ENVIRONMENTAL LAW J.D.

The First Law of Ecology that "everything is connected to everything else" applies also to the field of environmental law. Environmental law's roots can be found in both common and statutory law, its values and principles in ethics, science and economics. Fields of law as disparate as bankruptcy, securities regulation and criminal law have been affected by environmental requirements. Although environmental law is a relatively new subject, it has grown dramatically in scope and complexity in the last 25 years, presenting students with a daunting array of laws, regulations, institutions, and acronyms.

In response to the demands of the field, the Law Center has recently restructured its environmental curriculum in order to offer a richer variety of environmental law courses. For organizing purposes, it may be helpful to think of the courses as being divided into three categories: core courses (necessary to gain a basic understanding of the field), advanced or specialized courses (for students interested in gaining more proficiency in different facets of the field), and related courses (knowledge of which may be as important as learning the content and structure of the environmental laws themselves).

Core Courses

Core courses include Environmental Law, International Environmental and Natural Resources Law, Natural Resources Law, and the Environmental Research Workshop.

Environmental Law is the basic introductory course in this curriculum cluster. While this survey course is not a formal prerequisite to all other courses in this area, students would be well advised to take this important course as early as possible in their environmental studies. The Law Center typically will offer two sections of Environmental Law each year. Both focus primarily on the major federal environmental statutes; these include, among others, laws relating to air and water pollution, and hazardous waste handling and disposal. Perhaps the main difference between the two sections is their relative attention to practice, and to policy and theory. The evening course, taught by Adjunct Professors Schiffer and Siff, emphasizes solving practical problems that confront the environmental lawyer and thus their course tends toward the former orientation, while the day offering focuses somewhat more on theory and public policy issues.

Another noteworthy course in the environmental curriculum is the Environmental Research Workshop. This workshop is patterned after the law and economics workshop that has proved so successful here. Outside (or inside, if appropriate) scholars will present works in progress during this course. We conceive "environmental research" broadly enough to include topics in administrative law, constitutional law, corporate law, and other fields which may affect the future direction and shape of environmental regulation. We also hope occasionally to include in the series ecologists, economists, political scientists, and others whose work influences environmental law.

Familiarity with the issues addressed in International Environmental and Natural Resources Law is essential to a full understanding of the limits and reach of domestic environmental law. More and more environmental problems are transnational in nature and are linked with issues of sustainable development.

In addition, given the necessarily abbreviated emphasis in the Environmental Law courses on the laws relating to public lands and other natural resources, such as wildlife, interested students would also be well served by taking the core course in Natural Resources Law. Natural Resources Law introduces students to the laws governing the ownership, conservation, and exploitation of our nation’s public lands and the renewable and nonrenewable natural resources, like wildlife, water, and minerals that abound on them as well as on private lands. The course explores the constitutional, economic, and political underpinnings of these laws as well as hot button topics like takings and federalism.

Specialized Courses and Seminars

Depending on the student's own needs and interests, more specialized or advanced courses in the environmental cluster may also be valuable. These include courses and seminars relating to specific statutes (such as the Clean Air Act or the laws concerning hazardous waste), to emerging challenges to traditional environmental law (such as the problem of environmental equity) or to particular industries important to this field (such as the energy industry).

Some of the specialized courses (such as Advanced Environmental Law: Climate Change Practicum, Land Use Law, Natural Resources Law: Energy, Water and Land Resources, Natural Resources and Energy Law and Policy Practicum and Water Law Seminar) provide the theoretically inclined student the opportunity to address broad issues of public policy and resource allocation in more depth than the basic survey course allows.

For the student interested in developing practice-oriented skills in this area, there is no better learning opportunity than participating in a clinical program. In the Environmental Law and Justice Clinic (IPR), students represent individuals and communities adversely affected by environmental problems in the District of Columbia metropolitan area as well as local and regional environmental organizations interested in preserving the area’s amenities and natural resources. The Policy Clinic (Harrison Institute for Public Law) works with states on developing policy proposals for building economies that are, among other things, environmentally sustainable.

Related Courses

Among the most important courses related to environmental law are Administrative Law and Economic Reasoning and the Law. Because so many environmental cases concern the appropriate scope and content of agency action, any serious student of environmental law should take Administrative Law. Likewise, in order to understand the current trend of regulating using market-based incentives such as pollution trading and informational requirements, students should gain some understanding of economic analysis. The course in Economic Reasoning and the Law addresses economic analysis as both a tool for analyzing legal rules and institutions and as a larger jurisprudential movement that is pertinent to many fields of law, including environmental law.

Courses such as Negotiations, Negotiations and Mediation Seminar, State and Local Government Law, and Federal Courts may also contribute greatly to a student’s understanding of environmental law. Other courses that may once have seemed far afield from the study of environmental law — in particular, Corporations, Bankruptcy, Insurance, Finance of Real and Personal Property, and Securities Law — are increasingly important to a thorough understanding of this field. Professors in many sections of these courses devote some coverage to legal issues arising in the environmental field.

Search Environmental Law Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_12)
LAW 025 v00 Administrative Law
J.D. Course (cross-listed) | 3 credit hours
This course considers the constitutional, statutory, and other legal limitations on what government agencies can do and how they can do it. What constraints govern the power of agencies to make law, decide cases involving private parties, and investigate citizens? How much "due process" must government agencies give citizens whose lives they affect; what limits has Congress imposed on the procedures for agency decision making; and to what extent can people call on courts to check what they regard as abuses of governmental power? These are among the questions addressed in the course, which draws together problems ranging from the legitimacy of New Deal institutions to the dramatic procedural innovations of recent federal administrations and problems created by renewed Congressional interest in the details of agency decision making.

Recommended: For Professor Nager’s section: Prior or concurrent enrollment in Constitutional Law I: The Federal System.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first-year course, Government Processes.

LAW 025 v06 Administrative Law
J.D. Course | 3 credit hours
This course is designed to introduce you to the core institutions and processes of the modern administrative state. You will come to understand the tremendous power exercised by administrative agencies as well as the significant constraints under which they operate. You will learn the procedures governing the key categories of administrative action; the doctrine governing judicial review of administrative action; and non-judicial mechanisms of agency control within the Constitution's separation-of-power framework.

Learning Goals: By the end of the semester, you should be able to:

(1) Identify the legal framework (statutory, constitutional, doctrinal) that applies to a particular issue of administrative action;

(2) Apply the relevant legal framework to a given set of facts; and

(3) Evaluate the merits of the legal framework against a variety of normative goals.

You should also (4) be conversant in contemporary debates about the administrative state and be able to articulate and justify your views.

Mutually Excluded Courses: Students may not receive credit for this course and the upperclass course with the same title.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 025 v08 Administrative Law
J.D. Course (cross-listed) | 3 credit hours
Virtually all areas of law today involve a substantial element of administrative law. This course introduces you to the role of administrative agencies and how law and political factors shape their powers and work. This includes materials on how they are empowered and constrained by the Constitution, Congress, presidents, and the courts. We also study ways in which agencies generate law and develop policies. This class coverage includes, among other topics, materials on citizens' abilities to petition, shape, and litigate over agency actions; changing views of presidents' roles and powers over agencies; and statutory factors and doctrine shaping judicial review of agency law interpretation, reasoning, responsiveness, policy shifts, and engagement with science and facts.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first-year course, Government Processes.

LAW 1349 v00 Administrative Law
J.D. Course (cross-listed) | 3 credit hours
There is no more fundamental course in law school than administrative law. This course introduces you to the modern administrative and regulatory state. You will come to understand both the tremendous power exercised by administrative agencies and the significant constraints (legal and political) under which they operate. You will learn to identify the design features that might make an agency constitutionally problematic, the factors that make one type of decision-making framework more appropriate than another, the prerogatives and limits of agencies in interpreting the statutes they are charged with administering, and agencies' prerogatives and limits in adjudicating facts and exercising policymaking discretion. You will also learn to identify the factors that affect the availability and timing of judicial review of agency action.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first year electives, The Regulatory State or Legislation and Regulation, or Government Processes, or Legislation and Regulations: Law, Science, and Policy.
LAW 1349 v01 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201349%20v01)
J.D. Course | 3 credit hours
There is no more fundamental course in law school than administrative law. This course introduces you to the modern administrative and regulatory state. You will come to understand both the tremendous power exercised by administrative agencies and the significant constraints (legal and political) under which they operate. You will learn to identify the design features that might make an agency constitutionally problematic, the factors that make one type of decision-making framework more appropriate than another, the prerogatives and limits of agencies in interpreting the statutes they are charged with administering, and agencies’ prerogatives and limits in adjudicating facts and exercising policymaking discretion. You will also learn to identify the factors that affect the availability and timing of judicial review of agency action.

