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 the Law. The course also explores the prospect for legal prohibition of discrimination based on sexual orientation, which is also studied in Sexual Orientation and the Law.

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
Employment and Labor Law

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

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

LAW 1474 v00 Advanced Civil Rights: The Civil Rights Act of 1964, The Frontiers of Civil Rights Enforcement and the Next Fifty Years (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201474%20v00)

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

Strongly Recommended: Constitutional Law I and Employment Discrimination.

LAW 1089 v00 Advanced Evidence: Trial Skills (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201089%20v00)
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. While there will be brief overviews of the law, 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.

Instead of attempting to organize the course using the numerical structure of the rules of evidence, 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 nowhere in depth as doctrines that are used in most trials, such as party admissions or business records.

Through practical exercises, based on real cases where an evidence ruling was the central issue, students will prepare arguments and defend their arguments. Not the cursory: "objection, your honor, hearsay," but rather a thoughtful researched argument (as is done in real trial work.) These practical exercises will make up the majority of the course work.

In addition, where applicable, doctrines are broken down into lists of elements where students can 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. Students will also learn, and practice how to write, argue, and defend motions in limine, an extremely important skill that most students never learn about until they are handed their first real case after graduation.

Prerequisite: Evidence.

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. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class.
Learning outcomes. You should learn at the highest level of proficiency 1) topics listed in the primary syllabus and the theories and policies justifying them, 2) methods used by attorneys in the area of civil rights for finding or developing "law," 3) professional skills (such as case analysis, potential case evaluation, how to listen and take notes, how to speak in public) used by attorneys in the area of civil rights, and 4) how to appreciate your own biases and limitations in doing all the above. The primary course evaluation is by the final exam.

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

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

LAW 215 v00 Constitutional Law II: Individual Rights and Liberties

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 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. Coverage will include the Second and Ninth Amendments. Internet access on any device is not allowed during class; all laptop use is disallowed in Professor Barnett’s course.

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.
LAW 263 v02 Employment Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20263%20v02)
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.

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

LAW 165 v01 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v01)
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 v03 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v03)
J.D. Course | 4 credit hours
This course provides a general survey of 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 the equivalent Legal Process and Society) or Criminal Procedure or Criminal Law.

LAW 165 v04 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v04)
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.

In-class final exam.

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: Laptop use is not permitted.

LAW 165 v07 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v07)
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 v08 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v08)
J.D. Course | 2 credit hours
In this course we will study the basic rules and principles of American evidence law, focusing primarily on federal law (the Federal Rules of Evidence and cases interpreting them). Topics covered will include: relevance, the hearsay rule and its exceptions, character and propensity evidence, examination and impeachment of witnesses, authentication and best evidence rules, privilege, unfair prejudice, and some of the constitutional questions that arise in connection with evidence.

Recommended: Prior or concurrent enrollment in Civil Procedure (or Legal Process and Society) or Criminal Procedure or Criminal Law.
LAW 165 v09 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v09)
J.D. Course | 3-4 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.

LAW 165 v10 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v10)
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 Procedure or Criminal Law.

LAW 178 v02 Federal Courts and the Federal System (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20178%20v02)
J.D. Course (cross-listed) | 3 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.


LAW 1272 v00 Gender and Sexuality (http://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, and work. In each context we will canvas the evolution of the law as well as consider how feminist and queer theorists have conceptualized gender and sexuality in order to reimagine and critique 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 influence of identitarian politics on law and vice versa
- Regulation of Sexual Conduct
- Regulation of Reproduction
- The Meanings of Same Sex Marriage
- Sex, Law & Consent
- Gender & Sexuality at Work
- Equality, Stereotypes, and Pregnancy
- Sexual Harassment

Students will be graded primarily on the basis of a take-home exam at the end of the semester with some consideration of class participation. There may also be short response/essay papers or small group projects required.

Strongly Recommended: Constitutional Law II.

Mutually Excluded Courses: Students may not receive credit for this course and Sexual Orientation and the Law: Selected Topics in Civil Rights.
LAW 1624 v00 Gender and the Political Economy Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201624%20v00)
J.D. Seminar | 2-3 credit hours
This seminar will examine the relationship between the regulation of gender and the political economy of liberal states. The goal of the seminar is to help students acquire tools that can illuminate the economics and distributional consequences of regulating gender, especially in a global context.

