LITIGATION AND THE JUDICIAL PROCESS

Traditionally, the law school courses most relevant to someone contemplating a career as a litigator have been the courses focusing on the "law" applied by courts in a litigation setting courses such as civil and criminal procedure, evidence, federal jurisdiction, and conflict of laws. Knowledge of those subjects is of course important to a litigator, and Georgetown offers a full array of such courses.

In addition to knowing the law, however, an effective litigator must develop skills in the areas of factual analysis, written and oral argument, and effective communication, as well as a sense of drama and artistry. Until relatively recently, law schools offered virtually no formal training in how to try a case in court. New attorneys were forced to develop litigation skills on their feet, often at the expense of their first few clients. During the past twenty years, this situation has changed considerably. Although in-court experience continues to serve an essential role in a new litigator's training, a student can gain a solid foundation in these skills through clinical courses and from the numerous practice oriented courses and seminars. Georgetown has been a leader in this evolving field, and the Law Center offers an extraordinary range of opportunities to study litigation and the judicial process in a clinical setting, or in simulation seminars such as Trial Advocacy, Negotiations, and Appellate Practice.

Finally, although one's image of a litigator may be predicated on the great courtroom dramas of our time (actual and fictional), many civil litigators rarely try a case in court. Much litigation takes place before administrative fact-finding bodies. While criminal trials do take place in the courts, many criminal cases are resolved by dismissal or pleas of guilty. Most civil and criminal litigation involves pre-trial work: investigation, drafting a complaint or motions, discovery, briefing and arguing pre-trial motions. Countless cases are won or lost without ever empaneling a jury – often because they are settled out of court or resolved on summary judgment. Thus, the skills one needs as a litigator are not limited to trial skills. Perhaps the two most important skills one can develop are legal writing and case planning. One may improve writing skills either by taking legal writing courses or by taking seminars (in whatever subject areas that interest you) in which you write a paper. Planning skills are best developed in clinics and in seminars that stress analysis of problems requiring a legal solution.

J.D. Courses

Evidence, Federal Courts and the Federal System, and Conflict of Laws: Choice of Law are essential building blocks for any practitioner. No litigator can function effectively without an in-depth understanding of how the rules of evidence govern the presentation of facts to a judge or jury. A course on Federal Courts provides necessary background on the constitutional and statutory concepts that define and limit the roles played by the federal and state judiciary in our system of government. Conflict of Laws addresses how courts resolve multistate or multi-nation disputes, including issues such as jurisdiction, choice of the governing law, and recognition and enforcement of judgments rendered by the courts of other states or nations.

Administrative Law is also an important course offering. Because a substantial amount of trial and appellate work occurs before administrative agencies, it is useful to have a thorough understanding of their operations and procedures.

Those interested in international practice are strongly advised to take Conflict of Laws: Choice of Law and should consider taking, in addition, the graduate course International Civil Litigation, and the clinic Center for Applied Legal Studies, where students represent applicants for political asylum.

Beyond these courses, students should take whatever courses interest them. Litigators may be generalists, taking on whatever issues present themselves, or specialists, developing an expertise in particular areas of the law. In this sense, every course taken in law school helps to develop a litigator by introducing substantive areas of the law and refining analytical skills. Thus, students should take courses that inspire them and not feel compelled to take specific substantive courses unless they are of interest and further their particular educational goals.

J.D. Seminars and Clinics

Learning to litigate is best done through real or simulated litigation experiences where a student can receive intensive, personal feedback from an experienced practitioner. A student interested in becoming a trial lawyer should be certain to take at least one intensive trial practice course, where the real or simulated case work includes learning how to draft complaints and motions, how to deliver opening statements and closing arguments, how to conduct direct and cross examination, and how to introduce exhibits into evidence. The courses most focused on providing this kind of experience include: Civil Litigation Practice, Trial Practice, Trial Practice: Working with Expert Witnesses, Presentation Skills for Lawyers Seminar, or any of the clinics that focus on trial practice, the Criminal Justice Clinic, the Domestic Violence Clinic, Juvenile Justice Clinic, The Community Justice Project, and Law Students in Court.

Students whose interest lies primarily in appellate work should consider taking the Civil Litigation Seminar and at least one practice oriented course in appellate advocacy, such as the Appellate Practice Seminar and the Appellate Litigation Clinic. Students with a particular interest in the U.S. Supreme Court should consider taking the Solicitor General Seminar and the Supreme Court Seminar.

Other seminars, skill offerings, and clinics may be important because of the particular area of substantive law they address. Those interested in public interest work should certainly take Constitutional Law II, and may wish to enroll in any one of the Law Center's public interest litigation-oriented clinical programs, and should also consider seminars such as the Homelessness, Poverty, and Legal Advocacy Seminar, Housing Today: Lawyering Affordable Housing Seminar, Poverty Law and Policy Seminar and the Public Interest Advocacy.

As mentioned above, students interested in international practice should consider taking the Conflict of Laws: Choice of Law, where students examine the issues related to litigating cases involving persons or event connected with more than one nation, and the Center for Applied Legal Studies, where students represent applicants for political asylum.

Students who wish to focus on criminal litigation should, at a minimum, enroll in Criminal Law and either Advanced Criminal Procedure, Advanced Criminal Procedure and Litigation, or Federal White Collar Crime. They may continue to pursue this interest through course work in the Advanced Evidence: Supreme Court and the Constitution Seminar, Role of the Federal Prosecutor, and either the Criminal Justice or Juvenile Justice Clinic, where students represent adult and juvenile defendants in local criminal cases.
Many specialized civil practice courses also exist. The Class Action Law and Practice Seminar focuses on the class action device as an attempt to resolve disputes on an aggregate basis. The Civil Discovery Seminar is a two-credit seminar that introduces students to the legal and ethical principles involved in the various methods of conducting civil discovery under the Federal Rules of Civil Procedure. Civil Litigation Practice is a year long, four-credit seminar that brings students through the entire course of a civil trial. In the fall semester, the seminar covers, using a core model case, initial interviews, fact analysis, drafting claims and defenses, and civil discovery. In the second semester, the model case is carried to trial. Students may not receive credit for this seminar and the Civil Discovery Seminar, Patent Trial Practice, or Trial Practice. The Civil Litigation Seminar teaches students oral and written advocacy for civil litigation, using assignments based on actual public interest law cases. Finally, Litigation with the Federal Government studies jurisdictional and other procedural issues that arise in civil litigation involving suits brought by and against the federal government.

Other offerings in civil practice include the Advanced Evidence: Supreme Court and the Constitution Seminar, Intellectual Property Litigation: Pretrial Skills, Patent Trial Practice, and several clinical programs, including the Domestic Violence Clinic, which focuses on domestic violence litigation; the Institute for Public Representation, which focuses on communications, environmental and civil rights cases; The Community Justice Project, which focuses on civil litigation; and Law Students in Court, which focuses on landlord/tenant cases.

Georgetown's course offerings in the area of litigation and the judicial process are numerous and varied, and include the largest and most diverse clinical education program in the country. Students who would like to explore further how to choose or prioritize among these courses should feel free to consult any professor who teaches in this area.

Search Litigation and the Judicial Process Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_22)

LAW 032 v02 Advanced Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20032%20v02)
J.D. Course | 2 credit hours
The stages of the criminal process beginning with the filing of charges through the sentencing stage are analyzed. Legal issues arising at each stage will be examined. How the legal and administrative obligations of the participants in the process -- the court, prosecutor and defense counsel -- influence decision-making at various stages is explored. The prosecutor's paramount role is to advocate aggressively on behalf of the government. However it cannot be unmindful of its administrative responsibility to process cases expeditiously. Protecting the rights of the accused is a defense attorney's foremost obligation but not without a regard for the attorney's duties as an officer of the court. Arbitrating matters is a core judicial activity in the criminal process; influenced by the court's desire to move cases to conclusion. Burdens of proof to resolve procedural issues are studied in the context of how the allocations of burdens of proof are allocated to achieve philosophical interests to be accommodated by the system.

Prosecutorial discretion in the charging function, the constitutional basis therefore and limitation thereon are explored. Preliminary procedural steps as well as grand jury process, joinder and severance of defendants and charges, the right to a speedy trial, discovery, trial issues arising in complex multi-defendant trials, the evolving federal constitution law on the right to confrontation, the presentation of evidence, jury instructions and sentencing issues are all studied.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure and Litigation or Serial and Adnan Syed: Special Topics in Criminal Procedure or Criminal Justice II: Criminal Trials.

LAW 032 v06 Advanced Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20032%20v06)
J.D. Course | 2 credit hours
This course examines the process of criminal litigation beginning with the filing of charges and continuing through the trial. Topics covered include the exercise of prosecutorial discretion in the charging function, the preliminary examination and grand jury, bail, joinder and severance of defendants and charges, the right to a speedy trial, discovery, trial issues, the right to confrontation, the presentation of evidence, and jury instructions.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure and Litigation or Serial and Adnan Syed: Special Topics in Criminal Procedure or Criminal Justice II: Criminal Trials.
LAW 032 v03 Advanced Criminal Procedure and Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20032%20v03)

J.D. Course | 2 credit hours
This course addresses the law, strategy, and ethical considerations of criminal procedure and litigation beginning with the decision to commence an investigation and/or charge through sentencing. Topics to be explored will include the prosecutorial decision to charge, representation (e.g., conflicts) of and compensation (e.g., forfeiture) by client issues, grand jury practice, immunity and plea negotiating, discovery, motions practice, prosecutorial and defense misconduct, selected trial issues, and sentencing. Materials for this course will include court opinions, pleadings from actual cases, Department of Justice manuals and policies, and news and law articles. The course may be organized around an actual case from its investigation inception, through pre-trial motions and discovery, to trial and verdict.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure or Serial and Adnan Syed: Special Topics in Criminal Procedure or Criminal Justice II: Criminal Trials.

LAW 168 v00 Advanced Evidence: Supreme Court and the Constitution Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20168%20v00)

J.D. Seminar | 3 credit hours
This seminar examines advanced subjects in evidence that were not treated or not treated in depth in the basic Evidence course but are important to trial practice.

Prerequisite: Evidence.

LAW 1089 v00 Advanced Evidence: Trial Skills (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201089%20v00)

J.D. Skills | 2 credit hours
This course will bridge the gap between the academic subject of evidence and the practitioner’s course of trial practice by teaching students how to use evidence as a functional tool in the courtroom. While there will be brief overviews of the law, the vast majority of this course is dedicated to teaching students through realistic examples how particular rules are used during trial and when and how to make objections.

Instead of attempting to organize the course using the numerical structure of the rules of evidence, the course is structured and allocates time according to the importance of topics. For example, the evidentiary doctrine of judicial notice will be addressed, but nowhere in depth as doctrines that are used in most trials, such as party admissions or business records.

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

In addition, where applicable, doctrines are broken down into lists of elements where students can learn how to lay the foundation for introducing evidence into a trial as exhibits. Once the item or document is introduced, students will learn how to effectively use the exhibits in the presentation of their case. Students will also learn, and practice how to write, argue, and defend motions in limine, an extremely important skill that most students never learn about until they are handed their first real case after graduation.

Prerequisite: Evidence.

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

Note: FIRST CLASS ATTENDANCE IS MANDATORY. 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 036 v09 Advanced Legal Writing: Practical Skills from Retail Industry Examples
J.D. Seminar | 2 credit hours
Whether or not you expect to represent retail clients during your career, this course provides real-world writing skills for your future at a law firm and builds on skills learned in your first-year Legal Practice course. This class will build your writing repertoire and will familiarize you with different kinds of writing used in a litigation practice. It does so against the background of legal issues facing retail clients—issues that you probably have personal experience with from your life as a consumer of retail products.

Retail law gives us an exciting lens from which to approach writing and legal practice skills. Clients in the retail industry contend with a wide variety of legal issues: they could face lawsuits about their advertising and marketing, contracts, data collection, employment, supply chain, real estate, and other hot-button areas of law. They are also sued by a variety of different groups: competitors, customers, and employees. A young lawyer practicing in this area will be expected to research an assortment of legal questions, prepare internal memoranda for her team, draft written advice to clients, and assist in motions practice and other aspects of litigation. This course uses fact patterns from the retail industry like those that a young lawyer could expect to see in practice.

Students will improve analytical and writing skills, apply those skills to new types of legal problems, develop a strong "self-editor" and skills for taking and implementing constructive criticism, practice effective time management techniques, and gain familiarity with the types of written assignments a young firm lawyer is expected to handle and the types of work product partners and clients will expect to better prepare for legal practice.

Prerequisite: Legal Practice: Writing and Analysis.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Advanced Legal Writing Seminar, Advanced Legal Writing and Practice for Judicial Clerks and Civil Litigators, Advanced Legal Writing: Legal Writing as a Discipline, Advanced Legal Writing for International Business Lawyers, or Writing for Law Practice.

LAW 1531 v00 Advanced Legal Writing: Practical Skills from Retail Industry Examples
J.D. Seminar | 2 credit hours
Whether or not you expect to represent retail clients during your career, this course provides real-world writing skills for your future at a law firm and builds on skills learned in your first-year Legal Practice course. This class will build your writing repertoire and will familiarize you with different kinds of writing used in a litigation practice. It does so against the background of legal issues facing retail clients—issues that you probably have personal experience with from your life as a consumer of retail products.

Retail law gives us an exciting lens from which to approach writing and legal practice skills. Clients in the retail industry contend with a wide variety of legal issues: they could face lawsuits about their advertising and marketing, contracts, data collection, employment, supply chain, real estate, and other hot-button areas of law. They are also sued by a variety of different groups: competitors, customers, and employees. A young lawyer practicing in this area will be expected to research an assortment of legal questions, prepare internal memoranda for her team, draft written advice to clients, and assist in motions practice and other aspects of litigation. This course uses fact patterns from the retail industry like those that a young lawyer could expect to see in practice.

Students will improve analytical and writing skills, apply those skills to new types of legal problems, develop a strong "self-editor" and skills for taking and implementing constructive criticism, practice effective time management techniques, and gain familiarity with the types of written assignments a young firm lawyer is expected to handle and the types of work product partners and clients will expect to better prepare for legal practice.