Mutually Excluded Courses: Students may not receive credit for both this course and the upperclass course by the same name or the first year electives, The Regulatory State or Legislation and Regulation, or Government Processes, or Legislation and Regulations: Law, Science, and Policy.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 029 v00 Advanced Environmental Law: Climate Change (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20029%20v00) (Project-Based Practicum) J.D. Practicum (cross-listed) | 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 the evolving legal and policy developments concerning global climate change, and provide students the opportunity to engage in hands-on work with policymakers in addressing the issue. Students will participate in a two-hour/week seminar and carry out ten hours/week of project work including regularly scheduled meetings with professor and Georgetown Climate Center attorney advisors.

SEMINAR: This seminar covers the current understanding of climate change science and impacts, international and domestic policy approaches, technological and adaptation responses, and legal and regulatory cases and developments. Class participation and attendance will be graded.

PROJECT WORK: Students will prepare papers and make presentations in class and to outside “clients” on topics being analyzed for state and local governments through the work of the Georgetown Climate Center of Georgetown Law (http://www.georgetownclimate.org). Students work with professor and advisors to develop professional-quality work products that can be shared with outside “clients.” The Center works with states and communities on crafting policy strategies to reduce emissions that contribute to climate change and to adapt to the consequences of climate change.

Prerequisite: Environmental Law. 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 take another practicum course or a clinic at the same time as a project-based practicum course. Students may enroll in an externship at the same time as a project-based practicum course.

Note: This course may be suitable for evening students who can regularly attend class and participate in calls or meetings during the day as students interact with professors, advisors, and/or clients.

This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately ten hours of project work per week, for a minimum of 11 weeks. Both the seminar portion and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Regular and punctual attendance is required at all practicum seminars and students are required to devote the requisite number of hours to their project. If a student must miss seminar, project work, a meeting or a deliverable, he or she must speak to the professor as soon as possible (ideally beforehand) to discuss the absence or missed assignment. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor’s discretion, may be withdrawn from the practicum course.
In a seminal 1970 essay, economist Milton Friedman famously wrote that a corporate executive’s responsibilities are solely to the company’s stockholders and that the stockholders’ desires are for the corporation “to make as much money as possible.” Many credit this essay with inspiring a widely held notion that a corporation’s purpose is to make money for its stockholders without considering the interests of the greater society. Others, including some investors, have argued that corporations should be evaluated on issues beyond their financial performance, and in recent years many of these issues have been grouped under the acronym “ESG,” standing for a corporation’s environmental, social and governance practices. Recent events such as the pandemic, the BLM movement, voting legislation, climate change and growing economic inequality have heightened ESG awareness. Notable business groups, academics and others have explicitly or implicitly rejected the Friedman position, and have argued that corporations have significant ESG-related obligations.

This seminar will consider issues related to the purpose of a corporation and its obligations to its stockholders and the larger group of stakeholders, the fiduciary duties of corporate directors in the context of ESG, agency issues associated with differing interests of stockholders and management, the role of the SEC and other regulators in corporate ESG matters, considerations of investors focused on ESG issues and their ability to influence corporate ESG actions, and the impact of ESG considerations on corporate performance and profitability. We will also consider particular ESG issues and how corporations have addressed them. There is no textbook for the seminar. Readings will include legal, academic and general articles and materials on the subjects being covered.

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 1347 v00 Economic Regulation of Energy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201347%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar will address the principles of economic regulation of energy production, transportation, and delivery. Energy drives the economy, and the substantial investment required to produce, refine, transport, and deliver energy brings with it significant government regulation. We will focus primarily on economic regulation of energy at the Federal level, with some discussion of parallel state regulatory schemes and federal-state jurisdictional issues. The starting point is an understanding of the physical aspects of energy—the different sources of energy and the practical aspects of extraction, refining, transportation, and delivery to users—and the application of economics and antitrust law to understand the rationale for extensive federal and state regulation of energy industries.

The seminar will consider early steps to regulate private industry for the public good, introducing students to principles of economic regulation, including dealing with natural monopolies, requiring certificates or permits for energy facilities, balancing the need for industry to attract capital with rate-payer protection through cost-of-service ratemaking, assuring “just and reasonable” rates and terms and conditions of service, preventing undue discrimination, relying on competitive market forces as a substitute for regulation (light-handed or market-based regulation), and partial deregulation. Key Federal agencies to be examined are the Federal Energy Regulatory Commission (FERC) and the Department of Energy. We also will touch on parallel issues at the state level, efforts to diversify energy sources and reduce environmental impacts, state-federal conflicts, and enforcement programs.

The seminar will include a practical in-class exercise where students will prepare and present argument in a mock hearing setting. Schedules permitting, there will be a visit to FERC and discussion with senior officials. There is a writing requirement, but no examination. Students will prepare a mid-term legal memorandum and a final course paper that addresses a significant legal or policy energy topic. Grades will be based on class participation and the two written submissions.

There are no prerequisites, although prior or concurrent enrollment in Administrative Law is helpful. This seminar does not fulfill the Upperclass Legal Writing Requirement.

Recommended: Prior or concurrent enrollment in Administrative Law is helpful, but not required.
LAW 1290 v00 Energy and Environment Seminar: Hydraulic Fracturing
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201290%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar will examine the many policy and legal implications of the explosive growth of hydraulic fracturing, which has dramatically increased U.S. oil and gas production through the application of new drilling technology. As a foundation for this examination, the seminar will begin with the nuts-and-bolts of fracturing technology, how it differs from conventional production methods and what environmental impacts it can cause. The seminar will then focus on how fracturing is reshaping the U.S. energy production map and affecting energy prices and markets domestically and internationally. The seminar will then address a set of case studies that bring into focus key areas of legal and policy debate. Areas to be covered include: Is the science sufficient for policymakers to make thoughtful decisions to authorize or ban fracturing? What should the federal and state roles be in regulating fracturing and how much authority to control fracturing exists at the federal and state levels? Should individual cities and towns be allowed to ban fracturing or should that decision be made by states for all their communities? Is increased production of natural gas due to fracturing a positive or negative development from the perspective of addressing the global warming threat? In addition to writing papers, students will be divided into teams that will prepare classroom presentations about how key states have grappled with the challenges posed by hydraulic fracturing.

Prerequisite: Prior enrollment in at least one of the following courses: Environmental Law or Energy Problems Seminar: Climate Change and Other Energy Issues or Energy Regulation: A Practical Approach (formerly Economic Regulation of Energy).

LAW 1472 v00 Energy Law and Policy
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201472%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course will present the framework for the governance of energy production, distribution and use in the United States, and provide a foundation for future coursework on these subjects. While the course will focus primarily on U.S. law, it will address some international subjects and examples. Topics will include the evolving U.S. fuel mix and market dynamics, utility restructuring and grid modernization, roles of state and federal governments, the role of different policymakers and regulatory bodies in overseeing U.S. energy systems, relevant environmental laws, and emerging policy issues. There are no prerequisites, although experience with administrative law or environmental law would be beneficial.

Learning Objectives:

1. Substantive expertise
   • The physical nature of the energy system (how it is produced, distributed, and used)
   • Common terminology and acronyms related to energy and its regulation
   • Key statutes and regulations applying to energy production, distribution and use, and key cases interpreting this legal framework
   • Current issues being debated in energy law

2. Understanding of governance structure
   • The roles and responsibilities of different policymakers and regulators (e.g., economic regulators, environmental regulators, natural resource managers, legislators) and how they relate to each other
   • State and federal responsibilities in overseeing the energy system

3. Legal and policy skills
   • How to explore questions of regulatory authority by state and federal agencies
   • How to write analytically about legal and policy questions

Recommended: Administrative Law, Environmental Law.
LAW 142 v02 Energy Problems Seminar: Climate Change and Other Energy Issues
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar considers economic, political, and legal aspects of current problems in the petroleum, natural gas, electrical, nuclear, coal and alternative energy industries with particular focus on global warming and the impact of climate change policies on energy use in the United States and abroad. In addition to the connection between global warming and energy, the seminar will examine: (1) the nexus between U.S. energy policy and Middle East wars and diplomacy; (2) the future of energy deregulation; (3) tensions between state and federal efforts to address energy issues; and (4) the problems and prospects of introducing new fuels and fuel sources, including nuclear, hydrogen, and renewables, into the U.S. and world economies. As these subjects sweep across the entire economy, they touch upon several fields of law: administrative law, antitrust, constitutional law, environmental law, oil and gas law, public utility regulation, and international law (both public and private).