In the first part of the seminar we will study different theories of gender and gender relations, focusing especially on feminist and post-modern perspectives. We will also develop a basic understanding of economic theories and their implicit or explicit understanding of gender, especially in regards to the family and its regulation. Finally, we will look at the emergence of the basic legal split between the family, the market and the state in a historical perspective. In the second part of the seminar we will delve deeper into selected topics that will help us observe some of the theoretical ideas about gender and the political economy in action. Topics will include: the regulation of paid and unpaid care work, the family business, the organization of the welfare state, sex work and human trafficking, reproductive markets, gender in economic development.

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 191 v02 International Labor and Employment Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20191%20v02)
J.D. Course | 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.

LAW 262 v00 Labor Arbitration Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20262%20v00)
J.D. Seminar | 3 credit hours
Arbitration has played a prominent role in American labor relations since its strong endorsement by the Supreme Court in 1957 in the Lincoln Mills decision. The procedure is viewed by many as the mainspring of the collective bargaining agreement, providing a means of dispute resolution without a strike. Sometimes arbitration is used to resolve deadlocked contract negotiations; more frequently, it is used to resolve employee grievances. The customary advantages of the process are speed, economy, finality, and privacy. Although this seminar focuses on labor and employment arbitration, many of the principles and practices apply as well to commercial arbitration. The seminar explores fully the arbitration process—how it works; how arbitrators function and what standards and rules they apply; and whether the customary advantages remain valid. Special attention is given to practice and procedure in the labor arbitration hearing. Arbitration cases or arguments are simulated, and each student participates as witness, counsel, or the arbitrator. Independent of the simulations, a serious research paper is required.

J.D. Course | 3 credit hours
This course surveys the judicial and administrative regulation of labor relations in the United States. After gaining a brief historical perspective, students examine in depth the rights conferred and duties imposed upon employees, unions, and employers by the National Labor Relations Act, as amended. The focus is upon the rights of employees to select a union to represent them in dealings with their employer; rules governing union organizational campaigns; collective bargaining between unions and employers; the economic weapons available to influence the outcome of regulating gender, and the political economy of liberal states. The goal of the seminar is to help students acquire tools that can illuminate the economics and distributional consequences of regulating gender, especially in a global context.

Note: The internet may not be used during class sessions.
The subject of labor law deals principally with the relationship between employers and unions. The course therefore deals with issues that arise daily, inasmuch as there are always ongoing union organizational campaigns, collective bargaining disputes, strikes, lockouts, grievance-arbitrations, and related matters. 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 law firms.

This course will survey the National Labor Relations Act. We will cover the scope of employee rights to engage in union activities; 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.

The course also covers employee rights to engage in group activities, even in the absence of a union.

This seminar is an intensive, immersive, skills-oriented course designed around a simulated mediation of a complex civil dispute involving a small, tight-knit community, devastated by a mudslide. This mudslide is (perhaps) caused by the actions of the major employer in the community – a family-owned lumber business that employs many community members. 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 12-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 or the Negotiations and Mediation Seminar.
LAW 322 v03 Mediation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20322%20v03)
J.D. Seminar | 3 credit hours
This seminar is an interactive course designed to teach the practice and principles of mediation. The course will explore the mediation process from multiple perspectives, including disputants, advocates and mediators. Particular emphasis will be placed on how to be an effective advocate during the mediation process. The course is designed to allow students to develop proficiency in mediation, both from a strategic and behavioral perspective. The effect of culture, power, and individual attitudes toward conflict will be explored. The class will address practical and ethical questions which surround the use of mediation as a dispute resolution mechanism. Hybrid mediation processes and current issues in mediation will also be explored.

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

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

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

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

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

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

LAW 322 v06 Mediation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20322%20v06)
J.D. Seminar | 3 credit hours
In this skills-building course, you will develop an in-depth knowledge of the practice and principles of mediation. Emphasis is on learning the skills used by mediators, but also on becoming an effective advocate of a party in mediation. Class sessions will be devoted to a combination of lectures, mediation simulations, discussions, and videotaped mediation topics. Grades will be based upon: (1) the quality of class participation; (2) short written assignments; and (3) a final paper.