Prerequisite: Legal Practice: Writing and Analysis.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Advanced Legal Writing Seminar, Advanced Legal Writing and Practice for Judicial Clerks and Civil Litigators, Advanced Legal Writing: Legal Writing as a Discipline, Advanced Legal Writing for International Business Lawyers, or Writing for Law Practice.
LAW 1449 v00 Advanced Oral Advocacy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201449%20v00)
J.D. Seminar | 2 credit hours
Many of our experiential offerings that focus on advocacy skills do so within the context of the entire trial or appeal; students in these courses work on all relevant skills associated with that type of litigation, including planning, writing, and oral advocacy. This advanced course assumes some exposure to the litigation process and gives students the chance to focus solely on improving their oral advocacy skills, specifically, their ability to persuade decision makers orally in situations where the speaking is an interactive process. Each week, students will prepare, present, and judge oral arguments on issues that are taken from pending cases or problems created by the instructor. Problems will be drawn from criminal, civil, and administrative law cases to allow students to experience how a generalist advocate presents arguments in different litigation contexts. Students will be expected to self-assess their performances and, working with the group and the instructor, develop and adapt their argument preparation and execution accordingly. Through this course, students will develop their ability to craft and deliver ideas orally in words and style that is both comprehensible and credible in settings where the listener/decision maker may engage the speaker at will.

Significant preparation will be required for each class session, and students will be meeting one-on-one or in small groups with the instructor outside of class time to prepare, debrief, and receive individualized feedback. Grading will be based on class participation only; there is no exam or final paper.

Learning Objective: Advanced training in preparation for and execution of an oral argument.

Recommended: Trial Practice, Civil Litigation Practice, moot court team membership, or other relevant litigation or oral advocacy experience is recommended.

Note: Due to the nature of this course, it is essential to finalize enrollment prior to the first week of classes. As such, students enrolled in this course have until 5:00 p.m. on Friday, December 13, 2019 to drop the class without penalty.

After December 13 at 5:00 p.m., a student who wishes to withdraw from this 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. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Students will meet each week with Professor Goldblatt in his office as part of their preparation for course. In addition, Professor Goldblatt may schedule moot courts over the course of the semester to take place in the Supreme Court Institute moot court room. Most will be held at the usual class time, but it is possible that one or more may be scheduled on a Friday afternoon (1:00 pm or later). Availability to attend at these times is a class requirement except for other class conflicts.

LAW 040 v01 Advanced Patent Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20040%20v01)
J.D. Seminar | 3 credit hours
This advanced seminar presumes knowledge of patent law fundamentals and examines various specific topics, including the Hatch-Waxman Act, patent administration, claim interpretation, the doctrine of equivalents, the experimental use privilege, and comparative and international patent law. Students will write papers on some specific aspect of patent law, not limited to those topics covered in class.

Prerequisite: Patent Law or equivalent experience.
LAW 1534 v00 Advanced Topics in Corporate Law: Control and Its Implications (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201534%20v00)
J.D. Course (cross-listed) | 1 credit hour
In a significant minority of public corporations, a single person or entity has the power to choose the directors of the corporation and determine the outcome of stockholder votes. Many private corporations operate with this governance profile. Corporations fitting this profile are described as "controlled."

In the standard model of the corporation, the power to direct and oversee the business and affairs of the entity rests with the board of directors, who are obligated as fiduciaries to act in the best interests of the company and its stockholders. When a party other than the board of directors has the ability to control the corporation, it upsets the standard model, with knock-on effects for a variety of corporate doctrines.

This course examines the nature of control and its implications. In addition to covering these issues in the context of public companies, the course will examine their implications for privately held companies and touch on their application to alternative entities.

Course enrollment is limited to 50. Students are expected to possess a basic understanding of the law applicable to alternative entities and corporations. An introductory course in corporations or business associations is a prerequisite.

Learning Objectives:
After taking this course, students will understand the following topics:

- What constitutes control? What are the different types of control and what factors contribute to its existence?
- What fiduciary duties do controllers owe? When and why do they arise?
- How does the presence of a controller affect corporate doctrines such as the standard of review, demand futility, and ratification?
- What devices can be used to mitigate the effects of control, such as special committees, majority-of-the-minority votes, and enhanced-independence directors?
- What are the implications of particular methods of maintaining control, with particularly emphasis on the currently trending device of dual class stock?

Prerequisite: Corporations.

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 any class session in its entirety will result in a withdrawal.

Add/Drop and Withdrawal Policies
No student will be permitted to drop this course after January 16, 2020. Failure to drop the course by January 16, 2020 will result in a withdrawal. No student may withdraw from this class without permission from the professors.

LAW 1521 v00 Advanced Topics in Corporate Law: Corporate Transaction Litigation in Delaware (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201521%20v00)
J.D. Course (cross-listed) | 1 credit hour
This course will explore corporate litigation in the Court of Chancery in the context of mergers, acquisitions, and other transactional structures.

The course is divided into three parts. Part I will begin with a discussion of Delaware's place in the world of corporate litigation and then turn to the topic of expedited deal litigation. This will include the mechanics of initiating a lawsuit to challenge a deal, together with the Court's role in resolving preliminary and logistical issues, before turning to the substantive law governing motions for expedition and motions for preliminary or permanent injunctive relief. Finally, we will discuss the plaintiff's role in corporate governance and recent issues in class action settlements.

Part II will focus on derivative litigation, in theory and in practice, beginning with the statutory and summary procedures available in the Court of Chancery. We will discuss high profile company catastrophes and the role of derivative litigation in that context. We will then turn to the complex derivative puzzles created by transactions and corporate structures.

In Part III, we will discuss the other route to redress in connection with transactions: appraisal. We will review the appraisal statute and questions of standing to understand who can pursue appraisal and how. We will also discuss the rise of appraisal arbitrage and explore the role of the merger price in appraisal.

In addition to reading cases, students will be asked to read parts of briefs actually filed in Delaware corporate litigation. Selected students will be assigned to discuss cases or to (informally) argue the briefed issues as assigned. Following in-class argument, we will discuss the outcome of the actual litigation. We anticipate covering one part described above on each of the three class days. Approximately half of the class time will concern issues of common-law litigation of corporate transactions.

By the end of this course, students will be familiar with the common issues arising in corporate transactional litigation; which actions may be brought directly and which must be pursued derivatively; which are statutory and which arise under the common law; and what current "hot" corporate litigation issues are currently being litigated in Delaware.

Prerequisite: Corporations.

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 any class session in its entirety will result in a withdrawal.

Add/Drop and Withdrawal Policies
No student will be permitted to drop this course after January 24, 2020. Failure to drop the course by January 24, 2020 will result in a withdrawal. No student may withdraw from this class without permission from the professors.
LAW 1535 v00 Advanced Topics in Corporate Law: Management Misconduct (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201535%20v00)
J.D. Course (cross-listed) | 1 credit hour
Through the lens of Delaware law, this course will review the roles of the board of directors, senior officers, and stockholders in overseeing a corporation, monitoring management conduct, and promoting compliance. The course will consider the director’s duty of oversight, its origins, and how it has evolved. The course will examine whether senior officers owe a similar duty of oversight, or whether different duties apply. We will delve deeply into the derivative action, which is the primary enforcement mechanism through which stockholders can address management misconduct. As part of this effort, we will explore the various stages of the derivative action and consider its strengths and weaknesses.

As its source materials, the course will examine recent derivative lawsuits. The course also will consider hot-button topics, such as #MeToo issues as a business risk.

Course enrollment is limited to 50. Students are expected to possess a basic understanding of the law applicable to alternative entities and corporations. An introductory course in corporations is a prerequisite.

Learning Objectives:
After taking this course, students will be able to answer the following questions:

- What standards apply to a board and senior officers when overseeing a corporation, monitoring for misconduct, and promoting compliance?
- What is the duty of oversight, how did it arise, and how has it evolved?
- What is the nature of a stockholder derivative action, the various stages of the proceeding, and its strengths and weaknesses?
- Are stockholder derivative actions an effective way of policing management misconduct? Is the Delaware corporate model particularly prone to management misconduct?
- Do alternative structures, such as B-corps or constituency-based models, offer promising alternatives?
- Can a corporation serve morally good ends?

Prerequisite: Corporations.

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. Enrolled students must attend each class session in its entirety. Failure to attend any class session in its entirety will result in a withdrawal.

Add/Drop and Withdrawal Policies
No student will be permitted to drop this course after October 17, 2019. Failure to drop the course by October 17, 2019 will result in a withdrawal. No student may withdraw from this class without permission from the professors.

LAW 127 v00 Advocacy Tools for Public Interest Lawyers (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20127%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course is designed for students embarking on careers in public interest law or policy and explores the many necessary techniques to become highly effective advocates for social change. The purpose of the class is to help class participants develop creative advocacy approaches and learn to think beyond litigation and other traditional legal strategies to meet key client and societal goals. In particular, the course will: 1) explore how coalition building, grassroots organizing, and public policy advocacy can be used to enhance legal strategies; 2) teach basic public interest advocacy skills, including media relations, fundraising basics, legislative advocacy and lobbying, leveraging data and research, social marketing and public opinion, and cutting-edge digital strategies; and 3) introduce students to dynamic experts in relevant issue areas, from lobbyists to communications experts. Using compelling case studies and background reading materials, students will have the opportunity to use multiple advocacy tools to tackle real-life social problems on the local and national levels. Grades will be based on the extent and quality of class participation and written assignments.

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.

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

LAW 1632 v00 Aggregate Litigation: A Global Perspective (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201632%20v00)
J.D. Seminar (cross-listed) | 1 credit hour
In a world of mass production, mass harm often follows. A defective product might injure numerous consumers; a false report might mislead multiple investors; and a discriminatory practice might impact a large number of employees. In such cases, litigation by each individual plaintiff might prove ineffective, and often impractical. To resolve this problem, legal systems have devised various forms of aggregate litigation and collective redress procedures. This introductory course discusses the key characteristics of these procedures, using a comparative framework. Class actions and alternative collective redress regimes in the U.S., Canada, Australia, Israel, and Europe will be studied, and the potential for multi-national aggregate litigation, in a single or in multiple forums, will be explored.

Note: This course will meet on Mondays and Wednesdays, 11:10 a.m. - 1:10 p.m. on the following dates: 9/5, 9/10, 9/12, 9/17, 9/19, 9/24, and 9/26.
LAW 1107 v00 Analytical Methods (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201107%20v00)
J.D. Course (cross-listed) | 3 credit hours
Lawyers in every type of practice (corporate, litigation, government, public interest, etc.) routinely deal with problems that require a basic understanding of concepts and methods from economics and statistics. This course provides an introduction to these subjects and their application and relevance to law and legal practice. Topics covered include decision analysis, game theory, probability theory, and statistics. Grades will be based on class participation, a graded problem set, and a final examination. No prior background in economics or statistics is required; however, we will regularly use elementary algebra and geometry. Students with strong backgrounds in economics, mathematics, or statistics should consult with the professor before enrolling in the course.

LAW 1167 v00 Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201167%20v00)
J.D. Seminar | 2 credit hours
This course will be an in-depth analysis of the investigation and trial of a federal white collar criminal case led by an experienced criminal defense attorney and an experienced prosecutor who faced each other in the courtroom during the trial of a former executive of Enron Corporation. This course will use a hypothetical case study based on the Enron trial the instructors conducted against each other beginning at the investigative stage through the charging stage and continuing through trial and sentencing.

Through discussion and selected assignments representative of different stages of the prosecution, students will critically examine the hypothetical criminal prosecution from both sides of the adversarial process — moving beyond a discussion of the basic stages of the trial into an analysis of how each side approaches each stage — asking themselves what they hope to accomplish and what is the best method for doing so.

Each student will do a total of three written assignments and two oral assignments.

Learning Objectives:
The goal of this course is to provide a realistic and practical view into what it is actually like to be a prosecutor or a defense counsel, and the decisions and considerations they make through each stage of a matter, from investigation through sentencing and appeal. The learning outcomes for the course include:

• Knowledge of each stage of a white collar investigation, from a defense and prosecutorial perspective.
• Ability to engage in a lively discussion while letting go of the fear of a “wrong answer.”
• Ability to engage in critical and strategic thinking beyond black letter law and into the practical effects of a particular course of action as well as any related policy considerations.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this class and Federal Prosecution.

LAW 567 v00 Animal Protection Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20567%20v00) (Fieldwork Practicum)
J.D. Practicum | 4 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course explores the process of public interest litigation in an effort to better understand the status and treatment of animals in the courts. Students will participate in a two hour/week seminar and also undertake 10 hours/week of fieldwork in the twenty-attorney litigation unit at the Humane Society of the United States.

SEMINAR: The seminar offers a practical survey of litigation and legislative efforts on behalf of animals at the local, state, and national level. The course will address the historical status of animals in the law; the current application of animal protection laws to wild animals, animals confined in factory farms, exhibitions, and laboratories, and companion animals; legislative efforts and citizen initiatives to strengthen animal protection laws; the role of international conventions and other laws concerning trade in animals and animal products; the limitations on implementation and enforcement of animal laws; and the impacts of free speech, religious expression, and other Constitutional provisions on animal protection statutes. Utilizing an interdisciplinary approach that combines administrative law, environmental law, consumer protection, and other related public interest fields, the seminar will examine why some public interest litigation campaigns succeed and others fail, explore how to construct an effective public interest litigation strategy; and teach students how to develop innovative uses of existing laws to expand legal protections for animals.

FIELDWORK: Students will work closely with the Humane Society of the United States’ in-house litigation group to find new and creative ways to ensure that all animals receive the legal protections they deserve. As part of the fieldwork, students will work on a wide variety of cases in state and federal courts throughout the country, including actions to protect cougars, wolves, grizzlies and other wildlife, to curb unscrupulous breeding of, and cruelty to, companion animals, to improve the treatment of animals used in research, and to prevent the systematic mistreatment of animals in factory farms. The docket is extensive and interdisciplinary, and involves cases being pursued jointly with other public interest groups, including environmental protection, consumer protection, public health, labor, and sustainable agriculture organizations.

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).

Recommended: Administrative Law.

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

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This course is suitable for evening students who can attend the weekly seminar and conduct 10 hours of fieldwork/week during normal business hours. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork must be completed during normal business hours. The two-credit seminar portion of this practicum will be graded. The two credits of fieldwork are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as this practicum. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not withdraw from either one.
LAW 1396 v00 Antitrust Law Seminar: Case Development and Litigation Strategy

J.D. Seminar (cross-listed) | 2 credit hours
This course explores the process of raising and defending against antitrust challenges. Through a series of contemporary case studies, we will examine the resolution of antitrust disputes, focusing on the substantive strategies and procedural tools available to the litigants. In the context of these case studies, we will discuss criminal indictments, plea agreements and the DOJ’s leniency policy, sufficiency of pleading, presumptions and burdens of proof, rules of evidence (including the use of expert evidence), dispositive pretrial motions, class actions and class action settlement strategies, temporary restraining orders and preliminary injunctions, treble damage judgments, interlocutory and final appeals, and Supreme Court review. There will be no exam, but a paper will be required.