Note: This seminar requires a paper. 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 Upperclass Legal Writing Requirement.

LAW 1347 v01 Energy Regulation: A Practical Approach
J.D. Seminar (cross-listed) | 2 credit hours
This seminar focuses on the practical application of core and extended legal principles applicable to the electric, natural gas, and oil transportation industries. We will address challenges associated with the formation and implementation of energy policy by examining regulatory reforms and judicial decisions that continue to shape investment and operations. Taking a holistic approach that embraces financial, technological, and environmental factors, we will explore efforts to enhance the touchstones of fairness, efficiency, reliability, adequacy, and enforcement in domestic energy industries.

Several key statutes form the framework of federal energy law, including the Federal Power and Natural Gas Acts. We will extend a survey of the organic development of these statutes to the policy framework the Federal Energy Regulatory Commission has devised to achieve national goals. Foundational constitutional guideposts such as the Commerce Clause and Federalism will frame discussions while cost of service ratemaking, market-based rates, and market manipulation, with case examples and attendant legal principles, will be introduced. Diverse doctrines such as Mobile-Sierra and Chevron, among others, are considered to explore their impacts in areas such as wholesale price formation and agency initiatives, respectively.

By discussing norms of agency practice, we help students gain insight into current and evolving practices and legal developments along the production-transmission-distribution continuum. A special emphasis is placed on environmental considerations and technical innovation. Introduction and analysis of smart grid, demand response, low carbon goals, and other growing initiatives will be presented to connect recent regulatory preoccupations to new challenges. Concepts such as cost causation and undue preference will be studied in contemporaneous contexts to convey the dynamics of rapidly evolving technologies, industry economics, and politics. In sum, the seminar’s emphasis on the practical application of energy law concepts will help students spot issues and assess controversies in the energy sphere.

The seminar will include two practical oral exercises, wherein students will prepare and present argument or negotiation positions in a mock setting and receive feedback on performance. The second exercise will be graded. There is no final examination; students will write a final paper on an energy law topic of their choice. Schedules permitting, there will be a visit to FERC and discussion with Commission staff. Grades will be based on class participation, the second practical oral exercise, and the final paper.

This seminar does not fulfill the Upperclass Legal Writing Requirement.
LAW 2009 v01 Energy Trading and Market Regulation

Energy markets are dynamic and growing rapidly, creating new business opportunities and legal challenges not only for traditional energy companies such as utilities, pipelines, natural gas producers and independent power producers, but also for newer market entrants including investment banks, demand response providers, smart grid and renewable energy companies, storage providers, hedge funds, and large industrial and commercial consumers of natural gas and electricity. The course will focus on the economic regulation of physical energy markets by the Federal Energy Regulatory Commission (FERC), primarily the regulation of transmission, price and competition in the electric and natural gas markets. We will examine six main areas: (i) restructuring and deregulation under the Federal Power Act and Natural Gas Act; (ii) the current model of energy market enforcement and compliance derived, in large part, from securities market regulation; (iii) the legal, regulatory and market responses to ongoing challenges, including market based pricing, market structure and the prevention of market manipulation and market power abuse; (iv) foundational laws and policies governing energy markets and non-discriminatory transmission by wire and pipeline of the electricity and natural gas commodities; (v) “hot topics” such as carbon pricing in organized wholesale electricity markets, the shale gas revolution, the impact of subsidies for certain resources, pipeline and electric transmission infrastructure development and cost allocation, and integrating demand resources and renewables; and (vi) the constant interplay among Congress, federal and state energy regulatory agencies and market participants. Students will gain an appreciation for the legal and market challenges confronted by market participants. Some sessions will feature guest lecturers. There will be no final examination. Instead, each student’s grade will be based on a final paper that takes a position on a key legal or policy issue and defends that position persuasively, two quizzes during the semester, and class participation.

LAW 1702 v00 Environmental Advocacy Seminar

In a warming world, environmental advocacy is more important than ever. This course explores an array of discourses — from art, literature, and religion, to science, economics, and law — and an array of strategies — from direct action, to community building, to lawsuits — environmental advocates might embrace in pursuing their cause. We will explore the potential contributions of non-legal environmental discourses and strategies to legal argument, and the potential contributions of law to non-legal discourses and strategies. A basic aim of the course is for students to see the possibility that progress on environmental protection might come through discourses other than law and through strategies other than lawsuits, while also appreciating the profound role law has played (for good and ill) in shaping the environment we have today. To give this rather sprawling subject a tangible core, the focal point for our discussions throughout the course will be the protection of forests and trees.

Recommended: Recommended but not required: Prior or concurrent enrollment in environmental law, natural resources law, or international environmental law.

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

LAW 1277 v00 Environmental Dispute Resolution Seminar

The Environmental Dispute Resolution Seminar is an advanced practice course for students considering a career in any facet of environmental law or related regulatory fields. It explores the characteristics of environmental disputes and, through simulations, sharpens students’ skills in client communication, persuasive writing, oral advocacy, as well as negotiation and litigation strategy. The Seminar centers around simulations based on a complex civil environmental law dispute that initiates as a negotiation, proceeds to litigation, and culminates in a court-ordered mediation with a third-party neutral. The course examines the roles lawyers play in each approach, as students assume the role of attorneys from a governmental agency, public interest organization, and outside counsel for a corporate defendant. Through these practical applications, students evaluate the utility and limitations of various approaches to resolution. The Seminar further develops each student’s understanding of the key strategic decisions an attorney must make during various phases of dispute progression and resolution, including pre-enforcement determinations regarding compliance counseling. Students will ultimately write a major motion that will fulfill the Upperclass Legal Writing Requirement, submitting a draft for review and comment before the final product. Environmental Law is a prerequisite for this course.

Prerequisite: Environmental Law.

Strongly Recommended: Foreign-trained LL.M. students must have completed a course in U.S. civil procedure, and U.S. Legal Research Analysis & Writing is strongly recommended.
Learning Objectives:

The following outcomes are identified for this course.

1. Develop a Working Definitions of Environmental Justice
2. Key Questions to be Addressed
   - What is the "environment"?
   - What are environmental problems or issues addressed by the law?
   - What is environmental law?
   - What are methods for environmental problem identification, analysis, and resolution?
3. Applications of existing environmental laws and remedies to resolve such problems.
4. Identification of inadequacies of such laws and remedies and their equitable enforcement.
5. Identification of current reform proposals to address such inadequacies.
6. Creative environmental legal problem solving by students that addresses inadequacies of current law and its enforcement.
   - What are methods for environmental justice problem identification, analysis, and resolution? How to identify and/or address environmental justice issues in an area of interest to you (e.g., an issue arising in your hometown or other area that is significant to you).
7. Understand the specifics of Environmental Justice:
   - Federal and selected state constitutional rights and remedies
     - Equal protection
     - Due process (substantive or procedural)
     - Express environmental protection rights under selected state constitutions
     - Substantive rights to environmental quality
   - Federal Statutory Rights and Executive Actions
     - Title VI of the Civil Rights Act of 1964 and implementing regulations.
     - Other federal civil rights statutes and regulations, e.g., Fair Housing Act
     - Federal Executive Order 12898 on Environmental Justice and federal agency policies and procedures to implement the Executive Order.

Strongly Recommended: Prior or concurrent enrollment in Administrative Law.

LAW 146 v08 Environmental Law

This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

Prior or concurrent enrollment in Administrative Law.