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

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

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

Students will spend much of their time in a series of mediation exercises and simulations. The simulations will give students the opportunity to learn from their own experience and feedback from other mediation participants. Students will experience the roles of mediator, counselor, and party in various simulations. 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.
LAW 322 v50 Mediation Seminar
http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20322%20v50
J.D. Seminar | 3 credit hours
Mediation skills have become essential for attorneys working in all areas of practice, whether in transactional or litigation settings, as clients demand cost-effective ways to resolve problems. Many courts require litigants to attempt resolution prior to trial. In this skills-building course, you will develop an in-depth knowledge of the practice and principles of mediation. Emphasis is on learning the skills used by mediators, but also on becoming an effective advocate for a party in mediation. Special focus is placed on planning for a mediation, for mediators and attorneys/clients, with takeaway materials to use in practice after law school. Several simulations will devote enough time to practice these skills in a full mediation.

Class sessions will be devoted to a combination of lectures, preparation for and participation in mediation simulations, discussions, and videotaped mediation topics. Grades will be based upon: (1) the quality of class participation (30%); (2) planning documents and short written assignments (40%); and (3) a 10-page paper evaluating a mediation scenario (30%). Students will be graded on their planning, but not on the outcomes of the mediation simulations.

Prerequisite: Contracts or Bargain, Exchange, and Liability.

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

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

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS (from 9:00 a.m. - 4:30 p.m.). All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. FAILURE TO ATTEND A CLASS OR PORTION WILL RESULT IN NO CREDIT FOR THIS COURSE. No electronics are permitted in the classroom, unless directed by the professors. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course. Students in this course may be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty's request on behalf of enrolled students. This additional fee will be placed directly on a student's account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.

LAW 1480 v01 Negotiations and Mediation Seminar
http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201480%20v01
J.D. Seminar | 3 credit hours
This seminar will focus on negotiation and mediation theory and practice as applied in a variety of legal settings. Students will study multi-disciplinary theories of negotiation and mediation through readings by Roger Fisher, Carrie Menkel-Meadow, Howard Raiffa, Robert Mnookin, David Lax and James Sebenius, Leonard Riskin and others, and will put these theories into practice through a series of negotiation and mediation simulation exercises. Students will be exposed to the wide range of legal, ethical, and practical issues that must be addressed by lawyers when representing clients in negotiations and mediations, and they will gain the tools necessary for creative problem-solving when resolving legal disputes. Students will have the opportunity to participate in role-play exercises as disputants, attorneys, negotiators, mediators and facilitators. Exercises will be designed around ethical issues, coalition-building, creativity, and diversity issues. One-on-one and multiple-party simulation exercises will be based on business, criminal, family, civil rights, and employment cases, as well as on community and public disputes. One of the simulated exercises will be videotaped, and students will also participate in a negotiation via email. Additionally, students will have the opportunity to observe an actual court-based mediation session in D.C. Superior Court. The seminar will meet once a week for three hours. Student evaluation will be based on several short writing assignments, class participation, and a paper due at the end of the semester.

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

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

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

There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course's in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.
the last class for this specific course. The start of the second class meeting. Withdrawals are permitted up until student submits a written request to the Office of the Registrar prior to will be refunded the amount. Students approved to withdraw will not be enrolled in the course, whichever is later. Students who drop the course Fall courses) or December (for Spring courses), or as soon as you are

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

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

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

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

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

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

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

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

There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
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, sensitizing them to their own negotiating behaviors, teach them how to use a mediator in aid of their negotiations, and raise a number of ethical and practical questions. Through in-class negotiation and mediation exercises, students will develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication.

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

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

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

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

**Note:** In Fall 2016, this seminar will meet for six days of intensive sessions on the following dates: 9/23, 9/24, 9/25, 11/11, 11/12, and 11/13.

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

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

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
LAW 317 v01 Negotiations Seminar

J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of the class. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas, including community, commercial, environmental, interpersonal, litigation, and transactional disputes. The effect of gender, culture, power, politics, impasse, and attitude toward conflict will also be explored.

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

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

Learning Objectives:

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

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

Recommended: Contracts, Torts, Civil Procedure.

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

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

LAW 317 v04 Negotiations Seminar

J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class (one simulation between the two weekend classes). The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations (both bi-lateral and multi-lateral), to identify and experiment with individual negotiating styles, to deal with impasse and difficult situations, and to raise ethical and practical questions. Simulations are taken from a variety of practice areas, including community, commercial, environmental, interpersonal, litigation, and transactional disputes. The effect of culture, power, and attitude toward conflict will be explored. The course will also offer an introduction to the use of alternative dispute resolution and conflict management systems design as a means to break negotiation impasse.