Prerequisite: Antitrust Law or Antitrust Economics and Law.

LAW 049 v06 Appellate Courts and Advocacy Workshop

J.D. Seminar | 2-3 credit hours
The Appellate Courts and Advocacy Workshop combines a substantive review of key appellate litigation doctrines concerning appellate jurisdiction, standards of review, and other topics, with a significant advocacy component, including motion and brief writing. The course considers each stage of the appellate litigation process beginning with a general overview, moving to the various bases for appellate jurisdiction in the federal courts, then discussing standards and scope of review, and concluding with drafting a full appellate brief in a simulated case. (Students enrolled in the Appellate Courts Immersion Clinic, who must enroll in this course for two credits, do not draft the simulated appellate brief.) We will also briefly consider U.S. Supreme Court practice. The workload is steady and at times fairly demanding. Students desiring to get the most from this course will have to read the materials as they are assigned and complete the writing assignments diligently. In the first two-thirds of the workshop, students gain invaluable practice experience by deconstructing an appellate brief element by element and then, toward the end of the course, build on that experience by drafting a full appellate brief from scratch.

The course’s half dozen small- to medium-sized writing assignments serve two purposes: They introduce students to an aspect of appellate practice, and they demand application of one or more of the course’s doctrinal topics. For all assignments, students are provided copies of relevant practice rules, statutes, cases, and other items. No outside research is involved.

For a detailed course description and syllabus, please contact the instructor at (wolfmanb@georgetown.edu).

The learning goals of this course are (1) mastery of the basic doctrine of the law of federal appellate courts (in particular, jurisdiction, standards of review, and scope of review); (2) providing students with a critical understanding of the doctrine enabling them to make credible arguments about the doctrine’s gaps and ambiguities; and (3) enhancing students’ persuasive writing skills.

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 1414 v00 Appellate Courts and Advocacy Workshop (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201414%20v00)
J.D. Seminar | 3 credit hours
The Appellate Courts and Advocacy Workshop combines a review of key appellate litigation doctrines concerning appellate jurisdiction, standards of review, and other topics, with an intensive advocacy component, including motion and brief writing. The course considers each stage of the appellate litigation process, beginning with a general overview, moving to the various bases for appellate jurisdiction in the federal courts, then discussing standards of review, and concluding with a review of the anatomy of an appellate brief. We will also briefly consider U.S. Supreme Court practice. Students considering judicial clerkships after graduation may find this course useful.

During the doctrinal portion of the class, students are required to complete about a half dozen small to medium-sized writing assignments. These assignments do two things: They introduce students to some aspect of appellate practice and demand application of one or more of the course’s doctrinal topics. In addition to these smaller assignments, students are also responsible for writing an appellate brief. For all assignments, students are provided copies of relevant practice rules, statutes, cases, and other items. No outside research is involved.

Students receive individualized feedback on each writing assignment.

The doctrinal portion of the course, and the corresponding small to medium-sized writing assignments, will be covered during the first three-quarters or so of the course. The appellate brief will be completed during the remainder of the class. While working on the brief, each student will have a one-on-one meeting with the teacher to review a draft brief. The student will then submit a final version of the brief.

All students are expected to attend class. Students should prepare for class by reading the assigned materials and completing the writing assignment. Students are expected to discuss the materials and assignments in class. A practice-oriented small class depends on active student participation.

The teacher, Brian Wolfman, is Director of GULC’s full-time Appellate Litigation Clinic and previously co-directed GULC’s Institute of Public Representation and Stanford Law School’s Supreme Court Litigation Clinic. He is the former Director of Public Citizen Litigation Group, a public interest law firm in Washington, D.C., where he worked for almost 20 years. He has litigated dozens of cases in federal courts of appeals, state appellate courts, and the U.S. Supreme Court.

In addition, Professor Wolfman’s biography (https://www.law.georgetown.edu/faculty/wolfman-brian.cfm) also has more information on his background.

Prerequisite: Civil Procedure (or the section 3 course, Legal Process and Society).

Mutually Excluded Courses: Students may not enroll in this course if they are enrolled in the Spring 2017 full-time Appellate Litigation Clinic.

LAW 504 v01 Appellate Courts Immersion Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20504%20v01)
J.D. Clinic | 12 credit hours
Please see the Appellate Courts Immersion Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/appellate-courts-immersion-clinic) for more detailed information about the program.


Mutually Excluded Courses: Students may not receive credit for both this course and the Appellate Practice Seminar. Students in this clinic may not concurrently enroll in another class, clinic, externship or practicum.

LAW 504 v00 Appellate Litigation Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20504%20v00)
J.D. Clinic | 9 credit hours
Please see the Appellate Litigation Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/appellate-litigation-clinic) for more detailed information about the program.


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

Students may not concurrently enroll in this clinic and an externship or a practicum course.
LAW 044 v01 Appellate Practice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20044\%20v01)
J.D. Seminar | 3 credit hours
The purpose of this seminar is to teach you appellate advocacy skills. You will learn the process of writing an appellate brief, preparing for oral argument, and delivering the argument. In the process, you will receive one-on-one instruction from the professors. We will seek to engage the students in lively class discussion, and we will rely on real-world successes and failures from briefs and oral arguments by practitioners in the federal appellate system.

In the seminar, you will write an appellate brief based on a real case and present a moot oral argument in support of your brief before a panel of appellate judges and/or nationally recognized appellate practitioners. You will have the opportunity to express a preference for which side of the case you wish to represent (appellant or appellee) for purposes of your brief and oral argument. We will provide individualized critiques after you submit a draft of your brief and again after your oral argument. Both the draft and final versions of the student brief must be at least 6,000 words in length, excluding footnotes (or roughly 25 pages).

The professors for the seminar are Lisa S. Blatt, the head of the Appellate and Supreme Court practice at Arnold & Porter Kay Scholer LLP who has argued 35 cases before the U.S. Supreme Court and numerous cases before the federal courts of appeals, and Robert Leider, an associate who joined the practice after clerking for Justice Clarence Thomas and who has experience handling appeals before federal and state appellate courts. We believe that success in virtually any legal career requires excellent writing and oral advocacy skills.

Recommended: Prior or concurrent enrollment in one or both of the following courses: Advanced Legal Writing; Trial Practice.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Appellate Courts and Advocacy Seminar, or the Appellate Courts Immersion Clinic.

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

LAW 044 v02 Appellate Practice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20044\%20v02)
J.D. Seminar | 3 credit hours
What happens after a trial court decides a case? The purpose of this seminar is to teach you about the appellate process and help you develop appellate advocacy skills. Using the federal system as a model, you will learn about the various stages of appellate litigation, as well as appellate courts’ sometimes-limited role in each of them. We will seek to create lively class discussions, examining real-world briefs and oral arguments. The course will involve significant legal writing opportunities; in addition to short in-class and take-home writing exercises, you will craft an appellate brief over the course of the semester. Both the draft and final versions of your brief must be at least 6,000 words in length, excluding footnotes (roughly 25 pages). You will also learn how to prepare for oral argument; the semester will culminate in each student’s delivery of an oral argument in support of their brief in front of appellate practitioners. We will provide individualized critiques of your writing assignments and your oral argument.

Recommended: Prior or concurrent enrollment in one or both of the following courses: Advanced Legal Writing; Trial Practice.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Appellate Courts and Advocacy Seminar, or the Appellate Courts Immersion Clinic.

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

LAW 104 v01 Behavioral Law and Economics: An Introduction (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20104\%20v01)
J.D. Course (cross-listed) | 1 credit hour
The economic analysis of law has predominated much of legal analysis for the past few decades. Within this framework, rational choice theory has taken central stage as the key model used in order to predict human behavior. In recent years, however, researchers both in economics and in psychology have demonstrated that people systematically deviate from the predictions set forth by the rational choice model. The goal of this course is to incorporate these findings into legal analysis. In doing so we will first examine traditional economic analysis of law, and then explore how the conclusions of this analysis are altered when behavioral insights are incorporated into it.

Topics that will be discussed in the class include: contract law and contracting, tort law, litigation and settlement negotiations, and the behavior of judges and jurors.

Note: In Spring 2017 this course will meet on Mondays and Wednesdays and one Friday, 9:00 am - 11:00 am on the following dates: 4/3, 4/5, 4/7, 4/10, 4/12, 4/17, and 4/19.
LAW 1354 v00 Best Practices for Justice: Prosecutors Working to Improve the Criminal Justice System (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201354%20v00) (Project-Based Practicum)
J.D. Practicum | 4 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of the professors. This project-based practicum course will work with the Prosecutors’ Center for Excellence to focus on emerging issues of importance to prosecutors and will provide opportunities for doing research that will support the growing national movement of prosecutors who are developing statewide Best Practices Committees. Students will participate in a two-hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

SEMINAR: The criminal justice system is undergoing a period of re-examination and reform. The Prosecutors’ Center for Excellence (PCE) is working with prosecutors to improve the criminal justice system and to assess emerging issues. PCE supports the development and growth of statewide Best Practices Committees that provide an ongoing process for prosecutors to be part of this national discussion. Twenty states have formed such committees, with more states in the development phase. The critical topics being addressed by Best Practices Committees and covered in the practicum will be:

- Concerns about identification of the perpetrator, including current research on memory and development of identification procedures
- Ensuring the integrity of statements of the accused, including interrogation methods, articles on false confessions, and recording of statements
- Managing forensic evidence, including new forensic science, laboratory standards, and dealing with problems in forensic science
- Exploring the challenges of digital evidence, including using digital evidence for investigative purposes, privacy vs. public safety, and ethics and digital evidence
- Engaging in an understanding of prosecutorial ethics, including law enforcement ethics and conviction integrity units
- Reducing crime and building community trust, including community prosecution, crime strategy units, and research on crime prevention

PROJECT WORK: Under the direction of the professors, students will engage in:

- Legal work for the Prosecutors’ Center for Excellence, which supports practicing prosecutors and the growing number of statewide Best Practices Committees for prosecutors. More specifically, students may work on emerging issues facing the criminal justice system relating to: identification procedures, statements of the accused, forensic evidence, digital evidence, ethics, and how to reduce crime and build community trust. Students will have individual or group assignments, depending on the topic.

Learning Objectives:

The course objective is to expose students to policy issues facing prosecutors on a variety of topics ranging from ethics to forensics to community engagement.

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).

Recommended: A course in criminal law is recommended, but not required.

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

LAW 1431 v00 Black Lives Matter and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201431%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
This course will explore the “Black Lives Matter” movement as a nascent social movement for racial justice. In addition to understanding BLM’s fundamental concepts and arguments, students will emerge from this class with a clear understanding of the historical context of the movement, the role that the lawyers and the law have played in the movement thus far, and the place of the law in the movement as it continues. In analyzing the key moments in the BLM movement over the past two years, the course will focus on the history, theory, and practice of racial justice advocacy in the United States, the key cases and responses that have emerged since the Ferguson moment, and the role of lawyers and law students in policy and police reform, litigation, and forms of rebellious lawyering for social change.

LAW 500 v00 Center for Applied Legal Studies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20500%20v00)
J.D. Clinic | 10 credit hours
See the Center for Applied Legal Studies website (https://www.law.georgetown.edu/experiential-learning/clinics/center-for-applied-legal-studies) for more detailed information about the clinic.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.
LAW 1533 v00 Civil Discovery in Federal Courts (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201533%20v00)
J.D. Seminar | 3 credit hours
Discovery is an essential aspect of civil litigation. It is the primary way a party may gather evidence for the case. In discovery, a party determines the merit of their—and equally important, their opponent’s—case. Each decision made during discovery will determine what evidence you will have available to you, what evidence you will be forced to provide, and how much this exploration will cost your client.

This simulation course, taught around a hypothetical but realistic civil litigation, is designed to be a hands-on introduction to civil discovery in federal courts. Students will become familiar with topics important to modern civil discovery in large complex cases, such as negotiating the scope of discovery and electronic search terms. They will also learn to use the traditional methods of civil discovery, such as depositions, interrogatories, requests for admissions, and requests for document productions in a coordinated way to build their case. Students will follow the litigation from just after the denial of a motion to dismiss through the end of fact discovery.

The class will be divided into two groups. One group will be assigned to represent the plaintiff in the hypothetical litigation; the other group will be assigned to represent the defendant. Student plaintiffs and student defendants will be paired against each other. Assignments to each group will remain the same throughout the semester. Every week, students will be asked to produce written work (e.g., a discovery plan, requests for document production, interrogatories, deposition outlines) and several students will be chosen to present their work product for class discussion. Students will not only discuss relevant legal decisions in motion practice but also argue discovery motions on behalf of their hypothetical clients.

Through the hypothetical litigation, students will explore the practical application of the Federal Rules of Civil Procedure and acquire realistic insight into modern civil practice and the life cycle of a case.

Prerequisite: Civil Procedure or Legal Process and Society.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Civil Litigation Practice or Civil Litigation Practice: From the Courthouse Steps.

Note: Due to the nature of this course, it is essential to finalize enrollment after the first class session. As such, students have until 9:00 a.m. on Tuesday, September 10, 2019 to drop the class without penalty. After September 10 at 9:00 a.m., a student who wishes to withdraw from this 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 course would cause significant hardship for the student.

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 an available seat, if any, in the class. Because the success of the course depends on pairings and each student playing an assigned role in every class, unexcused absences and/or lateness will be noted and will negatively impact a student’s grade in the course.

LAW 1494 v00 Civil Litigation Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201494%20v00)
J.D. Clinic | 6 credit hours
The Law Center offers a one-semester, six-credit clinic focused on civil litigation, principally in federal district court. The clinic focuses on teaching students basic litigation skills: including, among others, interviewing clients, drafting complaints, conducting discovery, taking and defending depositions, drafting motions for summary judgment, and, on occasion, taking appeals. The clinic does not focus on a single area of law. Instead, it takes on meaningful public interest cases that are especially good teaching vehicles, including open government cases, cases involving administrative agencies, and consumer protection cases. The clinic’s clients are public interest, civil rights, environmental and other non-profit organizations, as well as individuals in need of legal services.