LAW 146 v09 Environmental Law

This course focuses on legal strategies to regulate and remedy environmental harms. It is designed to prepare transactional, regulatory, and government lawyers, and students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to an in-depth analysis of the key laws developed to control pollution: the National Environmental Policy Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Superfund Act (CERCLA and SARA), and the Clean Air Act. Other key topics such as climate change, enforcement policy and practice, and the role of states, citizens' groups and industry are addressed briefly. The professor will use problems to help students understand the practical application of the statutes in real-world contexts.
LAW 146 v10 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v10)
J.D. Course (cross-listed) | 3 credit hours
Between New Year’s Day in 1970 and December of 1980, Congress enacted virtually all of our major federal environmental statutes. To this day, these laws form the core of this country’s approach to addressing environmental problems. All of the laws aim to achieve cleaner water, air, and land, while at the same time taking very different approaches to doing so. This course will introduce you to the major federal statutes on environmental protection, including but not limited to the Clean Air Act, the Clean Water Act, and the Superfund law. You will come to understand the basic regulatory goals and mechanisms of these laws. You will also learn how one might choose among these goals and mechanisms in fashioning environmental policy. Ideally, you will come away with an informed judgment about how far we have come in protecting the environment and how far we still have to go.

Recommended: Administrative Law or a first-year elective on legislation and/or regulation.

LAW 528 v03 Environmental Law and Justice Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20528%20v03)
J.D. Clinic | 12 credit hours
Please see the Environmental Law and Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/institute-for-public-representation) for more detailed information about the program.


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

LAW 156 v01 Environmental Research Workshop (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20156%20v01)
J.D. Seminar (cross-listed) | 2-3 credit hours
Students in this class will have an opportunity to produce publishable scholarship and learn how to comment on the scholarship of eminent scholars in the field. The class will introduce you to some of the best academic scholars in environmental law who will present a work-in-progress for you to comment on. The centerpiece of the course is a series of workshop meetings at which a scholar presents a work-in-progress followed by commentary on that work by a representative from one of the three branches of government with major responsibilities related to environmental law or policy making in Washington, D.C. The class’s structure gives enrolled students a unique opportunity to participate in that exchange.

Students can fulfill their upper level writing requirement with an opportunity to produce substantial, publishable legal scholarship on a topic related to environmental or natural resource law, broadly defined, and receive three credits for their efforts. Students who elect to take the course for only two credits will write three papers of no more than five pages each commenting critically on the work of three of the visiting scholars and present those comments orally at a class session to the scholar.

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 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 178 v03 Federal Courts and the Federal System (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20178%20v03)
J.D. Course | 3 credit hours
This course addresses the constitutional and statutory provisions, as well as the jurisdictional doctrines and concepts, that shape and limit the role played by the federal courts in the governmental process. Representative topics include Congressional power to curtail federal jurisdiction, limitations on the ability of the federal courts to enjoin state court proceedings, federal common law, state sovereign immunity, federal habeas corpus, and the prerequisites for Supreme Court review of state court judgments. The primary emphasis of the course is on a critical analysis of these jurisdictional doctrines, although some time is spent on litigation aspects.

LAW 216 v02 Historic Preservation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20216%20v02)
J.D. Seminar (cross-listed) | 3 credit hours
In recent decades, the preservation of historic buildings, neighborhoods, and landscapes has become a significant basis for regulation of private property, as well as an important motive for public and charitable ownership. In the District of Columbia, for example, there are over 25,000 buildings and 60 historic districts protected. This seminar examines the theory and practice of historic preservation. The practical focus of the course will be on the nationally significant law and institutions in the District of Columbia and how they might be improved. Students will have opportunities to hear from recognized preservation experts and architects, visit several districts, attend public proceedings of the DC Historic Preservation Board, and meet with actual participants in controversial preservation battles. Each student must complete a substantial original research paper, as the seminar satisfies the upperclass writing requirement.

Recommended: Constitutional Law and/or Land Use Law.

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

LAW 3032 v00 International Energy Arbitration (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203032%20v00)
LL.M Course | 2 credit hours
The course begins with an introduction to International Energy Arbitration, followed by discussion of the International Energy Industry, its sources, segments, and players, including its evolution during the energy transition. An extensive presentation on the Legal Framework for International Energy Arbitration covers international laws and norms, national constitutions, national petroleum laws and regulations, and, in particular detail, the historical evolution of upstream host government petroleum contracts, including petroleum fiscal systems. To place the subject of host government contracts in its proper setting, the next section describes resource cycles and resource nationalism, as well as the legal status of host government contracts. Segments on contract stabilization and choice of law come next. The subject of international oil and gas dispute resolution explains the process and procedure for resolving these disputes through international arbitration, drawing on examples from actual international energy agreements and disputes. Discussion then moves to the early international oil and gas arbitration awards, from there to several modern international oil and gas arbitration awards, and finally to contemporary energy disputes with host governments. The course then moves to commercial disputes arising out of joint operating agreements, gas contracts, and LNG sales contracts. Following a discussion of enforcement of energy awards, the final segments address advocacy in international energy arbitration and building an international energy arbitration practice. The course is designed to provide an in-depth knowledge of the main types and key drivers of international energy disputes, past and present, not only to aid in understanding the international energy industry, its business relationships and contracts, its broader legal framework, and its disputes, but to build better advocates to represent international energy companies and host governments in these contentious proceedings.

Recommended: Prior or concurrent enrollment in an introductory international arbitration course.

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

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. While the first three days of this course meet during the Fall add/drop period, a student may only drop this course without a transcript notation prior to the start of the second class session by submitting a written request to the Office of the Registrar. After the start of the second class session, a student must seek permission from an advisor to withdraw.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.
apply legal concepts developed in the course within different national settings for implementing international law.

Learning goals for this course: To enable students to become effective counsel, litigators, negotiators, arbitrators, judges, or legal advisors on a broad range of international environmental and natural resource problems; to understand international negotiations; and to be able to apply legal concepts developed in the course within different national settings for implementing international law.

LAW 145 v00 International Environmental and Natural Resources Law

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

The course focuses on international law applicable to the leading environmental and natural resource issues. It provides a framework for identifying and addressing the legal issues, links international law with relevant national laws, and focuses on ways to strengthen compliance with international obligations. The course covers climate change, ozone depletion, transboundary pollution and hazardous waste disposal; natural resource issues of fresh water (both surface and ground water), marine resources, and biodiversity; the links between human rights and environment and between environment and trade; and the financing of sustainable development. Special attention is given to cutting edge issues, such as synthetic biology and climate intervention.

Learning goals for this course: To enable students to become effective counsel, litigators, negotiators, arbitrators, judges, or legal advisors on a broad range of international environmental and natural resource problems; to understand international negotiations; and to be able to apply legal concepts developed in the course within different national settings for implementing international law.

LAW 1544 v00 International Environmental Law in Practice

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

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of Professor Slobodian. This project-based practicum course will involve work with the Environmental Law Institute on international environmental law issues, providing opportunities for students to navigate the reality of international negotiation, dispute resolution, and policymaking. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of Professor Slobodian.

SEMINAR: This practicum offers a unique opportunity to influence global environmental policy. Through this course, students will learn to do the following: (i) understand and formulate positions on specific issues in international environmental law through application of general knowledge and targeted research; (ii) develop and implement influencing strategies for advancement of international environmental law through ongoing global policy processes; (iii) communicate effectively and engage appropriately with an international community encompassing different cultures, approaches, and perspectives; and (iv) consolidate lessons learned to support improvement and inform further work in international environmental law. To help achieve these goals, the seminar will feature visiting experts from the international environmental legal community and discussions on practical approaches to influencing global environmental policy.

PROJECT WORK: Students will work on a specific international environmental process over the course of the semester, providing direct support to a specific international organization, party or observer. Processes might include, inter alia, the regulation of domestic wildlife markets under the Convention on International Trade in Endangered Species; the enforcement of domestic legislation implementing the Montreal Protocol; the development of a concept of water tenure under the auspices of the Food and Agriculture Organization; building a global framework for migration with dignity in the context of the UN Environment Programme; the ongoing negotiation of a new international instrument on marine biodiversity in areas beyond national jurisdiction; development and adoption of resolutions of the IUCN World Conservation Congress; comparative analysis of country-level frameworks to inform decisions at international processes; or consideration of cases before the International Tribunal on the Law of the Sea, the International Court of Justice or other international tribunals.

Students’ specific activities may include preparing background documents and informational materials; following international discussions and participating as appropriate (e.g., in online discussion fora); drafting policy statements, interventions and motions; organizing intersessional meetings or side events; compiling information on commitments (Nationally Determined Commitments, National Biodiversity Strategies and Action Plans, Sustainable Development Goals Voluntary Commitments, etc.); joining (virtually or in person) meetings with members of delegations; and/or developing analyses that result in policy-influencing pieces at the regional and international levels. Under Professor Slobodian’s supervision, students will work with lawyers from the Environmental Law Institute and the World Commission on Environmental Law.

