

EMPLOYMENT AND LABOR LAW

Employment law regulates the relationship between employers and employees. Labor law regulates the additional dimension that arises when employees select (or consider selecting) a labor union to represent them in their dealings with their employer.

An enormous number of lawyers practice in the field of employment and labor law, and it is a field that adds substantial numbers of new lawyers each year. The largest number of lawyers in the field represent employers, working either in law firms or on corporate legal staffs. The second largest number of lawyers work for the federal government. The Department of Labor litigates more cases in the federal district courts than any other executive department, the National Labor Relations Board litigates more cases in federal courts of appeals than any other administrative agency, and the Equal Employment Opportunity Commission also handles an enormous volume of litigation. There are also substantial numbers of lawyers representing labor unions (either in law firms or on unions' legal staffs). Many of these lawyers also represent individual employees, and there are also additional lawyers who specialize in representing individual employees (or class actions on behalf of groups of employees). This last group includes lawyers who combine the representation of employees with practices representing plaintiffs in civil rights, civil liberties, and/or personal injury cases.

Core Courses

There are three core courses in the employment and labor law curriculum. None is a prerequisite for any other, and their subject areas are discrete. Students who expect to practice in the area should consider taking all three, as most employment lawyers' work embraces the subjects in all three. There is no particular order in which the courses should be taken: scheduling preferences should determine this.

Employment Law surveys the law regulating the fundamentals of the employee-employer relationship and examines a variety of public policy questions relating to employment standards regulation. The subjects covered may include: the common law doctrine of at-will employment and the development of contract and tort exceptions to that doctrine; statutory efforts to protect employees from wrongful discharge; the law of work-related invasions of privacy (e.g., drug-testing, genetic screening, polygraphs, etc.); the National Labor Relations Act; the regulation of employment compensation (e.g., Fair Labor Standards Act, prevailing wage laws); the regulation of workplace health and safety (e.g., Occupational Safety and Health Act). This course may also cover the Worker Adjustment and Retraining Notification Act, the Family Medical Leave Act, and workers compensation. Historically, laws protecting workers against employment discrimination were also covered in this course, but that subject has now become so enormous that it has been carved out into a separate course.

Employment Discrimination explores the legal mandate for equal employment opportunity in relation to race, color, religion, sex, national origin, age, disability and other traits. The focus is principally upon Title VII of the Civil Rights Act of 1964 and also includes the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Post Civil War Civil Rights Act, and state analogues to Title VII, such as the District of Columbia Human Rights Act. The course also discusses the evolution of employment discrimination law to address such traits as sexual orientation and transgender status. The course examines the

doctrinal and theoretical aspects of employment discrimination law through a rigorous analysis of court decisions, statutes and regulations; explores the public policy issues underlying the law of employment discrimination; and discusses the strategic and tactical approaches a practicing attorney will consider in actually utilizing these laws to represent clients. Students who wish to learn the basics of Title VII without taking an entire course devoted to discrimination in employment have the option of taking the *Civil Rights* course. That course studies the regulation of discrimination in a variety of contexts, one of which is employment.

Labor Law covers the legal issues that arise when employees are represented by a union, or seek to be represented by one. This area is largely regulated by the National Labor Relations Act, and the course constitutes an extensive examination of that statute. Subject areas include: organizing (the method by which employees elect to be represented by a union); bargaining for a collective bargaining agreement; strikes, picketing, lockouts, boycotts and other weapons deployed by the parties in support of their respective positions in collective bargaining; administration of the collective bargaining agreement once reached (with principal emphasis on the grievance and arbitration provisions that are almost always included in such agreements); and enforcement of the collective bargaining agreement in court. The course also examines the legal duties owed by unions to employees they represent.

Other Courses

The labor force participation of women is addressed in the *Gender and Sexuality*. The course also explores the prospect for legal prohibition of discrimination based on sexual orientation.

Students especially interested in the rights of people with disabilities can pursue that subject in greater detail, in *Disability Discrimination Law*. This course studies the rights of people with disabilities in a variety of contexts, but employment is a major focus.

The *Labor Arbitration Seminar* studies the process of arbitration as the parties' chosen method for resolving disputes arising under collective bargaining agreements, and includes simulations that give students exposure to the actual process of arbitrating a case.

A number of courses in the curriculum that have broader applicability than employment and labor law are nonetheless of special value to those considering a career in the field. The rights of public employees (those employed by federal, state and local governments, including police, firefighters and teachers) is a rapidly expanding field. As the "government" is the employer of these employees, they enjoy constitutional rights vis-a-vis their employers. *Constitutional Law II*, *Civil Rights*, *Federal Courts and the Federal System* and *State and Local Government Law* all are germane to representing public employers or their employees.

Practice in the field of employment and labor law involves extensive negotiation and mediation; thus, courses such as the *Negotiations Seminar*, and *Mediation Seminar* are relevant. As the field entails extensive litigation, *Evidence* and a clinic or *Trial Practice* are valuable experiences.

Students with an aptitude and interest in tax-like complexities would be well suited to practicing ERISA law (pension and welfare plans), and this is an enormously growing field providing a large number of job opportunities. ERISA is covered only very peripherally in the *Employment Law* course, but there is a separate J.D. course covering issues of

Retirement Income: Taxation and Regulation and a number of ERISA courses are offered in the graduate program.