Students joining the clinic will be expected to work for at least 21 hours/week, including attending the two-hour weekly seminar. Students are also expected to participate in weekly rounds sessions, supervision team meetings for their case teams, and bi-weekly individual meetings with the faculty director and fellow. Students will be engaged in substantial legal and factual research, drafting pleadings, motions, and substantial briefs, meeting with clients and opposing counsel, and attending court proceedings.

Please see the Civil Litigation Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/civil-litigation-clinic) for more detailed information about the clinic.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.
LAW 060 v00 Civil Litigation Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20060%20v00)

J.D. Seminar | 4 credit hours

This year-long seminar will take the students through the entire course of a civil trial. In the first semester, using a core model case, students will conduct initial interviews of the clients, analyze the facts, and make initial decisions about how to proceed. Then, using the Federal Rules of Civil Procedure, students will prepare discovery plans and conduct discovery (including drafting document requests, interrogatories, and requests for admission, and preparing for and taking depositions of lay and expert witnesses). Each student will be video-recorded taking depositions. Students will also draft and argue motions arising from discovery disputes.

The second semester will carry the core model case to trial. The seminar includes mock trial experiences, as well as class discussion of trial techniques, strategy, tactics, and ethics. Students will participate directly in a series of trial practice exercises as witnesses and attorneys. These exercises will include opening statements and closing arguments, direct and cross examinations, handling exhibits, expert testimony, and making and opposing objections. Again, significant role-playing will be video-recorded. The final exam will be a mock trial held on a Saturday at the end of the semester (usually the last Saturday in April or the first Saturday in May) in a courtroom in the U.S. District Court.

This seminar is designated as a two-semester course, with the second semester building on the first. Both semesters include individual critiques of student performances, so attendance is important and will be considered in grading. The seminar is intended for students who are considering careers as trial lawyers.

**Prerequisite:** Prior or concurrent enrollment in Evidence no later than the Fall 2019 semester.

**Mutually Excluded Courses:** Students may not receive credit for this seminar and Intellectual Property Litigation: Pretrial Skills or Civil Litigation Practice: From the Complaint to the Courthouse Steps. Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 060 v01 Civil Litigation Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20060%20v01)

J.D. Seminar | 4 credit hours

This year-long seminar will take the students through the entire course of a civil trial. In the first semester, using a core model case, students will conduct initial interviews of the clients, analyze the facts, and consider claims and defenses. Thereafter, using the Federal Rules of Civil Procedure, students will prepare discovery plans and conduct discovery (including document requests, interrogatories, requests for admission, and depositions of lay witnesses). Students will also draft and argue court motions. Electronic discovery issues also will be discussed. The second semester will carry the core model case to trial. The seminar includes mock trial experiences, as well as class discussion of trial techniques, strategy, and ethics. Students will participate directly in a series of trial practice problems as attorneys. Exercises will include opening statements and closing arguments, direct and cross examination, admission of exhibits, and making and opposing objections. One Saturday session will be required. This seminar is designated as a two-semester course, with the second semester building on the first. Both semesters include individual critiques of student performances. The seminar is intended for students who are considering careers as trial lawyers.

**Prerequisite:** Civil Procedure (or Legal Process and Society); prior or concurrent enrollment in Evidence no later than the Fall 2017 semester.

**Mutually Excluded Courses:** Students may not receive credit for this seminar and Intellectual Property Litigation: Pretrial Skills or Civil Litigation Practice: From the Complaint to the Courthouse Steps.

**Note:** Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 1216 v01 Civil Litigation Practice: From the Complaint to the Courthouse Steps

J.D. Seminar | 3 credit hours

The vast majority of civil cases that are filed are not actually tried. Civil litigation is typically resolved before trial, either through a dispositive motion or a settlement. This course is intended to provide students with experience in all aspects of civil litigation prior to the trial itself, the work that represents what civil litigators typically do on a day-to-day basis. We will address practical questions—the mechanics of what to do, when to do it, and where to go for help. We will also consider strategic questions successful litigators must consider at each stage of the case as they position a case for all three potential outcomes (settlement, disposition through motions practice, or trial). Finally, we will discuss common ethical questions that arise in the course of civil litigation, particularly with respect to discovery.

Students will be assigned the role of plaintiff or defense counsel and provided with a hypothetical case to litigate. In that context, students will try their hands at the most important aspects of pretrial civil practice, from conducting the initial client interview, to drafting or responding to the complaint, to negotiating discovery disputes, to drafting and arguing motions, to deposing witnesses. Each week, students will have the opportunity to gain or use information that may support or undermine their case, and we will discuss questions about what can and should (from a practical, strategic, and ethical perspective) be done to obtain, preserve, share, and use that information.

Students will be provided with a variety of written materials to use as resources in completing the weekly assignments as the case progresses, including rules, seminal cases, excerpts from useful treatises, and articles written by successful practitioners. For many tasks students are asked to perform, we also will provide them with a checklist of practical, strategic, and ethical issues to consider. Our goal is to provide students with a set of materials that will serve as a useful guide when they become practitioners.

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

Recommended: Prior or concurrent enrollment in Evidence.

Mutually Excluded Courses: Students may not receive credit for this seminar and Intellectual Property Litigation: Pretrial Skills or the year-long Civil Litigation Practice seminar.

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

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

LAW 1216 v02 Civil Litigation Practice: From the Complaint to the Courthouse Steps

J.D. Seminar | 4 credit hours

The vast majority of civil cases that are filed are not actually tried. Civil litigation is typically resolved before trial, either through a dispositive motion or a settlement. This course is intended to provide students with experience in all aspects of civil litigation prior to the trial itself, the work that represents what civil litigators typically do on a day-to-day basis. We will address practical questions—the mechanics of what to do, when to do it, and where to go for help. We will also consider strategic questions successful litigators must consider at each stage of the case as they position a case for all three potential outcomes (settlement, disposition through motions practice, or trial). Finally, we will discuss common ethical questions that arise in the course of civil litigation, particularly with respect to discovery.

Students will be assigned the role of plaintiff or defense counsel and provided with a hypothetical case to litigate. In that context, students will try their hands at the most important aspects of pretrial civil practice, from conducting the initial client interview, to drafting or responding to the complaint, to negotiating discovery disputes, to drafting and arguing motions, to deposing witnesses. Each week, students will have the opportunity to gain or use information that may support or undermine their case, and we will discuss questions about what can and should (from a practical, strategic, and ethical perspective) be done to obtain, preserve, share, and use that information.

Students will be provided with a variety of written materials to use as resources in completing the weekly assignments as the case progresses, including rules, seminal cases, excerpts from useful treatises, and articles written by successful practitioners. For many tasks students are asked to perform, we also will provide them with a checklist of practical, strategic, and ethical issues to consider. Our goal is to provide students with a set of materials that will serve as a useful guide when they become practitioners.

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

Recommended: Prior or concurrent enrollment in Evidence.

Mutually Excluded Courses: Students may not receive credit for this seminar and Intellectual Property Litigation: Pretrial Skills or the year-long Civil Litigation Practice seminar.

LAW 528 v02 Civil Rights Clinic

J.D. Clinic | 12 credit hours

Please see the Civil Rights Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/civil-rights-clinic) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.
LAW 088 v00 Class Action Law and Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20088%20v00)
J.D. Course | 2 credit hours
Class actions in such diverse areas as securities and corporate governance, employment discrimination, toxic torts, mass accidents, and consumer fraud have challenged the capacity and creativity of federal and state courts throughout the Nation. New forms of class suits continue to pose challenging questions for the judiciary. This seminar will focus on the class action device as an attempt to resolve disputes on an aggregate basis. The principal focus will be on emerging procedural and constitutional issues raised in recent and pending class action suits, and the treatment of those issues in the Supreme Court and federal courts of appeals. The seminar will explore these issues by evaluating class actions in a variety of settings, focusing on appellate decisions that have resolved (or failed to resolve) significant issues in class action law and practice as well as case-studies of pending or recently decided class actions. The seminar will cover all phases of a class action, including pleading and other pre-certification issues, the certification decision, appeals from class certification decisions, class notice, settlement issues, trial, and the legal doctrines governing simultaneous overlapping federal and state-court litigation.

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

LAW 528 v01 Communications and Technology Law Clinic (IPR) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20528%20v01)
J.D. Clinic | 12 credit hours
Please see the Communications and Technology Law Clinic (IPR) website (https://www.law.georgetown.edu/experiential-learning/clinics/communications-technology-law-clinic-ipr) 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 1098 v00 Complex Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201098%20v00)
J.D. Course | 4 credit hours
This course will focus on complex procedural issues that arise in modern litigation. The overall focus of the course is on multi-party, multi-jurisdictional disputes and the increased regulatory role that courts play in the system of dispute resolution. The first part of the course will focus on class actions, including the requirements for class certification, judicial review of class settlements, the impact of the Class Action Fairness Act on class action practice (CAFA), and the intersection of class actions and contracts for arbitration of disputes. Considerable time will also be spent on multi-district litigation (MDL) practice including the modern development of bellwether trials; the unique aggregation problems that arise in the context of international disputes; the strategic choices available to lawyers handling complex cases, and the strategic and economic dynamics of settlement.

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

LAW 950 v01 Complex Securities Investigations (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20950%20v01)
LL.M Course (cross-listed) | 2 credit hours
The course is designed to provide a practical survey of a complex securities investigation from inception through the Wells process, civil and criminal charging decisions, and trial. Representing a public company, its officers, employees or directors requires a thorough understanding of the tools and strategies employed by the civil and criminal regulators. We will consider a variety of common practice issues including managing concurrent SEC and DOJ investigations, structuring and conducting the internal investigation; responding to SEC document subpoenas; conducting witness interviews; and, the application of the corporate privilege, attorney-client privilege, work product doctrine, and governmental privileges. The self-reporting and professional responsibility provisions of Sarbanes-Oxley and the SEC’s cooperation initiative present a variety of difficult practice issues that are critical to a lawyer’s fundamental responsibility to represent solely the client’s interests. Students will gain practical knowledge of the issues and opportunities arising through interaction and negotiation with the SEC and DOJ during the investigative process, and the strategic decisions of waiver and cooperation to achieve the optimal result for the client.

Recommended: Criminal Procedure or white collar course

LAW 084 v04 Conflict of Laws: Choice of Law (Private International Law) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20084%20v04)
J.D. Course | 3 credit hours
Increasingly, lawyers find themselves planning transactions or litigating cases involving persons or events connected with more than one state or nation. This course examines the principal approaches relied on by U.S. courts to determine what law to apply when some or all of the operative facts underlying a claim or defense arise in another state or nation. The course also considers the criteria used by U.S. courts in recognizing and enforcing the judgments of the courts of other states or nations.

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

Note: Students are not permitted to use their laptop in class.
Franchising is growing: a new franchise opens in the U.S. roughly every eight minutes of every working day. Although most people may associate franchising with “fast food restaurants,” franchising is prevalent in many areas of the economy, including automotive, hotel, various retail establishments, and numerous business services, among others. With the explosive growth of franchising, which really began in the 1950s, has come the development of franchise law as a separate discipline during the past 60 or so years and significant growth in the number of lawyers who practice in this field. Thus, franchising and the evolving practice of franchise law have a great practical impact on the U.S. and global economy.

Franchise law is a combination of contract and statutory law and is heavily influenced by trademark, antitrust and other areas of business law. Franchise agreements tend to be lengthy multi-year trademark licensing agreements. Because franchising involves distribution of goods and services, antitrust and other competition law considerations must be taken into account. Franchising is also regulated at both the federal and state level. Many franchise sales are regulated by federal and state disclosure requirements, analogous to SEC requirements. Automotive, petroleum and certain other franchise relationships are regulated by specific statutes, while various states generally regulate aspects of the franchise relationship, such as termination or renewal of the relationship. There is a substantial amount of litigation in franchising, involving not only disputes between franchisors and franchisees, but also franchise employees, consumers and others. Many common law contract concepts, such as the “implied covenant of good faith and fair dealing,” have evolved and continue to evolve in the context of franchise law. Franchising is also growing rapidly outside the U.S.; accordingly, a variety of laws and regulations of other countries are relevant.

This course will cover the legal and practical business basics of franchising, including, structuring of the franchise relationship and the analysis of franchise agreements; the sales process and disclosure requirements; the relationship of franchising, employment, trademark antitrust and other generally applicable statutes; contract and other common law concepts that affect the franchise relationship; statutes regulating the franchise relationship at the state and federal level; automobile, petroleum and international franchising; and franchise-related dispute resolution. Students will be evaluated on the basis of a paper and class participation, including mock negotiations at the end of the semester.

Learning Objectives:

My principal goal is for you to gain a general understanding of franchise law. In addition, I want you to become comfortable reading complex contracts, specifically franchise agreements, and to be able to analyze and negotiate a franchise dispute.

Prerequisite: Contracts (or Bargain, Exchange, and Liability) or, for foreign-educated LL.M. students, Foundations of American Law, Introduction to U.S. Legal Systems or a Contracts equivalent course from the home country.

This course will introduce students to the law and practice of corporate compliance, with particular reference to the financial sector and a critical compliance area for that sector: anti-money laundering and counter-terrorism financing (AML/CFT). Through mini-lectures, simulation exercises (e.g., drafting of corporate compliance policies, in-house client counseling on compliance issues, briefings of senior executives on key compliance issues, identification of compliance failures, and reporting of potential wrongdoing to law enforcement and regulators), and oral and written feedback, students gain exposure to the key skill sets that lawyers performing corporate-compliance roles routinely use. This course can also serve as an introduction to materials covered in upper level elective courses such as Federal White Collar Crime or International White Collar Crime. The course does not require students to have any prior exposure to corporate-compliance issues from their first-semester courses.

For class each day, students will have certain assigned readings before class (which may include scenario-based fact patterns and mock documents for the next day’s exercises), and handle questioning in mini-problems involving witness questioning in both civil and criminal practice. The scenario for the course, as it expands during Week One, is expected to include situations such as (1) drafting and markup of a corporate AML/CFT policy to ensure appropriate inclusion of legal and other requirements pertinent to the topic; (2) client interviews involving corporate executives and employees with questions about interpretation and implementation of the AML/CFT policy; (3) public speaking to corporate executives, in the form of concise briefings on key AML/CFT-related issues and developments; (3) identification of potential AML/CFT compliance failures through questioning of corporate executives and employees; (4) reporting of potential wrongdoing to law enforcement and regulators through Suspicious Activity Reports; and (5) recommendations of possible disciplinary action against selected corporate executives and employees who appear to have engaged in various forms of misconduct. Students can expect to participate in each of the scenario-based exercises each day of class and to enhance their and their classmates’ learning through a highly participatory and supportive environment.