Prerequisite: Prior or concurrent enrollment in International Law I: Introduction to International Law, or prior enrollment in Criminal Law Across Borders or International Criminal Law. J.D. students must complete the required first-year program prior to enrolling (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: International Environmental and Natural Resources Law.
LAW 1024 v00 International Law Seminar: Water Resources (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201024%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
Fresh water resources are predicted to become increasingly scarce in some regions and a source of conflict. This seminar covers a broad range of issues in international water law, including surface and ground water allocation, water quality, water agreements and river basin institutions, human right to water, water markets, demand management, and links with international economic law. Water is viewed both as a source of conflict and as an opportunity for cooperation. Includes a simulated negotiation for an international river or transboundary aquifer problem, and a simulated dispute settlement. Draws upon domestic water laws in understanding international water law.

Learning goals for this course: To understand legal aspects of water resource issues and the basic hydrology underlying the issues; to be able to identify the interests of different countries and other actors in an international negotiation over a water issue and to fashion solutions by thinking out of the box; to understand water litigation and the needs of judges/arbitrators in dealing with water resource issues.

Recommended: A basic course in public international law is helpful.

LAW 2021 v00 International Oil & Gas Industry: Legal and Policy Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202021%20v00)
LL.M Seminar (cross-listed) | 1 credit hour
The scramble to secure steady supplies of inexpensive energy to generate electricity and to power industry and transport has defined much of the twentieth and, thus far, twenty-first centuries. Climate change and renewable energy (appropriately) dominate the discussion today, particularly in the developed world, but, absent a major unforeseen technological breakthrough, non-renewable sources such as oil and natural gas are still expected to meet the majority of the world’s energy needs for decades to come (according to the US Energy Information Administration, 82% of energy consumed worldwide will still come from non-renewable sources in 2050).

The oil and gas industry lies at the intersection of global business, international law, geopolitics, the environment and particularly in the developing world, economic development. This seminar will address the international legal norms and public policy principles that have shaped, and continue to guide, this industry. It is designed for students interested in careers in energy, energy policy, project finance, international arbitration, environmental regulation or development – whether for a law firm, energy company, NGO, international organization or government – as well as students simply interested to learn more about an industry that impacts our daily lives in countless ways.

Note: NOTE FOR THE SUMMER 2021 SECTION: This professor has committed to teaching this course from the classroom on campus. Students may participate in-person or remotely.
FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

LAW 272 v00 Land Use Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20272%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course explores the variety of ways in which the law attempts to resolve conflicts among land uses, as well as plan and regulate the impacts of different land use patterns. Topics will include common law; state, regional, and local planning; zoning; environmental controls; growth management; historic preservation; restrictions relating to residential development; and constitutional limits on land use regulation. Particular emphasis will be placed upon analysis of the political and economic context of land use law.
LAW 1447 v00 Mediation Advocacy Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=Law 1447\%20v00)
J.D. Seminar | 2 credit hours
Mediation is a core dispute resolution process, both within the context of courtroom and administrative litigation, as well as in the transactional context. This is true in all types of disputes, including commercial, employment, labor, international, cultural/community, policy, and domestic relations.

This seminar is an intensive, immersive, skills-oriented course designed around a simulated mediation of a complex 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:

Throughout 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 Advocacy Seminar.

LAW 1619 v00 Natural Resources and Energy Law and Policy Practicum (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1619%20v00) (Project-Based Practicum)
J.D. Practicum (cross-listed) | 4 credit hours
This course will give students an experiential learning experience in the field of natural resources and energy law and policy. Students will work individually or in groups on real-world legal and/or policy problems related to natural resources or energy for clients or stakeholders currently engaged in this rapidly changing subject area.

The seminar portion of the course covers the key elements of natural resources and energy law and policy related to the experiential learning projects. Students will study the relevant statutes, case law, and underlying policies relating to these natural resources and energy issues. The course is primarily domestic in its focus, but some topics and examples of international natural resources and energy law and policy will be included. During the course, students will draw on pertinent and practical legislative and administrative materials.

Throughout the semester, we will focus on building real-world legal and policy skills. We will discuss the successes and failures of natural resources and energy law and policy, the trade-offs between preservation and development, future prospects for effective resource management and conservation, and the skills needed to effectuate successful outcomes on behalf of clients.

This is a four-credit course, with two credits awarded for the two-hour weekly seminar and two credits for work outside of class on experiential learning projects. The class is designed to be appropriate for both law students and public policy students.

Course Goals:

1. The course is intended to help you develop your legal skills. During the experiential portion of the course, you will develop legal skills by working on a real-world legal or policy problem for a client. You will prepare a written analysis appropriate for delivery to the client. You will also prepare an oral presentation of your work, including findings and recommendations for the client. In undertaking this project, you will develop in-depth expertise on a natural resources issue as assigned.

2. In preparing the written analysis for your client, you will have an opportunity to hone your legal writing and analytical skills. You will consider and determine how best to present your analysis and findings to the client in written form.

3. You will also develop your skills in oral communication as you prepare and deliver a formal oral presentation of your project for the class and also for your client.

4. By the end of this course, you should have a broad understanding of the overall legal framework for the administration of domestic natural resources. The focus will be on federal law and policy as it relates to the experiential projects being undertaken by the class, but you should also gain insights into selected state and international topics, particularly the interaction between federal and state law and policy.

5. The course should provide you with a context for evaluating ongoing and fast-changing legal and policy issues and controversies relating to energy and natural resources.

Mutually Excluded Courses: Students may not receive credit for this course and Natural Resources Law: Energy, Water and Land Resources.

Note: This is a four-credit course, with two credits awarded for the two-hour weekly seminar and two credits for work outside of class on experiential learning projects. The course is graded.

Students who enroll in this course will be automatically enrolled in both the seminar and project components. Students may not withdraw from the seminar and project components. Students may not withdraw from this course except in cases where the academic advisor or the professor determines that withdrawal is necessary for the student's academic progress or well-being. Students who withdraw from this course will be assigned a grade of ‘W’ (withdrawal) unless the professor indicates otherwise. Students enrolled in this course are required to follow all other safety measures.
LAW 329 v00 Natural Resources Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20329%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course surveys the laws governing the ownership, conservation, exploitation, and preservation of renewable and non-renewable natural resources, such as wildlife, wilderness, parks, rangeland, water, minerals, and forests. The course explores the philosophical, constitutional, historical, and economic underpinnings of natural resource law as well as the role of interest groups in natural resource policy formulation. Current issues, such as those relating to takings and federalism, are also examined.

Mutually Excluded Courses: Students may not receive credit for this course and Natural Resources and Energy Law and Policy Practicum.

LAW 1205 v00 Natural Resources Law: Energy, Water and Land Resources (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201205%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar addresses key elements of natural resources law, with an emphasis on energy (non-regulatory aspects), water, and land resources. Students will study the relevant statutes, case law, and underlying policies relating to these natural resources. The course is primarily domestic in its focus, but some topics and examples of international natural resources law and policy will be included. During the seminar, students will draw on pertinent and practical legislative and administrative materials. The seminar will address the development of energy resources, including coal, oil and gas, and renewable energy. Another focus of the seminar will be water resources, including the laws impacting the allocation and availability of water in the eastern and western United States, water resources and climate change adaptation, and innovative approaches to restoring ecosystems on a watershed or river basin scale. Laws relevant to federal public land management will be examined. Throughout the seminar, we will discuss the successes and failures of natural resources law and policy, the trade-offs between preservation and development, future prospects for effective resource management and conservation, and global approaches to addressing these issues. This seminar is appropriate for students who have not previously taken Natural Resources Law and also for students who have taken the course but wish to delve more deeply into the subject matter.

Mutually Excluded Courses: Students may not receive credit for this course and Natural Resources and Energy Law and Policy Practicum.

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

J.D. Seminar | 3 credit hours
The Negotiations and Mediation Seminar is an intensive, skills-based class that emphasizes the ability to think and write analytically about negotiation and mediation. Readings and class discussions will provide students with a theoretical framework to prepare, conduct, and review negotiations and several strategies to enhance their abilities as negotiators and mediators. The seminar utilizes simulations, instructional readings, and in-class discussions to provide a comprehensive approach to negotiating and mediating in a range of sectors. The interactive nature of this class provides participants with an opportunity to work closely with each other and with the instructors.