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

The class meets one Friday afternoon and four weekend days. Attendance at all sessions is required to fulfill class commitment and students must attend the first class to be enrolled. Grades will be based on class participation including discussions and simulations (25%), the quality of the student’s 7-page journal (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 of negotiation theory, practice and principles (50%).

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

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

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

There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up to the last class for this specific course.
LAW 317 v11 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v11)

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

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

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

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

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

Learning Objectives:

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

More specifically, our goals are:

- To increase your awareness about negotiation and negotiating behavior:
  - The pervasiveness of negotiation;
  - The implicit working assumptions that underlie your behavior;
  - Understanding others’ perceptions and reactions;
  - The importance of process (how we negotiate): its effects on the progress of negotiations and the relationship between negotiators.
- To enhance your understanding of negotiation theory by providing:
  - Exposure to social science research related to negotiation;
  - Some basic organizing concepts;
  - A common vocabulary to enhance preparation, negotiation, and review;
  - Analytic tools for diagnosing problems and developing strategy;
  - Exposure to social science research related to negotiation;
  - Some basic organizing concepts;
  - A common vocabulary to enhance preparation, negotiation, and review;
- To work on bridging the gap between theory and practice.
- To allow you to practice and experiment with skills;
- To broaden your repertoire of effective techniques;
- To gain knowledge about negotiation theory, including the differences between competitive bargaining and integrative bargaining;
- To know how to prepare to conduct an effective negotiation;
- To feel more comfortable negotiating and become more effective negotiators;
- To develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication;
- To engage in effective problem solving with respect to the simulated exercises, whether alone or in teams;
- To identify and appreciate ethical considerations related to negotiations;
- To engage in self-reflection and peer critique, including applying lessons learned in exercises to future performances and providing constructive criticism to classmates.

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

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

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

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

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

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

The seminar will meet for five sessions spread over two weekends. Attendance at all sessions is mandatory. Between weekend sessions, students will videotape a negotiation with a classmate and write a short (2-4 pages) self-critique about the experience. In addition, a final paper (10-15 pages) is required, in which students should demonstrate that they have learned the concepts, principles, and theories from lectures, readings, and exercises.

Grades will be based on:

- Participation in class (30%)
- Videotaped negotiation and self-critique paper (2-4 pages) (25%)
- Final Paper (10-15 pages) (45%).

Learning Objectives:

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

There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded. Withdrawals are permitted up until the last class for this specific course.
LAW 317 v19 Negotiations Seminar
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving, to improve students’ negotiating skills and to provide instruction in representing clients in mediations. Students will be expected to read, write, discuss, critique, and participate in simulated disputes. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas. Students learn to negotiate by participating in simulations, studying and discussing negotiation theory and principles, analyzing negotiation exercises, and being critiqued.

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

Note: This course will be enrolled via waitlist.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. Full attendance and participation is required at all five sessions. The schedule is a demanding one, and students who cannot firmly commit to be at all five sessions should not enroll. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class session in its entirety. 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 v20 Negotiations Seminar

This course will begin with a consideration of leading scholarship. Is settlement the most appropriate means of conflict management? Are there instances in which negotiated compromise vitiates the litigants’ true interests? Do broad public policy implications and precedential value trump the expedience of individual resolution?

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

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

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

Note: This course will be enrolled via waitlist.

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

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

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

Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty’s request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.
LAW 317 v21 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v21)
J.D. Seminar | 3 credit hours
This intensive, interactive seminar is designed to teach participants the theory and practice of effective negotiation and negotiation advocacy so that they may improve their skill in joint problem solving and joint decision making. Negotiation skills are best learned by doing, so this seminar includes numerous opportunities for participants to enact the skills, principles, and approaches learned. The simulations and activities are designed to familiarize students with the negotiating process, help them prepare for entering and conducting a formal negotiation, teach them to identify and engage in the types of informal negotiations that occur every day, allow them to experiment with various styles and techniques, and introduce a variety of practical and ethical problems that they might encounter. Simulations are derived from a range of practice areas, including interpersonal, commercial, transactional, and international disputes, among others. The effects of culture, gender, power, politics, psychology, neuroscience, and personal conflict styles will be examined. Participants will apply their negotiation skills in the real world and evaluate the results. The course will also explore the use of alternative dispute resolution and conflict management systems to break or avert impasse in negotiation and facilitate the constructive handling of conflict.