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

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information see the Week One website (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, December 2, at 3:00 p.m. After that point, permission to drop from the course professor and Assistant Dean for Experiential Learning is required. Students who are enrolled but do not attend the first class session will be withdrawn from the course.
LAW 1357 v00 Criminal Appellate Practice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201357%20v00)
J.D. Seminar | 3 credit hours
This skills-based seminar will focus on the art of crafting an effective appellate brief and presenting a persuasive oral argument — all in the context of a criminal case. Students will examine the practical, substantive and procedural aspects of appellate advocacy, learning how to identify promising appellate issues, to scour a case’s factual and procedural record, to prepare a persuasive appellate brief, and to deliver an effective oral argument. Through class discussions about real-world criminal cases, attendance at an oral argument in a local appellate court, and one-on-one instruction from the professor, the course strives to convey a realistic sense of the life of a criminal-law practitioner and appellate lawyer. Although the seminar may be of special interest to those considering a career in criminal law, it should be of interest to any law student, since success in any legal career requires excellent writing and oral-advocacy skills. Students will write (and rewrite) an appellate brief, using the record and materials of a real criminal case, and will present a moot oral argument (or two) in the same case. The professor will review an interim draft of your brief, providing comments and suggestions to aid in its revision, and will offer an individualized critique of your oral argument(s). Both the draft and final versions of the student brief must be at least 6,000 words in length, excluding footnotes (or roughly 25 pages). Grading will be based on the brief (60%), the oral argument (30%), and class participation (10%). Attendance and participation in class each week are mandatory. The brief is intended to fulfill the upper-level writing requirement.

There will be no class meeting on Wednesday, October 12, 2016, because of Yom Kippur. Instead, the class will review materials for, and then attend, an oral argument in a criminal case being presented in local or federal appellate court. This “field trip” will necessarily be scheduled outside of our usual class-meeting time – most likely, on a weekday morning – but the date for the excursion will be chosen in consultation with class participants.

Prerequisite: Legal Practice: Writing and Analysis; prior or concurrent enrollment in Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Recommended: Prior or concurrent enrollment in Evidence.

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

LAW 512 v01 Criminal Defense and Prisoner Advocacy Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20512%20v01)
J.D. Clinic | 14 credit hours
Please see the Criminal Defense & Prisoner Advocacy Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/criminal-defense-prisoner-advocacy-clinic) for more detailed information about the program.


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

LAW 512 v00 Criminal Justice Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20512%20v00)
J.D. Clinic | 14 credit hours
Please see the Criminal Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/criminal-justice-clinic) for more detailed information about the program.


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

LAW 1652 v00 Criminal Justice II: Criminal Trials (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201652%20v00)
J.D. Course | 3 credit hours
This course traces the litigation of criminal cases from the time the police hand the case off to the prosecutor through final judgment, sentencing, and post-trial relief. Among the topics covered: pretrial release and bail; prosecutorial discretion in charging; venue; defendant's right to counsel and the role of defense counsel; grand jury and preliminary hearing; joinder and severance; gag orders; discovery; right to speedy trial; privilege against self-incrimination and grants of immunity; plea bargaining and guilty pleas; jury selection; sentencing; double jeopardy; and post-trial processes to correct erroneous judgments (appeal and habeas corpus). The course focuses principally on Supreme Court decisions, but also visits where appropriate the rules of criminal procedure. This course includes all the topics covered in the two-credit Advanced Criminal Procedure course, but uses the extra credit hour to dig deeper on the most interesting issues and includes post-trial procedures not usually covered in Advanced Criminal Procedure.

Recommended: It is desirable but not essential that the student have taken Evidence before or is taking it contemporaneously.

Mutually Excluded Courses: Students may not receive credit for this course and Advanced Criminal Procedure.

LAW 067 v08 Cyber Threats, Information Security and Technology in the Practice of Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20067%20v08)
J.D. Seminar | 2 credit hours
For all practical purposes, nearly every substantially-sized legal matter presents critical challenges that require attorneys to embrace and understand how to handle significant volumes of data and documents and to advise clients on the security risks threatening that information. Today's lawyers need to be prepared to handle the increasing levels of vital threats and risks posed against their clients and their data.

This hands-on seminar will take students through an exciting, practical exploration of the ways in which the use of powerful technology-based tools is fundamentally transforming the practice of law as we know it. Data and information security as concerns are creating a 'new normal' in terms of how lawyers can be best prepared to help their clients, through an important understanding of technology-based solutions, to augment traditional legal representation.

In this course, we will examine some fascinating dynamics of the legal practice, as shaped by 'information as risk' as a new fundamental principle, with a focus on the importance of handling those concerns and evaluating how they could impact client risks and affect case outcomes.

This seminar will visit an expansive range of subtopics including data forensics, data analytics, cyber security, data privacy, Internet of Things, deep/dark web, social media, cloud computing, structured and unstructured data, and the emerging roles of lawyers as data and information-risk experts.

From an exploration of essential electronic discovery principles through non-traditional evidentiary concepts, for in-house, government, and outside lawyers alike, this seminar will prepare students to enter the job market with an enhanced understanding of what organizations require of lawyers, especially from technology and information-risk advisory perspectives.

Through a series of lectures and demonstrations that will feature industry-recognized experts, this seminar will provide valuable insights that will illuminate the fascinating interplay of technology and law, with particular focus on how case outcomes can be shaped by leveraging an understanding of data, security, and technology.

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

Mutually Excluded Courses: Students who have previously taken Topics in Electronic Discovery should email jdas@georgetown.edu.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
Some cases are hard not only because of the subject matter, but also because they capture the attention of the entire community and become highly politicized. This can be especially challenging for elected judges, who know that whatever decision they make may become the fodder for an opposition campaign when they next stand for election, and may ultimately cost them their judgeship. These political realities do not lessen the judge’s duty to decide each case in accordance with the facts and the rule of law, by reference to neutral principles. But these requirements can make the exercise of that duty more agonizing, knowing that the decision is likely to be unpopular with at least one large segment of the population.

This seminar will provide students with a rink side seat in the arena of judicial decision-making.

Learning Objectives:

By analyzing and critiquing thirteen poignant stories written by trial judges who struggled with difficult cases, seminar participants should come away with valuable insights about the litigation process. Hopefully too, students will become enthused and empowered to become effective trial advocates and perhaps judges. Besides reading 13 stories written by judges about real life difficult cases, each student will select a judge and interview that jurist about his or her decision making process in a tough case or class of cases. The semester will culminate with students drafting a paper describing not only the issues requiring judicial decision, but also how the interviewed judge sets about deciding those issues.

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

Prerequisite: Evidence and Civil Procedure.

Note: Note: WEEK ONE COURSE. This seminar will meet for one week only on the following days: Monday, January 11, 2016, through Friday, January 15, 2016, 2:45 p.m. - 5:45 p.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

Withdrawals are permitted up until the last class for this specific course.
LAW 528 v03 Environmental Law and Justice Clinic (IPR) (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 (IPR) 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 165 v01 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v01)
J.D. Course | 4 credit hours
This course studies the rules of evidence and the reasons underlying these rules. Included are the subjects of relevance, examination of witnesses, privileges, expert testimony, admission and exclusion of evidence, writings, the hearsay rule and its exceptions, presumptions and scientific evidence, among other subjects relating to the regulation of proof at trials.

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

LAW 165 v03 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v03)
J.D. Course | 4 credit hours
This course provides a general survey of the rules of evidence and the reasons underlying these rules. Included are the subjects of relevance, examination of witnesses, privileges, expert testimony, admission and exclusion of evidence, writings, the hearsay rule and its exceptions, and scientific evidence, among other subjects relating to the regulation of proof at trials.

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

LAW 165 v04 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v04)
J.D. Course | 4 credit hours
This course is a study of the Anglo-American rules of proof, focusing on the Federal Rules of Evidence. The scope and function of the rules are examined against the backdrop of problems arising in the trial of issues of fact. Topics include relevance, impeachment, character evidence, hearsay and its exceptions, lay opinion and expert testimony, the best evidence rule and authentication.

In-class final exam.

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

Note: Laptop use is not permitted.

LAW 165 v07 Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20165%20v07)
J.D. Course | 3 credit hours
This course is devoted to creating in the students a thorough understanding of the Federal Rules of Evidence. While cases interpreting the rules will be studied, emphasis will be placed on creating in the students such a familiarity with these Rules that the students will be able to invoke them instinctively in the mere seconds a lawyer has to object to evidence. Understanding of each rule will be developed by the students applying each Rule to realistic problems. The professor, who was a judge, will attempt to create a courtroom in the class room and to teach the knowledge that a lawyer must have to try a case competently and in accordance with the Federal Rules of Evidence.

Learning Objectives:

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

Recommended: Civil Procedure (or the equivalent Legal Process and Society) or Criminal Procedure or Criminal Law.
LAW 165 v08 Evidence

J.D. Course | 2 credit hours

In this course we will study the basic rules and principles of American evidence law, focusing primarily on federal law (the Federal Rules of Evidence and cases interpreting them). Topics covered will include: relevance, the hearsay rule and its exceptions, character and propensity evidence, examination and impeachment of witnesses, authentication and best evidence rules, privilege, unfair prejudice, and some of the constitutional questions that arise in connection with evidence.

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

LAW 165 v09 Evidence

J.D. Course | 3-4 credit hours

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

Learning Objectives:

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

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

LAW 165 v10 Evidence

J.D. Course | 4 credit hours

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

Learning Objectives:

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

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

LAW 178 v02 Federal Courts and the Federal System

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 1166 v00 Federal Litigation Practice: Litigating Challenges to Federal Agency Decisions

J.D. Seminar | 3 credit hours

The majority of civil cases involving the federal government arise from challenges to agency decisions ranging from contractor selection by government procurement officials to project approvals by both civilian and military agencies under various regulatory schemes implementing the nation's health, finance, and environmental laws. This one-semester, three credit course will provide students with the opportunity to learn in a variety of factual contexts how to litigate federal cases challenging agency decision making on the administrative records prepared by agencies to support their decisions. Each class will focus on a particular stage in the litigation process. Students will be given reading and related litigation exercises that will be carried out in class. The class will culminate in arguing a motion for summary judgment on the administrative record before a federal judge in an actual courtroom setting.

This class is designed for students who are interested in gaining practical experience in litigating for or against the federal government. It will be of special help to students who are seeking internships or careers working for the Department of Justice, agencies, or private firms that focus on litigating over government regulatory decisions. This class is open to upper-level students who have taken Civil Procedure. Completing a class involving administrative law is helpful but not required.

Learning Objectives:

Develop and enhance analytical, writing, and oral argument skills associated with litigating on behalf of or against federal agencies.

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

Recommended: Administrative Law.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 1631 v00 Federal Practice Seminar: Contemporary Issues (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201631%20v00)

J.D. Seminar | 2 credit hours
This seminar will explore selected topics in Civil Procedure, Federal Courts, and Administrative Law in depth. The seminar will focus on topics that have recently gained attention in the Supreme Court or that may arrive in the Supreme Court in the near future. Each class will relate to only one or two such topics. Examples of possible topics include representative proof in class actions, personal jurisdiction in federal court on extraterritorial claims, the standing of States, congressional power to create standing, the status of prudential standing, nationwide injunctions, Chevron deference, Auer deference, the major questions doctrine, the constitutional status of ALJs, and the constitutional status of independent agencies. Depending on the topic, we may read Supreme Court decisions, scholarly literature, or Supreme Court briefs. There will be one major writing assignment, a paper of approximately 20-30 pages in length that addresses a topic in civil procedure, federal courts, or administrative law. In addition, students will prepare a short reaction paper of several paragraphs that is due before each class relating to the topic(s) to be discussed in that class. The grade in the course will be based on the final paper, but that grade may be adjusted upward or downward one-half grade based on the reaction papers and class participation.

LAW 1608 v00 Federal Practice Seminar: Contemporary Issues (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201608%20v00)

J.D. Seminar | 2 credit hours
We examine decision-making by federal prosecutors over the life of a federal case, from investigation through prosecution, through class discussion of articles and cases, and through guest speakers. We focus not just on legal, but also on organizational, cultural, and ethical factors that influence and constrain prosecution decisions.

Learning Objectives:
Students are expected to acquire a working familiarity with:

- The organizational environments within which federal prosecution takes place;
- The statutes governing violent crime and racketeering;
- The investigative tools used by law enforcement agencies and prosecutors;
- The practical significance of modern discovery obligations; and
- The range of federal criminal legal practice.

This is not a course in federal criminal trial advocacy; it is instead a survey of the entire process of federal prosecution, with an emphasis on the decisions that prosecutors have to make.

Prerequisite: Prior or concurrent enrollment in Criminal Law.

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective.

LAW 733 v00 Global Commerce and Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20733%20v00)

LL.M Course (cross-listed) | 2 credit hours
This survey course covers both basic and advanced concepts in the evolving rules governing modern international sales, distribution and investment transactions. The conduct and structure of international litigation that can arise from these transactions, as well as ways to avoid such international litigation, are also examined. Emphasis is on practical problem solving. Specific areas to be covered will include INCOTERMS, the U.N. Convention on Contracts for the International Sale of Goods, payment mechanisms for international sales, international electronic commerce, the structure of international acquisitions, U.S. and European merger notification controls, foreign ownership restrictions, export controls, corruption, and cross-border litigation and arbitration. There will be an open book final exam.

Prerequisite: Contracts (or the equivalent Bargain, Exchange, and Liability) or for foreign-educated LL.M. students, Foundations of American Law, Introduction to U.S. Legal Methods or a Contracts equivalent course from the home country.
LAW 1110 v00 Government Enforcement Investigations: A Study at the SEC

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

Government enforcement programs are more vigorous than ever, and lawyers on all sides of an issue need to be able to investigate and understand what happened. Investigative skills are an essential part of the toolkit of any attorney. Fact-finding and analysis are core elements of all legal work, but too often, lawyers are left to develop crucial, practical skills without guidance or training.

Government investigations – such as those into violations of the federal securities laws – require a unique skill set, above and beyond substantive knowledge of legislation and rules. Enforcement attorneys need skills to identify key documents, review large amounts of information, interview witnesses and then summarize their work in writing. The private attorneys representing companies and individuals need to do similar work.