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

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

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

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

J.D. Seminar (cross-listed) | 3 credit hours
All lawyers, irrespective of their specialty, must negotiate. This intensive, interactive seminar will explore the theoretical and practical aspects of negotiating and mediating transactions and disputes in our legal system. The goal is to improve students’ understanding of negotiation and mediation as well as their ability to negotiate effectively.

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

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

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course's in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.
LAW 317 v15 Negotiations and Mediation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v15)
J.D. Seminar (cross-listed) | 3 credit hours
All lawyers, irrespective of their specialty, must negotiate. This intensive, interactive seminar will explore the theoretical and practical aspects of negotiating and mediating transactions and disputes in our legal system. The goal is to improve students' understanding of negotiation and mediation as well as their ability to negotiate effectively.

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

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

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

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

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waiting list. Students who drop the course will be refunded the amount. Students approved to withdraw will not be enrolled. Waitlisted students must be in attendance at the start of the second class meeting. Withdrawals are permitted up until the last day of the second class meeting. Withdrawals are permitted up until the last day of the second class meeting. Withdrawals are permitted up until the last day of the second class meeting. Withdrawals are permitted up until the last day of the second class meeting. Withdrawals are permitted up until the last day of the second class meeting. Withdrawals are permitted up until the last day of the second class meeting.

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

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

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

LAW 317 v01 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v01)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving and to improve students' negotiating skills. Students will be expected to read, write, discuss, critique, and participate in simulated disputes, both in and outside of class. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas, including community, commercial, environmental, interpersonal, litigation, and transactional disputes. The effect of gender, culture, power, politics, impasse, and attitude toward conflict will also be explored.

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

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

Learning Objectives:

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

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

Recommended: Contracts, Torts, Civil Procedure.

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

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

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

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

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

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

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

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

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

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

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

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

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

Learning Objectives:

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

More specifically, our goals are:

• To increase your awareness about negotiation and negotiating behavior:
  • The pervasiveness of negotiation;
  • The implicit working assumptions that underlie your behavior;
  • Understanding others’ perceptions and reactions;
  • The importance of process (how we negotiate): its effects on the progress of negotiations and the relationship between negotiators.

• To enhance your understanding of negotiation theory by providing:
  • Exposure to social science research related to negotiation;
  • Some basic organizing concepts;
  • A common vocabulary to enhance preparation, negotiation, and review;
  • Analytic tools for diagnosing problems and developing strategy.
LAW 317 v14 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v14)

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

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

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

Grades will be based on:

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

Learning Objectives:

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

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

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

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

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

LAW 317 v19 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v19)

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.

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

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

This course will be enrolled via waitlist. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. 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 six sessions. Students who cannot commit to all six 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 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 v20 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v20)
J.D. Seminar | 3 credit hours
According to the American Bar Association’s Vanishing Trial Project, 98.2% of civil cases filed in federal courts are resolved without recourse to jury verdict. Anecdotal accounts suggest a comparable statistic for the state courts. Similarly, the U.S. Sentencing Commission reports that 97.1% of criminal cases are resolved through the plea bargaining process. The empirical data underscores the importance of learning to negotiate within the context of litigation and its principal discovery devices.

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 Mediation Advocacy Seminar.

Note: This course will be enrolled via waitlist.

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

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

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

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

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

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

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

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

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of all enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.
LAW 317 v24 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v24)
J.D. Seminar | 3 credit hours
This seminar is an interactive workshop designed to teach the practice and principles of joint problem-solving, to improve students’ negotiating skills and to provide instruction in representing clients in mediations. Students will be expected to read, write, discuss, critique, and participate in simulated disputes. The simulations are designed to familiarize students with the negotiating process, to plan and prepare for negotiations, to identify and experiment with individual negotiating styles and to raise ethical and practical questions. Simulations are taken from a variety of practice areas. Students learn to negotiate by participating in simulations, studying and discussing negotiation theory and principles, analyzing negotiation exercises, and being critiqued.

Learning Objectives:

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

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

Recommended: Contracts, Torts, Civil Procedure.

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

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

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

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 exercises and simulations. The simulations will give students the skills 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:

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

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. The schedule is a demanding one, and students who cannot firmly commit to be at all six sessions should not enroll. There is a course materials fee for this course, which covers outside vendor materials and in-class activities.
LAW 317 v26 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAG %20317%20v26)
J.D. Seminar | 3 credit hours
This intensive, interactive seminar is designed to teach participants the theory and practice of effective negotiation and negotiation advocacy so that they may improve their skill in joint problem solving and joint decision making. Negotiation skills are best learned by doing, so this seminar includes numerous opportunities for participants to enact the skills, principles, and approaches learned. The simulations and activities are designed to familiarize students with the negotiating process, help them prepare for entering and conducting a formal negotiation, teach them to identify and engage in the types of informal negotiations that occur every day, allow them to experiment with various styles and techniques, and introduce a variety of practical and ethical problems that they might encounter. Simulations are derived from a range of practice areas, including interpersonal, commercial, transactional, and international disputes, among others. The effects of culture, gender, power, politics, psychology, neuroscience, and personal conflict styles will be examined. Participants will apply their negotiation skills in the real world and evaluate the results. The course will also explore the use of alternative dispute resolution and conflict management systems to break or avert impasse in negotiation and facilitate the constructive handling of conflict.

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

Prerequisite: Contracts.

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

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

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

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

LAW 317 v28 Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAG %20317%20v28)
J.D. Seminar | 3 credit hours
This intensive, interactive seminar is designed to teach both the theory and practice of negotiation. The goal is to improve students’ understanding of negotiation as well as their ability to negotiate effectively. Students will spend much of their time participating in negotiation exercises and simulations from a variety of practice areas. Through the in-class negotiation exercises, debriefings, and lectures, students will develop and sharpen skills in the areas of listening, asking questions, creative thinking, and persuasive communication. Class lectures and discussions will focus on such topics as the difference between competitive and integrative bargaining, the psychological and ethical dimensions of negotiations, and the importance of planning and choosing negotiation strategies.

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

Grades will be based on:

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

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

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

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

This course will be enrolled via waitlist. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled and must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty’s request on behalf of enrolled students. This additional fee will be placed directly on a student’s account in early June. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded.
LAW 317 v50 Negotiations Seminar  
[http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v50](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v50)

J.D. Seminar | 3 credit hours

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

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

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

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

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

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

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

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LAW 317 v53 Negotiations Seminar  
[http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v53](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20317%20v53)

J.D. Seminar | 3 credit hours

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

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

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

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

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

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. There is a course materials fee for this course, which covers outside vendor materials purchased on behalf of enrolled students (these materials are distributed as part of the course’s in-class assignments and exercises). This fee is posted to your student account in August (for Fall courses) or December (for Spring courses), or as soon as you are enrolled in the course, whichever is later. Students who drop the course will be refunded the amount. Students approved to withdraw will not be refunded.
LAW 508 v02 Policy Clinic (Harrison Institute for Public Law) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20508%20v02)  
J.D. Clinic | 8 or 14 credit hours  
Please see the Policy Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute) for more detailed information about the program.


Learning outcomes for this clinic: Students are supervised, evaluated and graded on three skill sets, each of which has explicit evaluation criteria in the clinical program design (https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute).

1. **Management and professionalism** – includes “managing up” with supervision meetings, initiating self-evaluation, managing effort and deadlines, collaborating, and expectations in a professional culture.
2. **Research and analysis** – covers legal, policy and strategic analysis. It includes identifying issues that require analysis, learning the context efficiently, using diverse sources to learn efficiently and avoid bias, explaining analytic methods, using a logical framework, and drawing conclusions or options that meet client needs.
3. **Communication, writing and speaking** – includes organizing documents and presentations logically, meeting audience needs for context in the introduction and for decision-making in the conclusion, relating analysis through stories and examples, presenting visual information, and using appropriate language in terms of editing conventions, clarity, tone, and jargon.

**Recommended:** Legislation and Administrative Law. Also, for climate projects: Local Government Law; and for trade or human rights projects: International Law I, International Trade (various titles), World Trade Organization: Law, Policy and Dispute Settlement, and International Human Rights.