Search Employment and Labor Law Courses (https://curriculum.law.georgetown.edu/course-search/?cluster=cluster_11)

LAW 1089 v00 Advanced Evidence: Trial Skills (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1089 v00>)

J.D. Skills | 2 credit hours

This course will bridge the gap between the academic subject of evidence and the practitioner's course of trial practice by teaching students how to use evidence as a functional tool in the courtroom. There will be brief overviews of the law, but the vast majority of this course is dedicated to teaching students through realistic examples how particular rules are used during trial and when and how to make objections. The course is structured and allocates time according to the importance of topics. For example, the evidentiary doctrine of judicial notice will be addressed, but the course will take time to examine evidentiary issues that are used in most trials, such as party admissions or business records. Through practical exercises, students will prepare arguments and defend their arguments through thoughtful researched positions (as is done in real trial work.) These practical exercises will make up the majority of the course work. Students will also learn how to lay the foundation for introducing evidence into a trial as exhibits. Once the item or document is introduced, students will learn how to effectively use the exhibits in the presentation of their case. The course will culminate in a final assignment where students learn and practice how to write, argue, and defend evidentiary motions in limine, a fundamental component of litigation practice.

Prerequisite: Evidence.

Strongly Recommended: Trial Practice.

Mutually Excluded Courses: Students may not receive credit for both this class and Trial Practice and Applied Evidence. Students may take this course and Trial Practice.

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

LAW 215 v00 Constitutional Law II: Individual Rights and Liberties (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 215 v00>)

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.** 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, especially for the law's claim of neutrality toward subordinated groups.

Note: Note for students in Professor Goodwin's section (LAWJ-215-07): Laptops may not be used during class sessions.

LAW 1916 v00 Democratizing Work Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1916 v00>)

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

This course explores the “future of work” in the context of mounting social challenges such as rising inequality, political turmoil, the climate crisis, and rapidly evolving AI technologies. Within this context, a historical debate on democratizing work is gaining steam globally. Focused on collective strength, a culture of care, and sustainability, this movement argues that shifting power to workers is key to solving longstanding issues like poverty, while also getting closer to ideals of democracy. Workers engage in a myriad of activities to shift power and accomplish these goals, including traditional labor reform, independent unions, employee ownership, and worker-owned cooperatives. While exploring these approaches, we will critically examine the relationship between political democracy and economic democracy within the workplace and beyond.

This course will feature guest speakers including academics, policymakers, community organizers, and artists who are on the cutting-edge of both theory and strategy in the areas of workplace justice, health, and economics. The core themes will focus on the intersections of race, class, and gender hierarchy. The readings and speakers will offer interdisciplinary perspectives from law, economics, political science, history, and sociology. In each class session, invited speakers will present a public lecture, followed by in depth discussion with enrolled students. This course fulfills the ILO #8 and WR requirements.

Learning Objectives:

- Critically examine the relationship between political democracy and economic democracy within the workplace and beyond (ILO)
- Critically examine the history of race, class, and gender hierarchy, and how these shape extraction, commodification, and exploitation in the context of work (ILO)
- Critically examine how the law has facilitated or reinforced the social challenges explored, such as race/class/gender inequality, poverty, precarity, and the climate crisis (ILO)
- Analyze, critique, and propose strategies to implement democratic principles and processes into mainstream business arrangements, such as corporations and nonprofits.
- Critically examine how the current social, economic, and political context present both opportunities and challenges for building solidarity and coalitions for a just society (ILO)
- Critically examine the social constructions of race, class, and gender, reflecting on why they exist and whom in society they benefit (ILO)
- Write a scholarly research paper incorporating these learning objectives (WR)
- Verbally present research arguments in a presentation

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 131 v02 Disability Discrimination Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 131 v02>)

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 150 v04 Employment Discrimination (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 150 v04>)

J.D. Course | 3 credit hours

This course explores the legal mandate for equal employment opportunity in relation to race, color, religion, sex, national origin, age, disability and other traits. The focus is principally upon Title VII of the Civil Rights Act of 1964 and also includes the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Post Civil War Civil Rights Acts, and state analogues to Title VII, such as the District of Columbia Human Rights Act. The course also discusses the evolution of employment discrimination law to address such traits as sexual orientation and transgender status. The course examines the doctrinal and theoretical aspects of employment discrimination law through a rigorous analysis of court decisions, statutes and regulations; explores the public policy issues underlying the law of employment discrimination; and discusses the strategic and tactical approaches a practicing attorney will consider in actually utilizing these laws to represent clients.

Recommended: Prior or concurrent enrollment in Evidence and Professional Responsibility.

LAW 150 v05 Employment Discrimination (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 150 v05>)

J.D. Course | 3 credit hours

This course explores the legal mandate for equal employment opportunity in relation to race, color, religion, sex, national origin, age, disability, and other protected categories. The course examines the doctrinal and theoretical aspects of employment discrimination law through a rigorous analysis of court decisions, statutes and regulations. The primary focus will be on Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, and related state and local laws. Legal readings will be supplemented with perspectives from psychology, sociology, and economics. We will also discuss the strategic and tactical approaches a practicing attorney will consider in actually utilizing these laws to represent clients.

LAW 263 v02 Employment Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 263 v02>)

J.D. Course | 3 credit hours

This course surveys the law regulating the fundamentals of the employee-employer relationship and examines a variety of public policy questions relating to employment standards regulation. The subjects covered may include: the common law doctrine of at-will employment and the development of contract and tort exceptions to that doctrine; statutory efforts to protect employees from wrongful discharge; the law of work-related invasions of privacy (e.g., drug-testing, genetic screening, polygraphs, etc.); the National Labor Relations Act; the regulation of employment compensation (e.g., Fair Labor Standards Act, prevailing wage laws); the regulation of workplace health and safety (e.g., Occupational Safety and Health Act). This course may also cover the Worker Adjustment and Retraining Notification Act, the Family Medical Leave Act, and workers compensation.