Participants will learn to negotiate by actively engaging in simulations and discussions, analyzing negotiation exercises, receiving critique, keeping a reflective journal that addresses the links between theory and practice, conducting a negotiation outside of class and then presenting the lessons learned, and writing a formal negotiation preparation memo about a newsworthy negotiation. This class meets on two Friday afternoons (1:15 p.m. to 5:44 p.m.) and four weekend days (9:00 a.m. to 5:30 p.m.); attendance at all sessions is mandatory. Grades will be based on class participation, development and application of negotiation skills, journal quality (including analysis, application of theory and principles, self-reflection, creativity, style, organization, and grammar), an analytical paper, and a presentation.

Learning Objectives:

If you complete all assignments, reflect on the course activities, and participate in class discussions, by the end of this course you will be able to do the following things:

1. Assess a situation and determine whether it is in your or your 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 your own design.
4. Deploy specific negotiation skills and techniques, self-assess your efficacy in using them, and assess the techniques’ value as applied.
5. Use a negotiation journal to sustain lifelong improvements in your negotiation skills and knowledge base.
6. Recognize and appropriately handle common ethical dilemmas that might arise in negotiations.

Prerequisite: Contracts.

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

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

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

LAW 317 v22 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v22)
J.D. Seminar | 3 credit hours
The Negotiation Seminar is an intensive, skills-based class that emphasizes the ability to think and write analytically about the process of negotiating. The Seminar utilizes role plays, problem sets, instructional readings, and in-class discussions to provide a comprehensive approach to negotiating in all contexts. We will focus on two conceptual frameworks, namely “Principled Negotiation,” as developed by Roger Fisher and the faculty of the Harvard Negotiation Project, and the “Three Tensions” of Negotiation, as developed by Robert Mnookin and the faculty of the Harvard Negotiation Research Project. The interactive nature of this class provides participants with an opportunity to work closely with each other and with the professor.

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

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

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

There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
LAW 317 v24 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v24)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving, to improve students’ negotiating skills and to provide instruction in representing clients in mediations. Students will be expected to read, write, discuss, critique, and participate in simulated disputes. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas. Students learn to negotiate by participating in simulations, studying and discussing negotiation theory and principles, analyzing negotiation exercises, and being critiqued.

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

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

Recommended: Contracts, Torts, Civil Procedure.

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

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

There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course's in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a

LAW 317 v25 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v25)
J.D. Seminar | 3 credit hours
Negotiation is a primary activity in the legal profession, whether the attorney is engaged in transactional, litigation, corporate, non-profit, academic or policy work. This skills-based seminar is designed to develop a deep understanding of the theory and practice of negotiation in professional settings. Students will learn through interactive role play plays, readings and writing. The seminar is highly interactive, therefore to obtain credit for the course attendance at every class session is mandatory. Grades will be determined by the quality of class participation, assignments that reflect the preparation for and post-negotiation reflections on negotiation role plays, and a final paper assignment.

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

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

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

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

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

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.
LAW 317 v26 Negotiations Seminar

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

Participants will learn to negotiate by actively engaging in simulations and discussions, analyzing negotiation exercises, receiving critique, keeping a reflective journal that addresses the links between theory and practice, conducting a negotiation outside of class and then presenting the lessons learned, and writing a formal negotiation preparation memo about a newsworthy negotiation. This class meets on two Friday afternoons (1:15 p.m.-5:45 p.m.) and four weekend days (9:00 a.m.-5:30 p.m.); attendance at all sessions is mandatory. Grades will be based on class participation, development and application of negotiation skills, journal quality (including analysis, application of theory and principles, self-reflection, creativity, style, organization, and grammar), an analytical paper, and a presentation.

**Prerequisite:** Contracts.

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

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

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

**Grades will be based on:**

- Participation in class (30%)
- Videotaped negotiation and self-critique paper (2-4 pages) (25%)
- Final Paper (10-15 pages) (45%).

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

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

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

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

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LAW 317 v28 Negotiations Seminar

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

The seminar will meet for five sessions spread over two weekends. Attendance at all sessions is mandatory. Between weekend sessions, students will videotape a negotiation with a classmate and write a short (2-4 pages) self-critique about the experience. In addition, a final paper (10-15 pages) is required, in which students should demonstrate that they have learned the concepts, principles, and theories from lectures, readings, and exercises.

Grades will be based on:

- Participation in class (30%)
- Videotaped negotiation and self-critique paper (2-4 pages) (25%)
- Final Paper (10-15 pages) (45%).