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

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LAW 1194 v00 Renewable Energy Seminar: Policy, Law and Projects (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201194%20v00)  
J.D. Seminar (cross-listed) | 2 credit hours  
This seminar provides an overview of the policy and legal frameworks driving the growth of the U.S. renewable energy industry (primarily in the wind and solar sub-sectors); the key contractual documents necessary to develop and finance wind and solar power projects; and the legal and market issues facing the renewable energy sector going forward. After becoming familiar with the policy and market landscape for renewable energy projects in the U.S., students (working in groups) will review a set of hypothetical project documents to analyze potential risks and mitigants for a typical project financier. Students will summarize their findings and present to an “investment committee” comprised of practitioners active in the renewable project development and finance industry.

**Learning Objectives:**

1. Develop baseline knowledge of key state and federal laws and policies impacting the development and financing of wind and solar energy projects in the U.S., and the interplay between such different levels of regulation.
2. Demonstrate an ability to analyze and explain a particular state’s regulatory regime in respect of the development of certain renewable energy projects located therein.
3. Develop an understanding of the main legal documents (a) governing project development and (b) for project financing, and key provisions (including risks and mitigants, and market commercial terms) for each.
4. Demonstrate an ability to, in cooperation with an assigned team, utilize such background knowledge to analyze a specific set of wind or solar project development documents, including the risks and proposed or actual mitigants in respect of the development and financing of such project.
This practicum course addresses regulatory efforts to bring competition to markets historically dominated by regulated monopolies, particularly in the electricity, gas, telecommunications, and long-distance transportation industries. Students will participate in a two-hour/week seminar and carry out roughly 15 hours/week of project work for an outside client (usually a regulatory agency), under the direction of the course professor.

SEMINAR: In the field of public utility regulation, lawyers operate at the intersection of multiple professions (economics, finance, accounting, management, engineering, and politics); jurisdictions (50 states and several federal agencies); and ideologies (e.g., private vs. public ownership, government intervention vs. "free market"). Regardless of the industry or era, public utility regulation has three common elements: its mission (to align corporate behavior with the public interest), its body of law (ranging from state law on monopoly franchises to federal constitutional protection of shareholder investment), and its flexibility (accommodating monopolistic and competitive market structures).

Today's policymakers are stretching traditional public utility law to address frontier problems, such as climate change (Should we require utilities and their customers to reduce and "green" energy production and consumption?); universal service (Should we bring broadband to every home?); homeland security (How vulnerable is utility infrastructure?); and privacy (Can regulators induce changes in personal energy consumption without expose personal consumption data?). A constant is state/federal tension over jurisdiction (e.g., Which aspects of utility service are "national," requiring uniformity; and which are "local," warranting state experimentation?). The public utility field employs thousands of lawyers in diverse roles.

The seminar component will cover (a) the backbone law (state and federal enabling statutes, constitutional law, antitrust law, contract and tort law, administrative law); and (b) the array of formal and informal procedures (notices of inquiry, rulemakings, contested cases, deliberative decision-making, appellate review) available to decision-makers and parties seeking to influence them.

PROJECT-WORK: Each student will work with a senior decision-maker or advisor within a state or federal regulatory agency, or a public interest group, to solve a frontier policy problem in utility regulation. Past projects have involved electric vehicles, solar energy deployment, broadband investment, revocation of public utility franchises, data privacy, wireline telephone rate structures, and service quality standards in a developing country’s natural gas industry. Besides researching and solving substantive issues for the client, student papers and class discussions will address the lawyer’s role in (a) integrating multiple professional disciplines; (b) maneuvering within multiple jurisdictions and fora; and (c) assessing and improving regulatory agencies’ performance.

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.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email Louis Fine (fine@law.georgetown.edu) to request admission.

This practicum course is suitable for evening students who can commit to attending the weekly seminars and participating in 15 hours of project work a week. The project work does not need to be completed during business hours.
LAW 1099 v00 The Art of Regulatory War Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201099%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will focus on “the art of regulatory war.” How can lawyers and other stakeholders working at the regulatory intersection of law and politics gain advantage, use their different sorts of legal artillery and strength, and push regulatory disputes and tool choices into venues, modes, and postures that favor their or their clients’ interests and broader policy goals? What changes are underway regarding the nature of regulation, attitudes about the role of the administrative state, and ways regulatory wars are fought?

Subject to adjustment in light of legal developments and student interest, the seminar meetings will be organized around a mix of case studies and cross-cutting regulatory topics. Topic-based classes will likely select from among the following: critiques of assumptions of regulatory overreach and empire building; a class or two on federalism-linked subjects such as power federalism; doctrinal shifts and presumptions, debate over the values and functions of preemption, and rationales for various federalism-utilizing allocations of authority; theories of regulation and regulatory reform proposals; recent presidential and agency deregulatory and policy change efforts and judicial and scholarly responses; debates and shifting doctrine regarding deference regimes; the shift to market-based and experimental “rolling rule” modes of regulation; “sound science” and “bought science;” behavioral economics and regulatory design; and “impact” litigation strategies. Case study subjects will likely include a mix of the following: my own research into the 1971-85 battles over the multi-billion dollar Westway project defeated by a small number of citizens; climate change regulatory and legislative proposals and battles; regulatory responses to disasters; and court, regulatory and legislative battles over protecting “waters of the United States” under the Clean Water Act. Readings will include diverse materials to illuminate the art of regulatory war, including court decisions, briefs, congressional testimony, legislative and regulatory proposals, statutory provisions and scholarship. Students will before each class submit a few brief comments or questions about the readings, with class discussion building on those areas of interest. Students will have broad latitude to develop related paper topics based on their own interests and goals.

During the last few weeks of the semester, we will conclude with students sharing and leading discussion of their draft papers. There are no seminar prerequisites, but students interested in administrative law, constitutional law, economic and risk regulation, environmental law, energy law, legislation, law and politics, law and economics, litigation and other areas of public law should find the material of interest.

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

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 1019 v00 The Law of Public Utilities: Bringing Competition to Historically Monopolistic Industries (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201019%20v00)
J.D. Seminar | 2-3 credit hours
Our major infrastructural industries—electricity, gas, telecommunications, transportation and water—were historically controlled by monopolies. Since the 1980s, efforts to introduce competition into these industries have met obstacles. Battles before legislative bodies, regulatory agencies and courts, at the state and federal levels, have produced a distinct body of law. That body of law—the law of introducing competition into historically monopolistic industries—is the subject of this course.

From the principles learned in the course, students have written papers on such diverse topics as renewable energy, internet, movie production, chicken slaughtering, student loans, pharmaceutical research, Uber, Flint’s water crisis, utility corporate form, cloud storage, electric storage, and telemedicine at the VA. Some of these papers have made their way into professional journals or law journals.

Regardless of the industry or era, the regulation of infrastructural monopolies and their competitors has five common elements: its mission (to align business performance with the public interest); its legal principles (ranging from the state law on exclusive monopoly franchise to federal constitutional protection of shareholder investment); policy flexibility (accommodating multiple public purposes, from service reliability to environmental accountability to protection of vulnerable citizens); reliance on multiple professional disciplines (law, economics, finance, accounting, management, engineering and politics); and formal administrative procedures, such as adjudication and rulemaking.

Today, political challenges are causing policymakers to stretch regulation’s core legal principles. Four examples of these challenges are: climate change (e.g., To what extent should we make utilities and their customers responsible for “greening” energy production and consumption?); universal service (e.g., Should we bring broadband to every home, and at whose cost?); privacy (How do regulators induce personal changes in energy consumption while protecting the related data from public exposure?); and protection of our infrastructure from hackers, terrorists and natural catastrophes.

Complicating these political challenges are two sources of constant tension: ideology (e.g., private vs. public ownership, government intervention vs. “free market”); and state-federal relations (e.g., Which aspects of utility service are “national,” requiring uniformity; and which are “local,” warranting state experimentation?).

This field has many jobs, as new issues emerge and as baby boomers retire. Lawyers play varied roles. They advise clients who are suppliers or customers of regulated services, represent parties before regulatory tribunals, advise those tribunals or their legislative overseers, and challenge or defend those tribunals on judicial review.