LAW 263 v03 Employment Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 263 v03>)

J.D. Course | 3 credit hours

This course examines the relationship between individual workers and their employers. Among the topics to be covered are the doctrine of employment at will and its common law modifications; employee privacy; the employer's legal rights to own or control employees' loyalty, skills, and intellectual products; wage and hour regulation; workplace health and safety; and mandatory arbitration of employment disputes. The course will not cover anti-discrimination law or labor law. Students who are considering either field as an area of practice are strongly advised to take the separate courses that focus exclusively on each of these topics.

LAW 165 v01 Evidence (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 165 v01>)

J.D. Course | 4 credit hours

This course studies the rules of evidence and the reasons underlying these rules. Included are the subjects of relevance, examination of witnesses, privileges, expert testimony, admission and exclusion of evidence, writings, the hearsay rule and its exceptions, presumptions and scientific evidence, among other subjects relating to the regulation of proof at trials.

Recommended: Prior or concurrent enrollment in Civil Procedure (or Legal Process and Society) or Criminal Procedure or Criminal Law.

LAW 165 v04 Evidence (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 165 v04>)

J.D. Course | 4 credit hours

This course is a study of the Anglo-American rules of proof, focusing on the Federal Rules of Evidence. The scope and function of the rules are examined against the backdrop of problems arising in the trial of issues of fact. Topics include relevance, impeachment, character evidence, hearsay and its exceptions, lay opinion and expert testimony, the best evidence rule and authentication.

Grades based on take-home exam (70%) and 3 quizzes. The two best quizzes are counted toward 30% of grade.

Recommended: Criminal Justice and/or Criminal Law. Students who have a question about whether their prior course in these topics will provide sufficient background may contact Prof. Rostain at tr238@georgetown.edu.

Note: Laptops may not be used during class sessions.

In Fall 2024, class will meet for three hours each week, with fourth hour of weekly course content delivered asynchronously.

LAW 165 v07 Evidence (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 165 v07>)

J.D. Course | 3 credit hours

This course is devoted to creating in the students a thorough understanding of the Federal Rules of Evidence. While cases interpreting the rules will be studied, emphasis will be placed on creating in the students such a familiarity with these Rules that the students will be able to invoke them instinctively in the mere seconds a lawyer has to object to evidence. Understanding of each rule will be developed by the students applying each Rule to realistic problems. The professor, who was a judge, will attempt to create a courtroom in the class room and to teach the knowledge that a lawyer must have to try a case competently and in accordance with the Federal Rules of Evidence.

Learning Objectives:

The learning objectives of this course are: (1) to understand the meaning and application of each of the Federal Rules of Evidence; (2) to appreciate how the courts have interpreted these Rules and what questions of their interpretation remain open and debatable; (3) to understand the restraints imposed upon the receipt of evidence by the constitutional rights to present a defense and to confront the witnesses against one self; (4) to have such a comprehensive understanding of the Rules and their application that the student will be able to object or respond to an objection to the receipt of evidence in the limited time permitted by the reality of trying a case to a jury; (5) to be able to try a case in a federal court competently because of one's knowledge of the Federal Rules of Evidence; (6) to appreciate the ethical requirement of being a competent trial lawyer and (7) to develop the knowledge necessary to be a competent lawyer in any proceeding where evidence is received.

Recommended: Civil Procedure (or the equivalent Legal Process and Society) or Criminal Procedure or Criminal Law.

LAW 165 v09 Evidence (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 165 v09>)

J.D. Course | 4 credit hours

This course will examine the rules of evidence with a particular focus on how these rules are practically applied by litigators in the courtroom. The course will focus primarily on the Federal Rules of Evidence, with additional consideration given to recent developments in constitutional law. Topics covered in this course will include relevance, hearsay (and its many exceptions), expert evidence, lay and expert opinion, character evidence, and impeachment of witness. We will consider these rules pragmatically with an eye toward crafting the most effective arguments for an audience of judges.

Learning Objectives:

1. Students will analyze case law, including a close reading of cases and apply that law to fact
2. Students will assess advocacy strategies by comparing the usefulness of different arguments in the courtroom
3. Students will practice making and responding to objections with the goal of being able to quickly make such arguments in the courtroom
4. Students will understand the policy arguments underlying the Rules of Evidence with the goal of being able to more fully understand their purpose.

Recommended: Civil Procedure (or the equivalent Legal Process and Society) or Criminal Procedure or Criminal Law.

Note: J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at 9:30 a.m. on Thursday, November 7, 2024.

LAW 165 v10 Evidence (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 165 v10>)

J.D. Course | 4 credit hours

This course studies the Federal Rules of Evidence and the application of those rules in litigation. Included are the subjects of relevance, the hearsay rule and its exceptions, examination of witnesses, privileges, expert testimony, presumptions and scientific evidence, among other subjects relating to the regulation of proof at trials.

Learning Objectives:

Provide students with a working knowledge of how the rules of evidence are applied in court so that they can use that knowledge to be better trial attorneys and to better prepare for the bar exam.

Recommended: Prior or concurrent enrollment in Civil Procedure (or Legal Process and Society) or Criminal Justice (or Democracy and Coercion) or Criminal Procedure or Criminal Law.

Note: J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at 9:30 a.m. on Thursday, July 11, 2024.

LAW 1945 v00 Evidence Stories (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1945 v00>)

J.D. Seminar | 1 credit hour

This seminar will delve into the background and scope of classic Evidence Law cases, with an emphasis on the interwoven relationship between the facts, the law, and the people involved. Systemically important cases alter the legal landscape, but every case comes from some context—somewhere, some social facts, some people, some dispute. Normative issues, including those related to equality and inequality based on characteristics such as race, class, and sex, abound. The *raison d'être* of this course is to peel back the curtain on Evidence Law classics to better see all that. The more you put into this course, the better everyone's experience will be. I hope and expect to learn from you, as well as to help you widen your knowledge of evidence law.