The course attempts to provide practical skills in the context of broader ideas about how to investigate and about how the Securities and Exchange Commission investigates. This will include substantive law and some academic critique of the SEC, but it will concentrate on practical issues like how to gather information, how to analyze it against substantive law, how to deal with lies, and why lawyers must make themselves comfortable with technical subjects.

Through this course, students will learn about how lawyers investigate through the lens of the SEC Enforcement Division’s securities enforcement investigation. Students will consider the life cycle of an Enforcement Division investigation – from the first tips through collecting information through deciding whether a violation has occurred – and gain an appreciation of how to use investigative powers responsibly. The course will rely heavily on publicly-available primary documents, including lawyer work product like subpoenas, transcripts, court orders, complaints and motions. The course will also include case studies for students to try their hand at making decisions.

The course will focus on the goals and tools of law enforcement, including how to start, plan and conduct an investigation. It will contrast those investigations with similar efforts by journalists, investors, and other government agencies. It will also examine investigations from the perspective of defense lawyers – both conducting their own investigations and responding to the government – so that students may learn how to act on behalf of private clients. We want students to think about and prepare for the investigations that they’ll do in their careers.

Recommended: We do not assume students have taken any other classes. Prior or concurrent enrollment in Securities Regulation may give you some familiarity with issues covered in this class, but it is not necessary.

LAW 1527 v00 Habeas Corpus Post Conviction Practicum

J.D. Practicum | 5 credit hours

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This practicum will combine policy and litigation, focusing on the doctrinal law and lawyering skills necessary to effectively litigate writ of habeas corpus cases. Students will participate in a two hour/week seminar and carry out 15 hours/week of project work under the direction of the course professors.

Habeas corpus gives those detained in the United States an opportunity to challenge their confinement through a unique mechanism: the imprisoned person sues the warden overseeing his or her confinement. A writ of habeas corpus claims that the government (state or federal) has improperly confined a person against his or her will. “Habeas” refers to the procedural mechanisms that state and federal governments have put into place to enable prisoners or immigrant detainees to challenge their confinement. Habeas is the method by which a convicted prisoner, including a prisoner facing a death sentence, can challenge their conviction and alert a judge to an unconstitutional sentence.

But habeas is a last resort and confusing. Habeas is a tool of civil procedure that alleges that a person has been wrongfully confined against their will. Both immigration detainees and convicted prisoners may utilize a writ of habeas corpus, but habeas is only available to prisoners after they complete their criminal appeals. Thus, a prisoner may only access the power of a writ of habeas corpus in the late stages of their case. Because habeas is a late-stage tool, is a civil law solution to redress problems in the criminal sector, and is relatively unknown in the popular conception of the justice system, the field of habeas law is both complex and under-utilized.

SEMINAR: In the seminar, students will be introduced to basic aspects of habeas law, a unique field that uses civil law to challenge wrongs in the criminal and immigration sectors of the American legal system. All students will be expected to attend a weekly 2-hour seminar that will introduce basic habeas concepts. The seminar will incorporate hands-on learning to teach the theories of habeas law to prepare students for their work in the practical component of the course. Habeas litigation relies heavily on the reinvestigation of a case, which may entail meeting with witnesses, jurors, and clients and determining case strategy as well as legal research.

PROJECT WORK: Each student will be assigned to a team supervised by an attorney engaged in high-stakes litigation in the areas of capital defense, criminal defense, or immigration. In addition, students will help gather information to establish the national standards for habeas practice and monitor national patterns for systemic reform. Depending on the posture of the team’s case, students will be expected to provide substantive legal writing. For example, in a capital habeas case in state court, students will likely be heavily involved in the investigation, which will entail reading trial and hearing transcripts, interviewing or reviewing notes from interviews with witnesses, reviewing expert reports, and culling evidence to support legal claims. A student with a case in this posture might be expected to conduct legal research regarding the relevant potential issues to litigate and to prepare a legal memo outlining the anticipated issues, the necessary facts to develop the issues thoroughly, and any anticipated pitfalls. On the other hand, if a habeas case is in federal court, the students will probably be involved in more traditional legal research and assist in drafting briefs before the federal district courts or appellate courts.

Prerequisite: Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their
LAW 1028 v00 Health Care Fraud and Abuse Seminar [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201028%20v00]
J.D. Seminar (cross-listed) | 2 credit hours
One-fifth of the U.S. economy centers around health care industry sectors. This seminar examines criminal, civil and administrative tools used by federal and state enforcement authorities to police the U.S. healthcare system. We will focus on cases brought under federal and state False Claims Acts (FCA), the Anti-Kickback Statute (AKS), Stark laws, Federal Food Drug and Cosmetic Act (FDCA), and Foreign Corrupt Practices Act (FCPA). The seminar provides a survey of the enforcement activities of the U.S. Department of Justice (DOJ), the Office of Inspector General at Department of Health and Human Services (OIG), and state Medicaid Fraud Control Units (MFCUs) in matters against pharmaceutical and medical device manufacturing companies, physicians, hospitals, clinical practices, nursing homes, laboratories, and others. The seminar materials thoroughly cover the statutes, safe-harbors, and regulations that govern the health care industry. We will also discuss risk mitigation strategies and compliance program best practices across industry sectors to provide insight into the impact enforcement has on (1) clinical decision-making, (2) costs to providers, payers, and patients, (3) patient safety, and (4) quality of care. In an effort to maintain a broad perspective with the diverse and frequently changing legal landscape in the area, in addition to the case book, materials discussed and presented in this course draw from news reports, trade publications, and U.S. government agency materials.

The class requires a paper of approximately 20-25 pages in length.

Recommended: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

LAW 627 v00 Health Justice Alliance Law Clinic [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20627%20v00]
J.D. Clinic | 10 credit hours
Please see the Health Justice Alliance Law Clinic website [https://www.law.georgetown.edu/experiential-learning/clinics/health-justice-alliance-clinic] for more detailed information about the program.


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

LAW 220 v02 Homelessness, Poverty, and Legal Advocacy Seminar [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20220%20v02]
J.D. Seminar | 2 credit hours
This seminar will explore the many facets of homelessness and poverty and the role of legal and community advocacy in addressing its causes and alleviating its consequences. Students will be introduced to the myriad societal problems and individual challenges that intersect in homelessness and will work on developing solutions to those problems and challenges. Throughout the semester, the class will be building towards developing a strategic advocacy plan to address one of these problems/issues. Students will develop the skills needed to lay the groundwork for such plan to become a reality. The course will be very skills focused, exploring the variety of tools in a public interest lawyer’s tool box that stretch beyond traditional notions of legal practice.

Throughout the semester, students will engage in a number of in-class problem solving exercises which will require students to identify a client’s problem(s) or issue(s); define the client’s goals; and develop advocacy strategies to help the client attain those goals.

Each student is required to commit to a brief “service-learning” activity, connecting directly with a person or people who are homeless or at risk of homelessness. This could include serving a meal at a soup kitchen; taking a “Street Sense” vendor to lunch; helping a job-seeker prepare a resume; or another activity which is of interest to the student and well-suited to the student’s talents and gifts.

In lieu of one research paper, students will develop a portfolio of written materials to advance an advocacy strategy centered around a substantive topic of the student’s choosing. The portfolio will include: strategic advocacy plan; sign-on or “dear colleague” letter; advocacy letter; fact sheet; testimony; social media materials; outreach materials and a plan for a community meeting.

Learning Objectives:

Our objective is for students to gain an understanding of the complex legal and social issues that intersect in homelessness, as well as the different ways lawyers can address such issues. We want students to think “outside the box” of a traditional law practice and become familiar with other tools that can help clients achieve their goals. Students will learn about the considerations that go into developing an advocacy strategy and how to prepare the materials needed to implement that strategy; crafting advocacy messages for varied audiences and decision-makers.
LAW 209 v00 Housing Today: Lawyering Affordable Housing Seminar
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20209%20v00)
J.D. Seminar | 2-3 credit hours
This seminar will examine how traditional lawyer skills are utilized and essential to provide affordable housing under today's federal housing programs. Emphasis will be on the economic and legal problems in producing affordable housing; this course does not cover owner-tenant relations and tenant rights issues. After an overview of current federal housing programs, the seminar examines the litigator's role in representing owners, and governmental bodies involved in HUD programs. Also examined will be the role of the tax, securities and business lawyer in the syndication of partnership interests in projects that qualify for the low income housing tax credit. The seminar also examines the role of the lawyer-lobbyist in shaping housing legislation, as well as the administrative lawyer in representing clients before the Department of Housing and Urban Development and other federal agencies. [This course is offered in alternate years with the Homelessness and Legal Advocacy Seminar.]

Recommended: Federal Income Taxation (formerly Taxation I), Property.

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

LAW 1629 v00 Independent Defense
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201629%20v00)
Project-Based Practicum | 5 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. In this practicum, students will work on all aspects of an innovative litigation strategy, using the First Amendment to fight the pervasive problem of judicial and political interference with public defenders across the country. Students will participate in a two hour/week seminar and carry out 15 hours/week of project work under the direction of the course professors.

SEMINAR: In 2018, Civil Rights Corps (CRC) launched its Indigent Defense Initiative, through which Civil Rights Corps attorneys will fight systemic denials of the right-to-counsel. In this course, we're going to work on federal litigation to fight structural threats to the independence of state and local public defense across the country. To do this, we'll learn about three basic kinds of legal problems: first-amendment problems, criminal-procedure problems, and federal-procedure problems. So far, I've set up the syllabus to tackle these problems in that order, but it's probably best to view that as a very tentative plan: if specific issues come up in our practical work, I think we'll want to address those issues during the seminar.

PROJECT WORK: Students will assist in investigating new cases and in all aspects of litigation on CRC's clients' behalf, from drafting complaints, investigating, writing motions, and doing legal research. In weekly seminars, students will prepare for this work by discussing the diverse legal topics that arise in the project's litigation. Topics will include civil procedure, federal courts, and the First Amendment's protection from employment retaliation.

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

Recommended: Prior coursework on Criminal Procedure, First Amendment Law, and/or Employment Law are recommended but not required.

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

Note: This course is suitable for evening students; project work does not need to be completed during business hours.

This is a five credit course. Two credits will be awarded for the two-hour weekly seminar and three credits will be awarded for approximately 15 hours of supervised 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 fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the
LAW 1294 v00 Information Technology and Modern Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201294%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course builds upon the reality that what a lawyer must know about the influence information technology has had on litigation cuts across the traditional boundaries between law school courses and will deal universally with the impact information technology has had on the management and trial of criminal, civil and administrative cases.

The course will deal with all the topics usually encompassed in so-called e-discovery, such as the meet and confer responsibility, format of production, claw back of privileged information, Rule 502 of the Federal Rules of Evidence, and preservation and sanctions. There will be a particular emphasis on the science of technology assisted review and its relationship to the reasonableness search and the implicit certification a lawyer makes under Rule 26(g) the Federal Rules of Civil Procedure by producing electronically stored information in response to a demand for it.

Throughout the course there will be practical exercises such as mock meet and confer or drafting and responding to a letter demanding the preservation of electronically stored information. The course will attempt to equip students with the practical ability to handle a case involving electronically stored information from its conception to trial.

Finally, the course will deal with the often ignored implications of electronically stored information for criminal cases. The manner in which law enforcement gathers information will be examined with a heavy emphasis on the constitutional implications of the collection of large amounts of data by law enforcement.

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

**Recommended:** Prior or concurrent enrollment in Evidence.

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LAW 223 v02 Insurance Law: Litigation and Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20223%20v02)
J.D. Course (cross-listed) | 2 credit hours
This course focuses on the law of insurance, the insurance of business, and the business of insurance. Questions concerning property and casualty insurance, including insurance for mass torts, product liability, directors’ and officers’ liability, and natural disasters are examined.

The obligations of insurance companies to conduct their business according to state and, to some extent, federal regulation and the law of insurance bad faith are explored. Particular types of coverages that will be studied include homeowners insurance, comprehensive general liability (CGL) insurance, excess and umbrella insurance, D&O insurance, and property insurance (including business-interruption/lost-profits insurance). Students will develop sophisticated skills in analyzing the applicability of insurance to complex loss situations, the duties of insureds and insurance companies, and the ethical questions faced by lawyers sometimes caught in between.

**Note:** The course does not address life, disability, or health insurance, or ERISA.

**Learning Objectives:**

In this course, you will learn:

1. Business context and objectives for insurance transactions.
2. How to parse and interpret insurance-policy language.
3. How property-casualty insurance responds to “real world” situations, involving losses to property including from natural disasters, mass tort claims, shareholder claims, and other situations.
4. How courts and law makers create incentives for insurance companies to act in positive ways. This includes questions of insurance company “bad faith” or good faith, the obligation of an insurer to accept a reasonable settlement offer from a plaintiff, obligations of insurers to provide lawyers to defend the insured and the ethical limits on the role of the lawyer, including when the lawyer is selected by the insured rather than the insurance company.
5. Through reviewing excerpts from briefs, students will gain a better appreciation of how to articulate insurance-law points and make appropriate argument.
6. The reading material introduces the wide variety of relevant sources that may assist lawyers, such as cases, articles/treatises, attorneys-general opinions, bar-association ethics opinions, and actual insurance policies.

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

**Recommended:** Corporations.
This course combines the study of appellate advocacy with the study of substantive intellectual property law. After an initial introduction to the principles of appellate advocacy and an overview of patent, trademark law and copyright law we will conduct four in-depth case studies (four classroom hours each), of recent Supreme Court and en banc Federal Circuit cases in the areas of patent, trademark and copyright law. For each case, we will study the underlying substantive law and precedent, and how the advocates used that law to make their case, both in writing and at oral argument. Then, with the benefit of hindsight (provided by the decision in the case), we will discuss what the advocates could have done better. The remaining three or four class periods will be devoted to student presentations. Each student will be required to do a case study of a Supreme Court or en banc Federal Circuit case (chosen from a list provided by the faculty), present that study to the class, and then present 15 minutes of oral argument on behalf of the losing side to the class. The case study should be submitted as a draft prior to the class presentation, and in final form by the paper deadline announced by the Office of the Registrar.

