high school classrooms or other community placements based primarily on their academic schedules for the semester. There, they will work for at least 10 hours/week preparing for and teaching a course in practical law. Law student instructors have the primary responsibility for the instruction and grading of their students. Street Law faculty and fellows observe each law student instructor and conduct post-observation debriefs at least three times per semester. The experience of guiding students through the mock trial process is remarkable and unforgettable. The analytical and critical thinking skills that high school students and community members develop, thanks to the law student instructors, are invaluable for their future endeavors.

ORIENTATION: There is a four-day orientation required for this practicum course conducted in mid-January. During orientation law students will participate in lesson plans that they will use in their own classes and learn about the student-centered teaching methodology. In-person attendance at the orientation is mandatory. Evening division students should reach out to practicum faculty to discuss orientation schedule conflicts. Attendance at this orientation is mandatory for students who did not already take the fall semester Street Law: Criminal Justice and Human Rights practicum.

ENROLLMENT INFORMATION: Students enroll in this course via MyAccess (https://myaccess.georgetown.edu). Students are encouraged to enroll in this practicum course and the fall semester practicum course Street Law: Criminal Justice and Human Rights. Alternatively, students who enroll in this course may take the summer course, Street Law: Corrections and Community.

After registering via MyAccess, please email Street Law Professor Charisma Howell at ch329@georgetown.edu to set up an informational interview with Street Law staff.

Prerequisite: Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).
Full-time Faculty

Eloise Pasachoff