Prerequisite: Evidence.

Note: This seminar will meet in Spring 2025 on Fridays and Saturdays, 10:00 a.m. - 1:20 p.m. on the following dates: 1/24, 1/25, 1/31 and 2/1.

LAW 178 v02 Federal Courts and the Federal System (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 178 v02>)

J.D. Course (cross-listed) | 3-4 credit hours

This course addresses the role of the federal courts in our system of government, focusing on relevant constitutional and statutory provisions and jurisdictional doctrines and concepts. Representative topics include justiciability, congressional power to regulate the jurisdiction of the Supreme Court and lower federal courts, Supreme Court review of state court judgments, sovereign immunity, abstention, and habeas corpus.

Recommended: Constitutional Law II: Individual Rights and Liberties.

LAW 178 v03 Federal Courts and the Federal System (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 178 v03>)

J.D. Course | 4 credit hours

This course addresses the constitutional and statutory provisions, as well as the jurisdictional doctrines and concepts, that shape and limit the role played by the federal courts in our governmental system. Representative topics include Congressional power to curtail federal jurisdiction, limitations on the ability of the federal courts to enjoin state court proceedings, federal common law, the Eleventh Amendment/state sovereign immunity, federal habeas corpus, and the prerequisites for Supreme Court review of state court judgments. The primary emphasis of the course is on a critical analysis of these jurisdictional doctrines, although some time is spent on litigation aspects.

LAW 1272 v00 Gender and Sexuality ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1272 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201272%20v00))

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

This course will provide an introduction to the legal contexts and theoretical debates surrounding sex, gender, sexuality, and their intersections. We will explore the way gender and sexuality have been debated, defined, and redefined in the contexts of gender identity and performance, sexual pleasure, reproductive rights, sexual violence, marriage, family organization, work, and education. In these contexts we will consider the evolution of the law, the discursive effects of law, and the ways feminist and queer theorists have challenged and reimagined prevailing legal rules and cultural norms. In short, the class will probe the ways that law is gendered, sexualized, and raced, and with what overall effects on social institutions and practices.

Key topics will include:

- The Mutual Influence of Identitarian Politics and Law
- Constitutional Law of Sex Equality, Liberty, and Religious Objection
- Regulation of Sexual Conduct
- Regulation of Reproduction
- The Evolving Meanings of Marriage & Family
- Sexual Harm & Consent
- Gender & Sexuality at Work, School and other Institutions

Strongly Recommended: Constitutional Law II.

LAW 565 v00 Globalization, Work, and Inequality Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 565 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20565%20v00))

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

A backlash against globalization has emerged in advanced economies as a result of job loss, wage stagnation, precarious work and economic insecurity for the middle class. The liberal globalization of the last three decades is under attack for the unequal distribution of its gains and its failure to provide better opportunities for ordinary working people. Reimagining the global economy will require placing work front and center. This seminar will explore the changing nature of the workplace due to global competition and technological change. It will examine important policy debates about how best to create jobs, improve working conditions, and promote economic growth and well-being. We will analyze how a variety of factors, such as new modes of production and technologies, increasing participation of women in the economy, widespread migration flows, increasing global trade and capital mobility, and the rise of informal economies challenge the assumptions underlying traditional labor and employment regulation in both developed and developing countries. We will consider an array of innovative attempts – national, international, transnational, public, private and mixed – to improve workplace conditions and assure employment opportunity consistent with economic growth and stability. We will also inquire about the moral and political commitments associated with various approaches.

There are no prerequisites. All students are welcome.

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 J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1714 v00 Labor Law and the Changing US Workforce Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1714 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201714%20v00))

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

This is a 2- credit seminar examining modern day labor law interpretation and enforcement, with a particular focus on how the National Labor Relations Act, an eight decade old statute, is being applied to the 21st century workforce. This course will examine the application of National Labor Relations Act (NLRA) to the private sector workforce under Obama, Trump and Biden administrations. This will involve a study of the uniquely described “gig” workforce, joint employer status, independent contractors, graduate students, contingent and immigrant workers and others. The course will explore the impact of working under modern business models, technological advancement, electronic communication and the effect of social media. We will examine the effectiveness of protections afforded to employees exercising their rights to address terms and conditions of employment, through their unions, and in non unionized workplaces by means of employee collective action. We will study how the Boards of several recent administrations applied the NLRA in this modern age. We will also examine how a change in administration has affected the way the NLRA is interpreted and enforced.

The course is organized into general topic areas; in each two- or three-week unit we will focus on a particular issue, such as:

- statutory framework of the NLRA and its rights and limits
- concerted activity for mutual aid and protection.
- the “gig” economy, students, immigrants, contingent workers.
- identifying who is classified as an employee and employer.

There are no prerequisites although labor law is recommended.

Course Goals

By the end of the semester, students should be able to do the following:

- Demonstrate a general understanding of the impact that modern business models, technological advancement, electronic communication and changing administrations has on how laws are interpreted and applied to the modern workforce.
- Recognize how the NLRB and other agencies charged with providing worker protections have changed over time and understand what has driven those changes.
- Critically assess legal and historical scholarship on the NLRB and courts’ role in interpreting and enforcing the labor laws.
- Critically assess the structure and intent of key elements of the NLRA and its effectiveness in the modern workplace.
- Respond constructively to classmates’ questions, comments, and ideas.

Recommended: Labor Law or Employment Law.