**Prerequisite:** At least one course in Patent Law or Copyright Law, or instructors' approval.

This objective of this course is to help students develop the skills necessary to handle intellectual property (patent/trademark/copyright) disputes in the federal courts and administrative agencies. By focusing on pretrial activities, the course provides the opportunity to examine a dispute from its beginning, including the types of investigations and filings that are made and consideration of alternative forums, through discovery and the filing of a summary judgment motion. By covering this period of the litigation cycle, students will have the opportunity to develop both written and oral skills necessary for a trial lawyer. The emphasis on the pretrial aspects of a case is beneficial because most new associates spend far more time in their first few years dealing with these aspects of litigation than they do participating in actual trials. The course includes practice in drafting pleadings, discovery and motions, as well as the opportunity to hone oral skills through taking discovery depositions. Because this course focuses on pretrial activities, it also is a good companion course to the patent trial advocacy course, which focuses on the trial phase of a proceeding.

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

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

This 13-week, 2-credit elective is intended to ground the student in the history and tradition of a separate military and veterans law for members of the armed forces. Each session will contain specific legal concepts relevant to the subject matter. The student may expect to have a broad appreciation for the importance of a separate law and procedure for the armed forces and veterans, and how to analyze issues. The final grade will include class participation, and a final, take home, open book, examination.

**Note:** Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 1473 v00 Judicial Review and the Administrative State (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201473%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
This seminar will examine the origins, development, and present state of administrative law doctrines that are central to administrative law practice. It will focus on doctrines that require judges to defer to agency interpretations of statutes; that require judges to defer to agency interpretations of regulations; and that guide judicial inquiry into whether agency action is arbitrary and capricious under the APA. Students will read the decisions that gave rise to these doctrines, trace their impact, and consider important scholarly criticisms and defenses of these doctrines.

Grades will be based on class participation, weekly written responses to class readings, and a substantial paper. Class readings will be drawn from a reading packet for the seminar consisting of case decisions, scholarly articles, and excerpts from notable books by administrative law scholars.

The first goal of the course is for students to develop a firm understanding of key administrative law doctrines—how they work, how they were constructed, and why they were constructed, as well as important critiques and defenses of them.

The second goal of the course is for students to learn to think, speak, and write critically, fluently, and insightfully about administrative law doctrines and the role of the courts in constructing them. Preparing a substantial research paper for the course will enable them to grasp the "why" behind an important administrative-law doctrine, as well as assess its impact and merits, and develop their skills in legal research and writing.

Prerequisite: Administrative Law or Government Processes or Legislation and Regulation.

LAW 1106 v02 Judicial Review of Military Justice Proceedings: Current Issues and Constitutional Perspectives (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201106%20v02)
J.D. Seminar (cross-listed) | 1 credit hour
This seminar will address the relationship between courts-martial and civilian judicial proceedings, focusing on the allocation of responsibilities in the military justice system to commanders, judges, and lawyers. Specific topics will include the contemporary debates regarding sexual misconduct and combat-related offenses. The assigned readings will utilize materials available on the internet, including judicial decisions, legislative and regulatory materials, and law review articles. The seminar paper will take the form of a draft judicial opinion based upon topics covered in the course. The seminar is designed for students interested in national security, judicial review, and the constitutional allocation of legislative, executive, and judicial powers.

Learning Objectives:
• Identify the key features of military legal practice, the distinctions between military and civilian jurisprudence, and the primary factors considered by Article III courts in reviewing cases arising in the military justice system.
• Assess the impact of congressional legislation and oversight, as well as the role of the President in the military justice system.
• Enhance research skills through analysis of briefs and source materials.
• Enhance writing skills by preparing a judicial opinion.

Recommended: Constitutional Law I and either Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

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.
LAW 394 v02 Jury Trials in America: Understanding and Practicing Before a Pure Form Democracy

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

The seminar will examine:

- The history of the U.S. jury trial system
- Jury selection dynamics
- Factors affecting juror performance during the trial
- Jury management challenges such as increasing juror comprehension in complex litigation and juror privacy
- Current policy debates concerning the jury.

Learning Objectives:

By participating in class discussions and role-plays and critically observing a real jury trial, students should better understand the nuances of trial by jury and feel more comfortable about appearing before a jury. By studying the assigned readings and writing an observation report on the jury trial they attended, students will come to understand the do's and don'ts of communicating with juries and the dynamic efforts occurring across the country to bring about improved jury trial management.

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

LAW 532 v02 Juvenile Justice Clinic

J.D. Clinic | 9 or 14 credit hours

Please see the Juvenile Justice Clinic website for more detailed information about the program.

For registration-specific supplemental materials, please see the Juvenile Justice Clinic PDF.

For information about clinic registration generally, please see the Clinic Registration Handbook.

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

LAW 106 v00 Litigation with the Federal Government

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

Taught by two Federal judges (who were former Justice Department litigators), this course surveys key aspects of civil litigation involving suits filed by and against the Federal government. The course begins with a review of the types of Federal courts that handle such cases and the constitutional principles underlying and, in some instances, dictating their organizational structures, with particular emphasis on specialized fora such as the U.S. Court of Federal Claims. The course will next consider the organizational structure, policies and inner workings of the U.S. Department of Justice, the Federal government's key litigating agency. The focus will then turn to the principal statutes providing jurisdiction for various types of suits involving the Federal government, including contract, tax, and tort suits, with a particular emphasis on the multi-faceted Tucker Act. The course will then trace the general conduct of federal litigation from beginning to end, dedicating sessions to such topics as discovery against the government, settlement negotiations, the characteristics of the government as a moving party and a trial litigant, choice of law questions and the recovery of attorneys' fees.

Prerequisite: Civil Procedure (or Legal Process and Society).
LAW 1462 v00 Managing Complex Litigation: Counseling, Strategic Planning and Communications Skills for Lawyers Based on the Vioxx Experience

J.D. Seminar | 2 credit hours
This course will focus on the broad array of skills needed by lawyers to manage complex litigation projects, including advising a board of directors, developing a strategic plan, organizing and managing teams, and communicating with the media. Each week, students will learn and put into practice these skills in the context of the actual litigation involving the drug Vioxx. After the drug was removed from the market in 2004, the pharmaceutical company, Merck, faced claims from over 60,000 individuals after the drug was linked to heart attacks, strokes, and other cardiovascular events after long-term use. Merck's decision to try these cases in federal and state courts, rather than seek an early settlement, further complicated an already complex legal situation. Using this rich fact pattern and drawing from the professor's experience as Merck's former general counsel, students will explore significant phases of this litigation, understanding the challenges faced by Merck's lawyers “in real time.”

Class discussion and exercises will be based on readings that include instruction and background on the relevant skills, public information on the Vioxx litigation, and hypotheticals drawn from the litigation. Students should expect to prepare approximately six short written submissions, such as slide decks with notes, during the semester. Classes will include student presentations based on these exercises. Grades will be based on the interim written submissions, participation in classroom exercises and discussion, and a final written project.

Prerequisite: Corporations.

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

LAW 1179 v01 Modern Litigation, Private Enforcement and the Rule of Law Seminar

J.D. Seminar | 2-3 credit hours
This seminar focuses on modern issues related to litigation and dispute resolution as well as the role of private enforcement in our overall system of divided government. In particular, the seminar will dedicate discussion to the doctrinal and litigation history that produced our present litigation landscape, questions of policy and theory that cut across class actions and other litigation alternatives, and questions regarding the role of private enforcement, the judiciary, and the rule of law in our system of government.

The seminar will integrate guest speakers that include some of the leading practitioners, judges, and scholars in the country.

This seminar is intended for students who wish to pursue advanced, in-depth study of our system of litigation and private enforcement. Civil Procedure (or Legal Process and Society), torts, and contracts are prerequisites.

Students will write short response papers on the readings, which—depending upon the particular reading—will be assigned either weekly or bi-weekly.

Prerequisite: Civil Procedure (or Legal Process and Society), Contracts and Torts.

Mutually Excluded Courses: Students may not receive credit for this seminar and Modern Litigation Theory and Practice Seminar.

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

LAW 1429 v00 Patent Appeals at the Federal Circuit

J.D. Seminar | 3 credit hours
This seminar will teach you the mechanics, strategy, and process of filing, briefing, and arguing a patent appeal before the United States Court of Appeals for the Federal Circuit, from the initial notice of appeal through requests for rehearing. We will also provide an in-depth look at the Court, common issues that arise during appeals, and best practices for crafting effective briefs and presenting oral argument. In lieu of an exam, each student will write an appellate brief and present an oral argument before a panel of appellate judges and/or practitioners, for an invaluable hands-on opportunity to practice the skills and theories we discuss. As part of the process, we will meet with you one-on-one to provide feedback on your draft briefs, which will total between 6,500 and 7,500 words and are intended to fulfill the upper-level writing requirement.

Prerequisite: Patent Law; Civil Procedure or Legal Process and Society.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 334 v00 Patent Trial Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20334%20v00)
J.D. Seminar | 3 credit hours
This course introduces students to the elements of a typical patent trial through mock trial experiences and classroom demonstration and discussion. Topics to be covered include: developing a persuasive and comprehensive theme for your case; opening statements; direct and cross examination techniques; impeachment and rehabilitation of witnesses; qualifying and examining expert witnesses; laying the proper foundation for the introduction of evidence and using exhibits in examination to help present technical information; closing arguments; and preparing for and presenting arguments at Markman Hearings. The course will also introduce students to the use of current computer graphics and information technology in trial. The course will be taught using hypothetical fact patterns common to patent litigation. During the semester students will receive individual feedback on their individual performances.

**Prerequisite:** Evidence; Patent Law.

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

LAW 1288 v00 Politics of Litigation and Litigation of Politics (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201288%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
Many of the most important and intense political disputes in American history have come before the federal courts. From the controversy about the Second Bank of the United States reflected in *McCulloch v. Maryland*, to the conflict about slavery at the core of *Dred Scott*, to the rise of interest group litigation by civil rights, religious, environmental, and other organizations, those opposed to prevailing laws and policies have taken their grievances to court. In recent years, a new breed of political litigation has proliferated. Increasingly, the losers in legislative battles have leapt immediately into the judicial arena, challenging the constitutionality of the laws enacted over their objection. Increasingly, politicians and the entities they control have deployed litigation as another tool in the partisan arsenal. And increasingly, federal courts have become the arbiters of political disputes between the other two branches of the Federal Government, and between the Federal Government and the States.

This course will use the legal challenges to the Affordable Care Act as an initial case study of how political disputes play out in litigation, from the trial courts to the Supreme Court. We will follow the pattern of political litigation into the Trump Administration, and assess the lessons from the partisan shift in the litigation. We will consider how and why partisan disputes generate litigation and discuss the issues this litigation raises regarding the appropriate role of courts in our democratic system. For the most part, though, the perspective will be practical, as we explore the legal, strategic, and tactical choices advocates make in bringing high profile political cases, in framing the legal issues, in harnessing the rules of procedure, and in managing the political features of the case—both offensively and defensively, and both inside and outside the courtroom. We will discuss the hurdles litigants face in seeking to strike down federal laws, the particular challenges of representing the U.S. Government in defending those laws, and the conflicting pressures that bedevil advocates on both sides of the cases. In some of our sessions, students may be asked to strategize or to argue from the perspective of the plaintiffs or the defendant in the cases.

**Prerequisite:** Constitutional Law I: The Federal System (or Democracy and Coercion).

**Recommended:** Prior or concurrent enrollment in Federal Courts and the Federal System.
LAW 358 v00 Presentation Skills For Lawyers Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20358%20v00)
J.D. Course | 3 credit hours
This seminar focuses on the communication skills lawyers are required to master. The seminar includes work on the preparation and presentation of informational briefings and persuasive speeches to both expert and lay audience from a listening perspective. The seminar does not address trial or appellate advocacy skills. In addition to lecture/discussions of the principles and techniques, students deliver presentations which are video-recorded, analyzed and critiqued by the seminar participants and the professor.

Learning Objectives:

Upon completion of this course, students will have an understanding of and enhanced professional skill in creating and presenting listenable presentations.

Note: The Summer Session section of this course will be enrolled via waitlist.

LAW 1493 v00 Prison Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201493%20v00)
J.D. Course | 3 credit hours
This course focuses on the back end of the criminal justice system. In this class, we will be focusing on the law and policy of incarceration. We will study why the United States is so punitive, how government officials manage prisons, and what protections are in place to prevent harm to prisoners while incarcerated. We will also study whether our current penal system is successful in reducing the recidivism rate of those coming out of prison. These topics are particularly urgent given that the United States leads the world in the rate it imprisons its citizens. Topics to be covered include: the history of prisoners' rights litigation; the scope of prisoners' constitutional rights; inmate access to the courts; First Amendment protections for prisoners; the prison disciplinary process; conditions of confinement; medical care; the problems of prison rape and overcrowding. There will also be a focus on legal practice—how lawyers litigate prisoners’ rights suits. There will be a take-home final examination.

Mutually Excluded Courses: Students may not receive credit for both this course and the Prison Reform Advocacy and Litigation Practicum.

LAW 1244 v00 Prosecuting Sexual Violence: Applying Research to Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201244%20v00)
J.D. Practicum | 4 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This practicum course will provide students with the experience, knowledge, and analytical skills to identify and apply the criminal laws, evidentiary and procedural rules, and case law relevant to the prosecution of sex crimes. Students will participate in a two hour/week seminar and also undertake 10 hours/week of fieldwork at AEquitas: The Prosecutors' Resource on Violence Against Women.

SEMINAR: In the two-credit, graded, seminar portion of the practicum, students will learn about the prosecution of sex crimes. Rape and sexual assault laws are complex and evolving. The crime of rape originated as a crime against property—not against a person. While these laws have evolved, they still retain vestiges of their archaic origins, resulting in inconsistency and variability in sex crime terminology and elements from state to state, as well as other anomalies. This course is designed to inform students' evaluation, preparation, and litigation through a course-long review of a complex sexual assault case file. It will also address the prevalence and perpetration of sexual violence in the United States and will explore the commonalities and differences in the barriers to effectively responding to these cases in the United States and abroad. This practicum course will provide students with the experience, knowledge, and analytical skills to identify and apply the criminal laws, evidentiary and procedural rules, and case law relevant to the prosecution of sex crimes. Students will be exposed to research related to victim behavior, sexual violence perpetration, medical and health issues, and forensics in sexual violence cases in their seminar readings, discussion, and fieldwork. Students will be provided with opportunities to apply the relevant research, court rules, and case law to the course case file. The students’ fieldwork will be supplemented weekly by a review of relevant case law and literature, class discussion, lectures by the lead faculty member and guest lecturers, and mock pre-trial and trial exercises. Students will develop an understanding not only of the applicable laws but also of common challenges that arise when investigating and prosecuting these crimes. Topics such as alcohol-facilitated sexual assault, violence against sexually exploited women, commonly co-occurring crimes, prosecutorial decision-making, marital rape, issues of force and consent, and more will be studied.