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

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

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

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course. Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty’s request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.
LAW 317 v50 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v50)

J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students’ negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions.

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

The course will also offer an introduction to use of alternative dispute resolution and designing conflict management systems as a means to break negotiation impasse.

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

The class meets one Friday afternoon and four weekend days. Attendance at all sessions is required to fulfill class commitment and students must attend the first class to be enrolled. Grades will be based on class participation, the quality of a 7-page journal on two class simulations of the student’s choice (including analysis, application of theory and principles, self-reflection, style, and organization), and a 13-page Client Negotiation Advocacy Memo on a topic of the student’s choice.

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

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

Note: This course will be enrolled via waitlist.

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

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

LL.M Seminar (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 current 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 Act 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 current reform proposals, including the so-called “Treasury Blue Print,” 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 J.D 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 380 v00 Retirement Income: Taxation and Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20380%20v00)

J.D. Course | 2 credit hours
This course is an introduction to arrangements designed to accumulate income for retirement purposes. It focuses on broad-based, tax qualified arrangements, although considerable attention is paid to individual retirement arrangements, “non-qualified” plans for certain highly compensated employees, and certain specialized types of plans, such as 401(k) plans. The focus of the course is to gain a basic understanding of the applicable Code and ERISA requirements, as well as the policy considerations underlying these rules.

Recommended: Federal Income Taxation (formerly Taxation I).

Mutually Excluded Courses: Students may not receive credit for both this course and the graduate course, Employee Benefits: Qualified Retirement Plans, the graduate course Retirement Plan Qualification Requirements, or the graduate course, Retirement Plans - Design and Taxation. This course may not be applied to the graduate Certificate in Employee Benefits Law.
LAW 395 v03 Sexual Orientation and the Law: Selected Topics in Civil Rights (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20395%20v03)
J.D. Course | 3 credit hours
This survey course explores a wide range of legal issues relating to sexual orientation and gender identity. The issues we will address cut across numerous areas of legal doctrine, including criminal law, employment, family law, equal protection, privacy, and First Amendment law. The course considers how the legal system regulates and affects various aspects of the lives of lesbians, gay men, bisexuals, and transgendered individuals; we will address workplace issues, family relationships (including marriage, partnerships and parenting), and the interplay between law, politics, and policy as it relates to sexual orientation. The course will meld both legal theory and practical considerations, and therefore will draw on the experiences of several practitioners as course participants currently involved in shaping various aspects of LGBT law and policy.

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

Mutually Excluded Courses: Students may not receive credit for both this course and Sexuality, Gender and the Law Seminar or the course, Gender and Sexuality: Law and Theory.

LAW 417 v09 Sports Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20417%20v09)
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 351 v01 Trial Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20351%20v01)
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 Duross, Koukios, and Tsao:
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 O’Malley:
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 Jones:
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 Trial Practice and Applied Evidence or Patent Trial Practice.
LAW 351 v05 Trial Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20351%20v05)
J.D. Skills | 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:
Provide exposure to the elements of a trial and the techniques that are necessary to properly try a case so that the students have a fundamental understanding of what is involved.

Prerequisite: Evidence.

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

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

LAW 351 v06 Trial Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20351%20v06)
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 Professor Gersch:
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 Trial Practice and Applied Evidence or Patent Trial Practice.

Note: This seminar will be held in a courtroom at the D.C. Superior Court at 500 Indiana Avenue, NW, Washington, DC 20001. The specific courtroom number and instructions for admission will be provided by the professors.
Mutually Excluded Courses: Students may not receive credit for both this course and Trial Practice and Applied Evidence or Patent Trial Practice.

Learning Objectives:

This course blends rigorous mock trials 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 require extended classes or extra meetings outside of class to accommodate a mock trial.

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

Recommended: Prior or concurrent enrollment in Advanced Evidence: Trial Skills.

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

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 1245 v00 Trial Practice and Applied Evidence [http://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.

This seminar meets on Tuesdays, 5:45 p.m. - 8:50 p.m. The first class session on 9/3/19 will be held in Gewirz G108. Subsequent class sessions will be held at the D.C. Superior Court at 500 Indiana Avenue, NW, Washington, DC 20001. The specific room and instructions for admission will be provided by the professor. FIRST CLASS ATTENDANCE IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class. 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 1411 v00 Workers’ Rights and the Role of Lawyer in a Social Justice Movement [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201411%20v00]  
J.D. Practicum | 4 credit hours  
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professor. This project-based practicum course will focus on workers’ rights and the role of lawyers in social justice movements. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professor.