LAW 1910 v00 Labor Law and the Marginalized Worker Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1910 v00>)

J.D. Seminar | 2-3 credit hours

The innovations of modern technology notwithstanding, the American Economy has succeeded substantially through the labor and sacrifices of its workforce. In recognition of this vital component of America's economic structure, laws were created for the stated purpose of regulating, accommodating, and facilitating peaceful labor management relations. While these laws and systems were not a panacea, certain workers found relief from many workplace inequities. However, right from the beginning, certain other workers did not and would not find such relief. Was this failing by design, poor conception and execution, or something else? This seminar is an examination of select modern labor systems, their laws, and the effect on the marginalized worker in the United States.

A central theme in this course is the exploration of how the systemic structure of laws on the federal, state and local level defined where people of different races, gender and/or ethnicities could live and subsist. As we will see, many of these laws mirrored the oppressive objectives of the times and often served to perpetuate inequities either through categorical exclusions or intentional omission. Students will also explore how the impact of these laws have affected the modern workforce.

Learning Objectives: By the end of this course, the student will be able to describe and discuss the major federal laws and policies that have shaped worker rights and protections in the United States. It is my hope that the student will gain a critical understanding of how a history of institutionalized discrimination and segregation shaped the laws that, in some cases, failed to protect workers of a particular race, class or gender; and in other cases, served to perpetuate the marginalized state of these workers.

Recommended: Labor Law: Union Organizing, Collective Bargaining, and Unfair Labor Practices.

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 264 v03 Labor Law: Union Organizing, Collective Bargaining, and Unfair Labor Practices (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 264 v03>)

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.

LAW 264 v04 Labor Law: Union Organizing, Collective Bargaining, and Unfair Labor Practices (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 264 v04>)

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

J.D. Seminar | 2 credit hours

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

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

The final grade for the seminar will be based on three components (this class does not have a final examination): (1) class participation, including discussion and simulation exercises; (2) a 5-page post-course reflective journal, and (3) a final 10 to 15-page paper creating a mediation advocacy plan addressing a current or recent conflict or dispute in the news. Additional instructions on these graded components will be provided in the course syllabus and in class.

Learning Objectives:

Through this course, students will:

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

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

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

LAW 322 v50 Mediation Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 322 v50>)

J.D. Seminar | 3 credit hours

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

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

Learning Objectives:

In this skill-building course you will:

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

Prerequisite: Contracts or Bargain, Exchange, and Liability.

Strongly Recommended: Negotiations Seminar.

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

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

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

LAW 1606 v00 Motherhood and the Law Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1606 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201606%20v00))

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

This course will examine society's notions of motherhood and how various laws affect becoming and being a mother. Specific topics include laws that affect reproduction, pregnancy, leave from work following childbirth, parenting decisions, when to legally punish mothers and lastly navigating motherhood and professional identity as a lawyer. Some of the questions that will run through this course include:

1. Given the importance of caring for children, how should the law construct expectations of parenthood?
2. How does the law shape our notions of the responsibility of motherhood?
3. Is there common ground among political opponents on issues related to law and motherhood?
4. What laws should be implemented to better support mothers in the United States?

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

J.D. Seminar | 3 credit hours

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

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

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

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course's in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded. **NOTE: In the Fall 2022 semester, this course will take place online via Zoom.**

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

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

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

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

Through in-class negotiation exercises, students will develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication. Class lectures and discussions will focus on such topics as the difference between competitive and integrative bargaining, the psychological and ethical dimensions of negotiations, and the importance of context in choosing negotiation strategies. Students will be videotaped while conducting at least one of their negotiations, followed by instructor evaluation and feedback.

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

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

Learning Objectives:

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

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Negotiations Seminar, Negotiations Seminar (LLM), Negotiations Seminar (LLM - Week One), Mediation Seminar, or Mediation Advocacy Seminar.

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

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

LAW 317 v01 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v01](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v01))

J.D. Seminar | 3 credit hours

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

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

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

Learning Objectives:

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

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

Recommended: Contracts, Torts, Civil Procedure.

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

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

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in

LAW 317 v04 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v04](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v04))
J.D. Seminar | 3 credit hours

This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students' negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class (one simulation of approximately three hours between the two weekend classes). The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations (both bi-lateral and multi-lateral), to identify and experiment with individual negotiating styles, to deal with impasse and difficult situations, and to raise ethical and practical questions. Simulations are taken from a variety of practice areas, including community, commercial, environmental, interpersonal, litigation, and transactional disputes. The effect of culture, power, and attitude toward conflict will be explored.

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

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

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

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

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

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course's in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded. **NOTE: In the Fall 2022 semester, this course will take place online via Zoom.**

LAW 317 v14 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v14](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v14))
J.D. Seminar (cross-listed) | 3 credit hours

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

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

Grades will be based on:

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

Learning Objectives:

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

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

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

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

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

LAW 317 v21 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v21](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v21))
J.D. Seminar | 3 credit hours

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

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

Learning Objectives:

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

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

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

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

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

Note: Note for the Summer 2022 section: This simulation course is open to LL.M. students, space permitting. Interested LL.M. students should

LAW 317 v22 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v22](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v22))
J.D. Seminar | 3 credit hours

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

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

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

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

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

LAW 317 v28 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v28](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v28))
J.D. Seminar | 3 credit hours

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

The seminar will meet for five sessions spread over two weekends. Attendance at all sessions is mandatory. Between weekend sessions, students will conduct a negotiation with a classmate and write a short (1-2 pages) self-critique about the experience. In addition, a final paper (10-15 pages) is required, in which students should demonstrate that they have learned the concepts, principles, and theories from lectures, readings, and exercises.