Note: The 3-credit Writing Requirement section of this course is restricted to J.D. students only. The 2-credit Paper section of this course is restricted to LL.M. students only.
LAW 496 v01 The Mind and the Law

J.D. Course (cross-listed) | 3 credit hours
Developments in neuroscience and the psychological study of cognition and emotion are transforming our understanding of the mind. These developments have large implications for law and lawyering. They challenge some of civil and criminal law's central premises - about people's rationality, free choice, and consistency over time. This course will examine some of these challenges, and it will weigh the law's possible responses. Legal topics to be explored will include health and safety regulation, the idea of the reasonable person, intent and culpability, mental disability, and the roles of revenge, regret, and other motives in civil and criminal justice. Other themes, relevant to lawyering and to the management of conflict, will include the psychology of negotiation, the nature of intuition and judgment, and the roles of trust and social norms. The course will also consider the causes and control of violence and extremism, as well as the use of emerging neuroscience technologies for legal and national security purposes.

LAW 1282 v00 Urban Laboratory: Land Use Planning Law in Practice

J.D. Seminar (cross-listed) | 2 credit hours
Washington, DC, is undergoing its greatest physical and social transformation of the past half century. Students will engage with legal and planning issues of current real estate developments, analyzing issues of planning, zoning, historic preservation, environmental and other laws that are shaping the transformation. They will work in cooperation with students in Georgetown's program in Urban and Regional Planning to study and participate in real planning efforts, involving projects such as the redevelopment of Union Station and of the air rights over I-395. Students will write short analytic papers, some of which may be comments submitted to regulatory agencies. Some classes will be held at Georgetown's School of Continuing Studies or replaced by Saturday field trips.

Recommended: Prior or concurrent study of Land Use Law or Historic Preservation Law is recommended but not required.

LAW 1497 v00 Urban Law and Policy Seminar

J.D. Seminar | 2-3 credit hours
This seminar will explore a range of legal and policy problems currently affecting American cities including housing and land use, concentrated poverty and racial segregation, expanded efforts to police crime, recent efforts to regulate harmful products (sugary drinks, tobacco, guns, unhealthy food), innovative efforts to encourage economic development, and strategies to expand social justice, among others. We will analyze the underlying social, economic, and political causes of these problems and the responses made by policymakers and courts. We will examine the limits of existing legal doctrines concerning local government powers at a time when local government units are being asked to take on more and more responsibility for improving society and regulating the conduct of citizens in local jurisdictions. Grades will be based on active participation in class discussion and a research paper. The last few weeks of the course will be devoted to student presentations of their research. Students seeking to use this course to satisfy the upper-level writing requirement must sign up for the three credit section.

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

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal. Laptops and tablets are not allowed in the classroom.
LAW 1515 v00 Water Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201515%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course provides a survey of the key elements of domestic water resources law and policy. Students will study the relevant state and federal law, legal opinions and interpretations, and development of underlying policies relating to water resources. The course will provide an overview of the basic doctrines relating to water law – prior appropriation and riparianism, and will consider hybrid systems of water allocation developed to address today’s needs and challenges. Students will examine the legal issues surrounding groundwater and water as a shared regional resource. The course will review the law of federal and Indian reserved water rights. Finally, the course will address some of the pressing water resources topics of today, such as sustainable management and climate change adaptation, ecosystem management and Endangered Species Act compliance in watersheds and river basins, and strategies for addressing future water needs. Throughout the course, we will consider the successes and failures of water resources law and policy and prospects for effective water resources management, including conservation, infrastructure development, and the importance of science and data. Students will be expected to participate in class discussions, as well as to complete a final paper. This is a two-credit seminar.

Learning Objectives:

1. By the end of this course, you should have a good understanding of the legal framework for the administration of domestic water resources. The focus will be on relevant federal and state legal and policy regimes, and the respective roles of the federal and state governments. You should also gain insights regarding the impact and adjudication of Indian water rights into selected international topics. You will learn about certain major river basins which illustrate these concepts.

2. During this course, you should attain an appreciation of the history of the development of water resources law and policy, the role this law and policy has played in the development of the United States, and how water resources law and policy has reflected the values of the nation historically.

3. The course should provide you with a context for evaluating ongoing legal and policy issues and controversies relating to the current management of water resources.

4. The course is intended to help you develop your legal skills. Through role-playing as a part of an in-class exercise, you will consider and practice skills relating to the preparation, writing and oral presentation of testimony and public statements for mock Congressional hearings and mock public meetings. Students will gain experience in considering the perspective of the person they are role-playing and how best to present the position they represent. Through these in-class exercises and the class readings, you should develop practical skills and a greater facility with actual Congressional and administrative documents relevant to many legal practices, in addition to case law.

5. Students also will prepare a final paper and present it orally. In doing so, you will have an opportunity to hone your legal writing and oral presentation skills and to develop more in-depth expertise on a water resource issue of your choice.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Water Law Seminar: Allocation and Use in Times of Scarcity.

LAW 1515 v01 Water Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201515%20v01)
J.D. Seminar (cross-listed) | 2 credit hours
This course provides a survey of the key elements of domestic water resources law and policy, as well as selected international topics. Students will study the relevant state and federal law, legal opinions and interpretations, and development of underlying policies relating to water resources. The course will provide an overview of the basic doctrines relating to water law – prior appropriation and riparianism, and will consider hybrid systems of water allocation developed to address today’s needs and challenges. Students will examine the legal issues surrounding water as a shared regional resource in both domestic and international contexts. The course will review the law of federal and Indian reserved water rights. Finally, the course will address some of the pressing water resources topics of today, such as sustainable management and climate change adaptation in watersheds and river basins in the U.S. and around the globe. We will also address strategies and challenges for addressing future international and domestic water needs. Throughout the course, we will consider the successes and failures of water resources law and policy and prospects for effective water resources management, including conservation, infrastructure development, and the importance of sound science. Students will be expected to participate in class discussions, as well as to complete a final paper. This is a two-credit seminar.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Water Law Seminar: Allocation and Use in Times of Scarcity.
LAW 611 v04 World Health Assembly Simulation: Negotiation Regarding Climate Change Impacts on Health (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v04)

J.D. Seminar | 1 credit hour
This Week One simulation will introduce students to the science and impacts of climate change, including effects on health such as heat stress, vector-borne disease, and food security. It will provide students an opportunity to develop positions, advocate, conduct a simulated negotiation, and receive feedback to improve skills. The negotiations will take place as part of the World Health Organization’s World Health Assembly. Students will represent countries and important civil society institutions in negotiating and crafting an international agreement pertaining to climate change and global health. They will have the opportunity to conduct research for their assigned country or organization, interview experts, develop strategy, negotiate, receive and incorporate feedback, and draft resolutions, treaties, or other legislative language. Our approach will allow students to go through not merely an academic negotiation exercise but to develop language that might be useful in the real-world context of the World Health Assembly.

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

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by Monday, November 29, 2021 at 3:00 p.m. After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

LAW 1371 v00 Writing for Practice: Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201371%20v00)

J.D. Seminar | 1 credit hour
The ability to write effective professional documents 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 an adjunct professor working in collaboration with the full-time faculty member teaching the larger course. Students should expect to write several documents common in the given practice area, such as client letters, legal research memoranda, motions, or responses. At least one document will require both an initial and final draft. The professor will provide individualized feedback on each writing assignment. In addition to the practical legal writing skills taught, students will also learn more generally about the demands and concerns of regulatory practice.

This seminar, taught by a former law fellow, will expose students to some of the central legal documents and processes that govern administrative rulemaking proceedings. Over the course of the semester, students will advise a high-tech "client" throughout the lifecycle of a rule's development, including participating in notice-and-comment proceedings and considering whether to appeal the agency's decision. Students will engage with their clients, advise on key strategic decisions, and produce examples of the documents that are drafted by regulatory lawyers every day. Occasional guest speakers will provide students with special insight into the practice of administrative law.

Written work will consist of several short writing assignments to be completed between class sessions, as well as one longer assignment that students will draft over the course of the semester. Students will be evaluated on the quality of their written work and on class participation. Because the class meets only seven times over the course of the semester, attendance at each session is mandatory.

Prerequisite: Legal Practice: Writing and Analysis; concurrent or prior enrollment in Administrative Law. Students may contact the professor 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 Bonner at austin.bonner@gmail.com. Requests for permission to enroll will be reviewed on a rolling basis. Limit: 10 students. This course is open to J.D. students only. In the Spring 2016 semester, this course will meet on the following seven Wednesdays: 1/27, 2/10, 2/24, 3/16, 3/30, 4/13, and 4/27. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

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

Vicki Arroyo  
Hope Babcock  
William W. Buzbee  
J. Peter Byrne  
Sheila Foster  
Lisa Heinzerling  
Robert K. Stumberg  
Edith Brown Weiss