SEMINAR: Low-wage workers increasingly struggle to support themselves and their families with their wages. Abusive employer practices and stagnant minimum wages prevent many workers, even those able to find full-time employment, from earning a living wage. Wage theft is rampant, as employers violate labor and employment laws by failing to pay the minimum wage for all hours worked, refusing to pay overtime, or classifying employees as independent contractors to avoid laws that protect workers. Women, people of color, and immigrants are overrepresented in low-paying jobs and industries. Working in service and non-skilled jobs, low-wage workers are rarely unionized and rely on a complex network of local and federal laws to protect them against workplace injustice. In seminar, students will develop an understanding of the applicable laws regarding workers’ rights with a review of relevant case law and literature, class discussion and lectures by the lead faculty member and guest lecturers. They will also have the opportunity to experience and reflect on the challenges of developing a community lawyering practice to support community-based social justice activism. Worker-activists and organizers will offer first-hand descriptions of the work at workers’ rights’ and worker led organizations such as the EJC Workers Rights Clinic, Many Languages, One Voice [MLOV], the Black Workers Center and Los Trabajadores Unidos and Jobs with Justice.

PROJECT WORK: Low-wage workers and their lawyers are increasingly using a wide range of community-building and advocacy-related activities to support community-identified initiatives that return power to the workers themselves. These workers and activists continue to work to enforce new laws and extend existing laws to ensure workplace justice in Washington, D.C.

Students will experience working in that “community-lawyering” model by spending 10 hours/week with individual workers, organizers and/or other workers’ rights organizations. Most of the cases will involve issues of wage theft; in addition, some may include assisting with preparing an administrative discrimination complaint or workers’ comp forms. In addition, students will work with organizers and worker-activists at the community organizations to develop strategies to support a worker-led campaign such as ensuring language-accessibility at D.C.’s Office of Wage Hour or investigating an employer’s failure to provide withholding information to their employees. The professor will supervise all of the students’ work. Some weekend meetings are possible and all sites are Metro accessible.

Students will be required to complete an online problem solving questionnaire for $35, to be paid by each student.

While it is not required that students in this practicum speak Spanish, Spanish-speaking students are encouraged to enroll as many of the worker-activists speak little to no English.

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

Mutually Excluded Courses: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.
LAW 1370 v00 Writing for Practice: Federal Courts and the Federal System
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201370%20v00)
J.D. Seminar | 1 credit hour

The ability to write effectively is one of a lawyer’s most important skills. This one-credit seminar is designed to help students develop this skill. The seminar will build upon the principles learned in the first-year Legal Research and Writing course by providing instruction in drafting legal documents typical to the particular area of law that is examined in the larger, substantive course associated with the seminar. This writing intensive seminar has been developed by two adjunct professors working in collaboration with the full-time faculty member teaching the larger course. In addition to the practical legal writing skills taught, students will also learn more generally about litigation strategy and the demands and concerns of professional practice.

The Federal Courts and the Federal System writing seminar will provide students with the opportunity to hone their legal writing while working through current, real world examples of the issues addressed in the Federal Courts and the Federal System course. Discussion will focus on using substantive Federal Courts knowledge as a practitioner, including framing complex issues for different audiences, working with “bad” facts, and the art of revision.

Written work product is the focus of the seminar. Students will write and revise objective memoranda and litigation documents. The professors will provide individualized comments on each major writing assignment, and many writing assignments will be discussed in class. Class participation will count toward the final grade.

**Prerequisite:** Legal Practice: Writing and Analysis; concurrent or prior enrollment in Federal Courts and the Federal System. Students may contact the professors to discuss how they may meet the prerequisite with other prior or concurrent course work or experience.

**Note:** THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students should email a short statement of their interest in the seminar to Professor McSorley (tmm49@georgetown.edu) and Professor Bonner (eab73@georgetown.edu) by 5:00 p.m. on Tuesday, June 6, 2017. After the June 6 application deadline, students will be admitted into open seats on a rolling basis.

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

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

**Full-time Faculty**
Charles F. Abernathy
Daniel R. Ernst
Chai R. Feldblum
Lawrence O. Gostin
Michael H. Gottesman
James C. Oldham
Alvaro Santos
Jamillah Bowman Williams