Grades will be based on:

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

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

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

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

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

LAW 317 v53 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v53](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v53))
J.D. Seminar | 3 credit hours

This course will introduce the frameworks and tools critical for effective negotiation. The pedagogy is primarily experiential and interactive. In this course, we will learn from one another. Most class sessions will consist of a brief lecture followed by hands-on simulations, exercises, and group discussions. We will cover a myriad topics including but not limited to – value creation, value distribution, principal-agent tension, dealing with difficult tactics, advanced listening, and facilitating difficult conversations. In the latter half of the course, we will begin to explore the intersection of equity and negotiation. Building on the interest-based framework, we will consider how and why one might seek to embed procedural and substantive equity in their negotiations. Critical to success in this course is intentional engagement and robust self-reflection: students rigorously review their performance through in-class discussions, out-of-class journaling, and peer-to-peer feedback. The capstone project will be a final paper.

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

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

There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course's in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.

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

Course Description:

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

Course Goals:

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

- teach the theory and principles of negotiation;
- develop negotiation skills;
- allow you to experiment with a variety of negotiating techniques in different contexts;
- help you recognize and handle ethical issues in negotiation;
- introduce you to alternatives to negotiation; and
- allow you the opportunity to explore your individual style, reactions, and attitudes toward conflicts.

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

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

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

LAW 317 v55 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v55](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v55))
J.D. Seminar | 3 credit hours

As a lawyer, you will probably negotiate more than you do anything else. You will negotiate not just over cases, but any time that you need something that you cannot get alone. You will negotiate with your boss, your clients, your paralegal, and all of their counterparts (plus the lawyers) on the other side. You will negotiate with "the system" whether it is the court, the government, the structure of society, or the law. You will also continue to negotiate with your family, your friends, and yourself.

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

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

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

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

Grades will be based on:

- Class participation (30%)
- Written feedback to fellow students (10%)
- Planning Memo (20%)
- Midterm "Right Speech" Paper (20%)
- Final reflection paper (20%)

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

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

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

LAW 317 v57 Negotiations Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 317 v57](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v57))
J.D. Seminar | 3 credit hours

This course will introduce the frameworks and tools critical for effective negotiation. The pedagogy is primarily experiential and interactive. In this course, we will learn from one another. Most class sessions will consist of a brief lecture followed by hands-on simulations, exercises, and group discussions. We will cover a myriad topics including but not limited to – value creation, value distribution, principal-agent tension, dealing with difficult tactics, advanced listening, and facilitating difficult conversations. In the latter half of the course, we will begin to explore the intersection of equity and negotiation. Building on the interest-based framework, we will consider how and why one might seek to embed procedural and substantive equity in their negotiations. Critical to success in this course is intentional engagement and robust self-reflection: students rigorously review their performance through in-class discussions, out-of-class journaling, and peer-to-peer feedback. The capstone project will be a final paper.

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

Note:

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

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

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

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

LAW 712 v00 Rethinking Securities Regulations & the Role of the SEC ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 712 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20712%20v00))

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

Crisis often brings change. The stock market crash of 1929 prompted Congressional hearings that eventually produced revolutionary legislation: the Securities Act of 1933, which regulated U.S. securities offerings; and the Securities Exchange Act of 1934, which regulated securities markets and established the SEC. Like the financial meltdown 80 years ago, the recent financial crisis has sparked a critique of the U.S. financial regulatory system. Having witnessed a Ponzi scheme of unprecedented magnitude and the near decimation of venerable Wall Street firms, scholars, lawmakers, regulators, and investors have questioned the appropriateness of our current regulatory framework and the role of the SEC.

The first part of the course will focus on understanding the events that prompted the 1933 Act, the 1934 Act, the Investment Company of 1940, the Investment Advisers Act of 1940, and the establishment and growth of the SEC. Perhaps not surprisingly, many of those same policy considerations are driving current discussions within the Commission, in Congress, and in the Administration. The second part of the course will examine particular aspects of securities regulation from both substantive and organizational viewpoints, including the regulation of public companies, investment companies, and investment advisors, with an emphasis on the inner workings of the SEC. We will study the current functions played by the Commission's various divisions and offices as we explore the pros and cons of the existing regulatory architecture and the initiatives under consideration at the SEC and within Congress. The final segment of the course will focus on the future of the SEC and financial regulation in the U.S. We will review reform proposals and other ideas for reorganizing the system. We will have speakers including present and former senior officials from the SEC and the financial industry.

This course is open to both JD and LLM students and is recommended for students who wish to gain a deeper understanding of the SEC or may be considering an externship with the Commission.

Prerequisite: Prior or concurrent enrollment in Securities Regulation.

LAW 417 v09 Sports Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 417 v09>)

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

Sports law is hard. A sports lawyer knows something about torts, contracts, antitrust, labor law, intellectual property, and telecommunications/internet law. A sports lawyer's practice consists of litigation, transactional work, and regulatory work. A sports lawyer knows the law, legal strategy, and ethics. A sports lawyer is incredibly specialized in her knowledge and, yet, winning and losing comes down to good lawyering.

Sports lawyering is not what you saw in the movie *Jerry Maguire*. The agent-player relationship is just a tiny fraction of sports lawyering. This class seeks to broaden the concept of sports law to anything related to the business, law, and regulation of sport.

Be prepared to learn a lot of antitrust and labor law and a lot of doctrine. But also be prepared to look at many issues in the national news – from Tom Brady's suspension for deflating footballs to the NLRB's ruling that Northwestern football players cannot unionize – through the lens of the law. The issues are hot off the presses (or espn.com, deadspin.com, or si.com). The class will be a lot of fun. Where else do you get to talk about sports in class, argue cases and issues, and learn some black letter law while you are doing it?

This class will combine doctrinal concepts with how to be a real sports lawyer by arguing cases, either pending or already decided, in class. Each student will be assigned a five-minute oral argument to introduce a case. The class will serve as the judges. *These arguments are mandatory.*

Recommended: Antitrust Law (or Antitrust Economics and Law.)

LAW 3134 v00 The Intersection of Employment and National Security Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3134 v00>)

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

Federal employees and contractors safeguard our nation's most sensitive information and secrets. However, many do not consider that national security is a major consideration when employing civil servants or making decisions regarding their continued employment. As of 2017, over 4.3 million Americans possess a security clearance and even more have access to sensitive, unclassified information. Security clearances and suitability reviews assess the reliability, trustworthiness, and character of prospective employees.

Because security clearance and suitability adjudications often determine whether a person is hired - and in some cases, fired - they invoke the application of employment protections under laws such as Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act Amendments Act of 2008. The decision to deny employment based on a security clearance or suitability decision is considered an adverse action. While some actions are subject to judicial and/or administrative court review, others are not. Therefore, executive orders, federal regulations, and agency guidance are necessary to ensure that vetting is both thorough and fair. In the last decade, courts and agencies have grappled with issues ranging from discrimination to the stigmatization of mental health issues in security clearance and suitability adjudications.

This course will examine the intersectionality of national security issues and employment; specifically, how national security concerns shape vetting in federal employment from security clearances to suitability reviews. Moreover, it will serve as an introduction to understanding the interplay of federal case law, executive orders, federal regulations, and agency guidance in this area.

LAW 351 v01 Trial Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 351 v01>)

J.D. Seminar | 2 credit hours

This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

Learning Objectives for Professors Last and Howard:

During the course, you will learn to develop a persuasive case theory, structure and deliver opening statements and closing arguments, and conduct effective direct and cross-examinations. You will also learn how to lay proper foundations to admit exhibits and other evidence at trial and to object to your opponent's exhibits, evidence, and arguments. By the end of the course, you should have developed a sense of your personal courtroom style, an understanding of courtroom mechanics, and an appreciation of what it means to be a trial lawyer. Our goal is for you to have developed useful, basic advocacy skills to begin your legal careers.

Learning Objectives for Professor McKenzie and Morgan:

Through this course, you will learn to develop a persuasive case theory, to structure and deliver opening statements and closing arguments, and to conduct effective direct examinations and cross-examinations. You will also learn to introduce exhibits in court, develop expert testimony, and make objections. A principal goal of this course is to help you to develop a courtroom style that reflects your personality and that is credible and persuasive. By the end of the course, you should develop a sense of your personal courtroom style, an understanding of courtroom mechanics, and an appreciation of what it means to be a trial lawyer.

Learning Objectives for Professors Williams, Glick, and McCarrick:

Students will develop an understanding of the trial process, from its foundational principles and processes through the mechanics of jury selection, opening statements, witness examinations, and closing arguments.

Prerequisite: Civil Procedure (or Legal Process and Society); Criminal Justice (or Democracy and Coercion, or Criminal Procedure); Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Evidence: Trial Skills; Civil Litigation Practice; Patent Trial Practice; and Trial Practice and Applied Evidence.

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

Note for Professors Williams, Glick, and McCarrick's course: FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. To ensure that late withdrawals do not prevent a student on the waitlist from filling a course opening, students may not withdraw from this class after the add/drop period ends without the permission of the professor. Note for Professors Durham and Poteat's course: 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

LAW 351 v06 Trial Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 351 v06>)

J.D. Seminar | 2 credit hours

This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

Learning Objectives:

This is a practical course. The objective is to have students acquire the basic skills for trying a case including making an opening statement and a closing argument and doing direct and cross examination.

Prerequisite: Civil Procedure (or Legal Process and Society) and Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Evidence: Trial Skills; Civil Litigation Practice; Patent Trial Practice; and Trial Practice and Applied Evidence.

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

LAW 351 v07 Trial Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 351 v07>)

J.D. Seminar | 2 credit hours

This course is taught by two adjunct professors, one of whom is a sitting trial judge. Both professors have extensive litigation and trial experience and currently instruct law students and lawyers through the National Institute of Trial Advocacy (NITA) to be effective trial advocates. The classroom is just a few blocks from the Law Center campus. Students will be learning "on their feet" in a DC SUPERIOR COURT courtroom, which provides a unique opportunity to practice the art of trial advocacy. This course blends practical and rigorous exercises culminating in a mock trial, with regular class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Instructors in this course emphasize many different trial aspects, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. Guest lecturers present demonstrations in the use of technology in a trial courtroom. The course is designed especially for students who wish to obtain some trial experience but lack the time and interest to enroll in a litigation clinic. Note: Some sections of this course may require an extended class or extra meetings outside of class to accommodate the mock trial as a final exam. Come join us!

Prerequisite: Evidence.**Mutually Excluded Courses:** Students may not receive credit for both this course and Advanced Evidence: Trial Skills; Civil Litigation Practice; Patent Trial Practice; and Trial Practice and Applied Evidence.**Note:** This course is only open to J.D. students.

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

LAW 351 v08 Trial Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 351 v08>)

J.D. Seminar | 2 credit hours

This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

Learning Objectives:

In this practice-oriented course, students try three civil cases. Students act and are treated as counsel, and work with motions in limine, jury selection, opening statements, direct and cross-examination of lay and expert witnesses, demonstrative evidence, and closing arguments. The course emphasizes jury persuasion, exhibits, courtroom tactics and demeanor, and adapting to trial judges of varying demeanors. Students not assigned as trial counsel serve as witnesses and jurors. Proceedings are conducted pursuant to the Federal Rules of Civil Procedure and Evidence.

Students are assigned to teams, but a student's final grade will be based upon that individual's presence, punctuality, preparation, participation, and performance, with emphasis upon the progress observed throughout the semester. Students are encouraged to set and share personal goals to facilitate assessments throughout the semester. Assessments are necessarily subjective, with preparation, participation, performance, and progress weighted most heavily. Lack of participation is the greatest detriment to a "good" grade, because it makes preparation and progress difficult to perceive. Students may be given mid-semester feedback upon request.

This Section is for the student who (a) wants to experience trial practice in a true-life setting; (b) is a self-starter wanting to learn actively, through doing, not passively, through "how to" lectures; (c) is able to stay in role, as a lawyer or witness, and to hold questions or comments until the trial exercise has completed; (d) is able to give and receive constructive criticism; and (e) understands the value of learning through a group's exchange of ideas.

Prerequisite: Civil Procedure (or Legal Process and Society) and Evidence.**Recommended:** Concurrent enrollment in a professional responsibility course.**Strongly Recommended:** Prior enrollment in a professional responsibility course.**Mutually Excluded Courses:** Students may not receive credit for both this course and Trial Practice and Applied Evidence or Patent Trial Practice.**Note:** This course is only open to J.D. students.

Students may not withdraw from this class after the add/drop period ends without the permission of the professor. J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at 9:30 a.m. on Thursday, November 7, 2024.

LAW 351 v12 Trial Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 351 v12>)

J.D. Seminar | 2 credit hours

This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use video as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

Prerequisite: Civil Procedure (or Legal Process and Society); Criminal Justice (or Democracy and Coercion, or Criminal Procedure); Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Trial Practice and Applied Evidence or Patent Trial Practice.

LAW 351 v13 Trial Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 351 v13>)

J.D. Seminar | 2 credit hours

This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

Learning Objectives:

The purpose of this course is to orient students with the basics of trying a civil or criminal case. We will cover topics such as developing the theme of the case, picking a jury, opening statements and closing arguments, direct and cross examinations, witness preparation, proffers of evidence, handling exhibits, the use of expert witnesses, and the use of jury instructions. The goal is prepare students to prepare and try cases in state and federal courts.

Strongly Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Trial Practice and Applied Evidence or Patent Trial Practice.

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

LAW 351 v14 Trial Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 351 v14>)

J.D. Seminar | 2 credit hours

This course is taught by two adjunct professors who have extensive trial and litigation experience and years of instructing law students and lawyers to be effective trial advocates, both having served as former Assistant United States Attorneys, and with Prof. Sharpe having served as the Presidentially appointed U.S. Attorney for the District of the Virgin Islands. This course blends class discussions of trial techniques, strategy, and ethics with rigorous on-your-feet exercises culminating in a mock trial. Students will implement their skills by participating in a series of mock trials, where they will act as witnesses and attorneys. Various trial challenges will be addressed in this course, including those involved in jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require an extended class or extra meetings outside of class to accommodate the mock trial as a final exam.

Prerequisite: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Evidence: Trial Skills; Civil Litigation Practice; Patent Trial Practice; and Trial Practice and Applied Evidence.

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

J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at 9:30 a.m. on Thursday, July 11, 2024.

LAW 1245 v00 Trial Practice and Applied Evidence ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1245 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201245%20v00))

J.D. Skills | 3 credit hours

This course is a traditional “Trial Practice” course with an additional credit hour to permit examination of the nuances of how some key aspects of the Federal Rules of Evidence are applied in a courtroom setting. The class combines rigorous civil and criminal mock trial exercises, demonstrations, and class discussion to enable students to develop both trial skills and an increased understanding of evidentiary rules. The course focuses on opening statements, direct and cross examination, making and opposing objections, handling exhibits, expert testimony, impeachment and rehabilitation, and closing argument. In addition, the course includes detailed examination and application of the rules of evidence regarding hearsay and hearsay exceptions (FRE 801-807), character and impeachment (FRE 404-406 and 607-609) and other issues, such as methods of refreshing recollection (FRE 612) and the use of prior statements by witnesses (FRE 613). There will also be exercises on opinions and expert testimony (FRE 701-706). The course is designed especially for students who wish to develop some trial experience but lack the time to enroll in a regular litigation clinic and those who wish to improve their understanding of the nuances of the rules of evidence. Note: This course may require extended classes or extra meetings outside of class to accommodate a mock trial.

Learning Objectives:

Students will learn how to prepare and present opening statements and closing arguments. In addition, they will learn to prepare and conduct direct examination and cross examination of a wide variety of witnesses. They will also learn how to impeach and rehabilitate witnesses and how to introduce and oppose the introduction of witnesses. Throughout the course, students will learn how to apply the Federal Rules of Evidence and develop a fuller understanding of those rules.

Prerequisite: Evidence; Civil Procedure (or Legal Process and Society); Criminal Justice (or Democracy and Coercion, or Criminal Procedure).

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Evidence: Trial Skills; Trial Practice; or Patent Trial Practice.

Note: Enrollment is limited to J.D. students only.

FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. To ensure that late withdrawals do not prevent a student on the wait list from filling a course opening, students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 191 v02 Workers Rights & Globalization Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 191 v02](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20191%20v02))

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

The law of work is an increasingly important aspect of the global economy. Knowledge of this subject is useful in representing companies, unions, employees, governments and non-governmental organizations. Themes developed in the course also are central to understanding the relationship between law and globalization more broadly. We will study hard and soft law in the various forms in which it operates trans-nationally, including domestic law with foreign effects; public and private international law, such as human rights and trade law; and private codes of corporate social responsibility. The International Labor Organization (ILO), which is a touchstone in the course, is an especially interesting institutional case study. It is the world’s oldest international organization, with 180 member countries giving it near-universal representativeness, and its inclusion of governing roles for civil society groups – unions and employer associations – makes it unique among international institutions. Attention will be given to subordination of documented and undocumented migrants, women, and child laborers.

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.

Full-time and visiting Faculty

Llezzie Green
Mark Gaston Pearce
Brishen Rogers
Alvaro Santos
Jamillah Bowman Williams