FIELDWORK: In the two-credit, mandatory pass-fail, fieldwork portion of the practicum, students will undertake 10 hours of fieldwork/week at AEquitas, where each student will be supervised by an Attorney Advisor. Students will be expected to assist AEquitas Attorney Advisors with daily tasks of providing technical assistance to prosecutors and allied professionals and to prepare for trainings. Technical assistance requests span the continuum and include but are not limited to: information on experts, legal research (statutory and case law based), policy guidance, and more.

Students will also work in pairs to complete a semester-long project related to AEquitas’s work, focusing on sexual assault prosecution and advocacy. Projects may include:

- Utilizing technology to enhance the prosecution of these cases, such as developing a public service campaign to raise awareness of issues related to prosecution and sexual assault and/or creating short podcasts on relevant topics that feature AEquitas Attorney Advisors and other justice system experts, etc.
- Developing sample briefs
- Analyzing relevant laws
- Peer review of colleagues’ work

The fieldwork portion of this class will also include a writing competition in co-authorship with an Attorney Advisor.
Since the 1980s, the Federal False Claims Act ("FCA") has been the United States’ primary civil mechanism to stem, recover for, and punish fraud against government programs and in government contracting. It provides for both treble damages and additional statutory penalties. It also establishes a public-private partnership in which whistleblowers are empowered to work alongside or in the name of the United States to prosecute fraud. In return, they receive a portion of the recovery and attorneys’ fees. The FCA has proven so successful in uncovering fraud and recovering tax payer dollars that a majority of states have passed similar statutes. As a result, FCA litigation is a particularly salient example of the complex civil litigation found throughout federal and state courts. It can involve allegations of nationwide fraud requiring extensive discovery, made on behalf of multiple plaintiffs, including multiple independent sovereigns, and for which the potential recovery risks bankrupting the defendant.

This course will use the allegations, discovery, and trial testimony from actual FCA suits to introduce students to the intricacies of and strategic considerations presented by this and other complex civil litigation. The course will follow the development of FCA suits from the under seal investigation of the case through trial with a special focus on utilizing and defending against discovery and driving cases to early resolution. Students will draft portions of complaints, proposed orders, discovery requests, motions, and jury instructions. Class time will be used to critique student work product and strategize responses so that students will be exposed to both defense and plaintiff perspectives and understand the tradeoffs faced by litigants in multi-party suits. Students will also hear from practitioners, including mediators and judges, to understand the techniques they employ and what motivates their decisions. The goal is that at the end of the course students will have experience with all of the tools of complex civil litigation, an understanding of how to take a case from complaint to trial, a familiarity with the central legal doctrines underlying FCA actions, exposure to private-public interest practice, and an appreciation for working with the government and other co-parties.

Students will be evaluated based on their written work product and class participation.

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

Recommended: Prior or concurrent enrollment in Evidence.

Learning Objectives for Professor Rusch:
The general objective of the examination exercises in this course is skills exposure, practice, and improvement to ensure that students become familiar with the forensic techniques needed to question witnesses effectively in a variety of contents. Whether or not students eventually take upper-level courses such as Trial Practice or Trial Advocacy, which address a broader array of litigation skills in a full-semester course, this course will provide them with a valuable lawyering skill set whose value in the practice of law is not limited to litigation. That skill set is best developed in a concentrated course like this by keeping in-class mini-lectures brief, overseeing multiple exercises by students, and providing prompt in-class feedback after each exercise is completed.

Learning Objectives for Professors Williams and Brightbill:
Students will develop a stronger understanding through experiential learning of the role of questions in litigation, with specific focus on witness interviews, depositions, direct examinations, and cross examinations.

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

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations)
LAW 268 v01 Remedies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20268%20v01)
J.D. Course | 3 credit hours
This course will explore the law and practice of remedies, the concrete outcome of every litigated case. The rules governing the availability, scope, and interaction of the major remedies — compensatory damages, injunctions, declaratory judgments, restitution, and punitive damages — will be examined in commercial settings. The focus is therefore on remedial responses to violations of rights in tangible and intellectual property, exchange-based rights such as breach of contract, and marketplace rights against improper competitive conduct. Particular attention will be given to the basic concepts underlying remedies law and the policy influences of moral philosophy and economic analysis. In addition, the course will cover the practical and strategic aspects of seeking and resisting judicial relief, including quantification of monetary awards. The reading includes three “behind-the-scenes” case studies of how remedies issues are litigated, as well as a classroom visit with an expert witness. Students considering practice in commercial litigation, as well as students who intend to pursue a transactions practice (where prospective remedies are often lurking in the background), will find the course valuable.

Learning Objectives:

Students should learn how to recognize and solve remedies problems. The objective is not to accumulate and catalog a lot of nuts-and-bolts rules, but to develop a critical eye for the fuzzy boundaries and ambiguities that characterize remedies law. In any event, knowing the rules of remedies law is only the starting point; whether litigating a case or negotiating a deal, the challenge is often to construct (or attack) creative arguments about difficult and unsettled remedies issues. Having a coherent understanding of the structure and operation of remedies across a range of substantive fields is essential to meeting such challenges in practice. As the saying goes, mastery lies not in what you know, but in what you do when you don’t know.

LAW 386 v00 Role of the Federal Prosecutor (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20386%20v00)
J.D. Course | 2 credit hours
This course will explore the powers and responsibilities of the federal prosecutor with students from several area law schools. Class segments will focus on how decisions are made by federal prosecutors throughout different stages of the criminal justice system, in light of legal, policy, practical and ethical considerations. Using actual cases as well as federal statutes, guidelines, and other materials, the course will discuss the factors that influence the decisions and discretion of the federal prosecutor. The course will also examine the interaction between and among federal, state and foreign jurisdictions, in particular the interests of competing sovereigns in the investigation and prosecution of criminal activity.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure, Criminal Law, and prior or concurrent enrollment in Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective.

LAW 941 v01 Securities Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20941%20v01)
J.D. Course | 2 credit hours
This course will examine the enforcement of the federal securities laws through private litigation, primarily class actions. It will examine the causes of action under the securities laws and their elements, including concepts of falsity, materiality, causation, reliance, scienter and damages. It will cover specific procedural requirements such as pleadings and class certification, the economic aspects of securities litigation, including the efficient market hypothesis and event studies as well as issues raised by the recent Supreme Court jurisprudence such as Dura, Tellabs, Morrison, Halliburton II, Omnicare and Salman. It will also cover the dynamics of securities litigation, including the role of the Securities and Exchange Commission, trial advocacy issues, settlement and indemnification. Finally, the course will discuss some of the public policy issues raised by securities litigation. One of the goals of this course is to enable the student to become an effective member of a litigation team in a firm representing a party in securities litigation. While there are no prerequisites for this course, courses in Corporations and Securities Regulation are recommended.

Recommended: Corporations and Securities Regulation.

LAW 1441 v00 Serial and Adnan Syed: Special Topics in Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201441%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
The popular podcast Serial’s first season was a classic “whodunit,” chronicling the case of Adnan Syed, a Baltimore high school student accused and convicted of murder. The story also raised several complex and interesting questions of criminal procedure. Using the case of Adnan Syed as a case study, this course will cover topics that criminal defendants face from “bail to jail”, including bail and pre-trial detention, plea bargaining, ineffective assistance of counsel, and sentencing. This course will examine the responsibilities and the power allocated to each of the players in the criminal justice system, including judges, prosecutors, defense counsel, law enforcement, and defendants. At each stage, we will ask whether the system is working optimally, and how the process may be improved.

The first hour of each class will tackle the constitutional cases assigned that week; the second hour will apply the law to the Adnan Syed case facts. Because the Adnan Syed case is ongoing, the readings may be supplemented with late-breaking court filings. The course will also feature guest speakers involved in the Adnan Syed litigation. Assignments will include three short (2-3 page) writing assignments and a final (10-15 page) paper.

Prerequisite: Criminal Justice or Criminal Procedure.

Mutually Excluded Courses: Students may not receive credit for this course and Advanced Criminal Procedure or Advanced Criminal Procedure and Litigation.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 611 v05 Social Intelligence in the Practice of Law: Dealing Effectively with Clients, Colleagues, and Opposing Counsel (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v05)
J.D. Seminar | 1 credit hour
This Week One simulation will introduce students to the essential concepts and competencies of social intelligence implicated in all forms of a law practice, including law firms, government agencies, corporations, non-profits and a solo practice. Students will learn about emotional intelligence and research that illustrates how basic brain function and other factors, such as strong emotion, influence how a person makes decisions. Using a combination of lecture, discussion, videos, skills exercises and simulations of common legal practice scenarios, this course will emphasize concrete, practical tools to increase students’ effectiveness in managing themselves and their interactions with others.

The course will equip students with an improved ability to effectively communicate with others and make them feel heard; present information in the most persuasive light; recognize and address their own internal biases; act with assertiveness when necessary; learn how to effectively give and receive criticism; and deal with highly emotional or extremely difficult individuals. This course also will present positive strategies for dealing with common interpersonal relationships in the legal workplace: lawyer-client, lawyer-opposing counsel, and lawyer-co-counsel. Students completing this course will have developed a solid grasp on how to address the wide variety of interpersonal dynamics that commonly arise in the legal arena.

Learning Objectives:
The main objectives of this course are to increase students’ awareness of the substantial role of social intelligence in the practice of law, and to provide students with concrete skills to effectively handle day-to-day interactions. Students will learn research-based skills and strategies from the fields of neuroscience, the study of emotions and emotional intelligence, negotiations and communication. As they learn theory, students will have the opportunity to practice techniques for harnessing these dynamics in professional interactions commonly involved in the actual practice of law. The simulations will emphasize positive strategies for dealing with common interpersonal interactions in a legal practice: lawyer-client, lawyer-opposing counsel and lawyer-co-counsel. At the end of the course students will have an improved ability to effectively communicate and negotiate, present information in a persuasive light; recognize and address internal biases; and deal with highly emotional or extremely difficult individuals – skills that talented legal minds need to become great counselors at law.

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

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, see the Week One website (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, December 2, at 3:00 p.m. After that point, permission to drop from the course professor and Assistant Dean for Experiential Learning is required. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

LAW 1287 v00 Strategic Litigation for Social Change (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201287%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar addresses practical considerations and legal doctrines relevant to strategic civil rights litigation. Regardless of one’s political orientation or the substantive issue at hand, targeting laws for judicial termination involves a common set of legal doctrines and best practices. Students will study issue and client selection, media relations, fee shifting, the basics of Section 1983 and the Declaratory Judgment Act, and governmental avoidance doctrines (immunities, abstention, mootness), among other topics. For the paper portion of the grade, students identify an allegedly unconstitutional law—be it a statute, ordinance, regulation, the nature of the thing is unimportant—and create a case challenging that law, with a complaint and accompanying memorandum laying out their strategic vision. Attendance and participation will also factor into the grade.


Note: Laptops may not be used during class sessions.
**LAW 560 v50 Street Law: Community** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20560%20v50)

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

Street Law: Community offers law student instructors the opportunity to teach courses in practical law to adults and youth in a variety of community settings: correctional facilities; treatment centers for alcohol, drug, or HIV problems; homeless shelters; halfway houses; juvenile detention facilities and other community settings. Through interactive, participatory methodology, Street Law: Community provides law students insights into correctional and community law related issues affecting the lay public.

The Street Law instructors, in pairs, teach two courses in the community, consisting of a weekly 90-minute class, at two separate sites, for six weeks of the eight-week summer session. Topics may include negotiation and dispute resolution, small claims court, public benefits, landlord/tenant, family law, and various other topics of civil and criminal law. The course features an innovative series of criminal law lessons based on the podcast, "Serial," and actual evidence from the case. The course concludes with a mock trial or mock hearing.

The program utilizes interactive, participatory, learner-centered methods that not only develop learners' knowledge and skills in the subject areas but also develop critical thinking, reading, writing and listening skills, and basic advocacy skills.

The first class will be held on Thursday, May 25 from 6:30 p.m. – 9:30 p.m., and will consist of an orientation on teaching methods. Additional orientation sessions will be held on two evenings or a weekend day that are convenient for participants. Regular seminar classes will be held from 6:30 p.m. – 9:30 p.m. on Monday nights.

**Mutually Excluded Courses:** Students may not receive credit for both this practicum and the fall semester Street Law: Criminal Justice and Human Rights practicum. Students are eligible to participate in the spring Street Law: Mock Trial Advocacy practicum. The course is open to both J.D. and LL.M. students.

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

A student who accepts a seat in Street Law: Community for Summer 2017 may not drop the program after April 28. If fewer than four students are enrolled on that date, the program will not be offered. Any student who is admitted after April 28 may not drop the program after formally accepting the seat.

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**LAW 1397 v00 Street Law: Criminal Justice and Human Rights** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201397%20v00)

J.D. Practicum | 5 credit hours

Please see the Street Law website (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/street-law-program) and this video (https://www.youtube.com/watch?v=wq9kEeMNA&feature=youtu.be) for more information.

**OVERVIEW:** Street Law is a project-based practicum where Georgetown Law students teach practical law at DC public high schools or a variety of community settings ranging from adult and juvenile correctional facilities to treatment centers for alcohol and drug addiction. Street Law instructors help the local community better understand the law, identify how it impacts them, and develop legal and analytical skills. Law students will be assigned to a DC public high school class or a community placement to teach law and law-related concepts for the semester. Law students are immersed in the practical application of the law and exercise actual lawyering skills (public speaking, legal research, and writing, advocacy etc). The curriculum focuses on the purpose of laws and legal reasoning (2 weeks), legal negotiations (1 week), criminal justice (6 weeks) and human rights (4 weeks). The course capstone is a human rights “mini” mock trial where students perform as lawyers and witnesses and compete against other Street Law classes. This practicum allows law students to gain invaluable lawyering skills while actively giving back to the local community.

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

**PROJECT WORK:** Law student instructors are placed in DC public high school classrooms or another community placement based primarily on their academic schedules for the semester. There, they will work for at least 10 hours/week preparing for and teaching a course in practical law. Law student instructors have the primary responsibility for the instruction and grading of their students. Street Law faculty and fellows observe each law student instructor and conduct post-observation debriefs at least three times per semester.

**ORIENTATION:** There is a four-day orientation required for this practicum course conducted from Wednesday, August 28th through Friday, August 30th from 6:00 p.m. to 9:30/10:00 p.m. and Saturday, August 31st from 9:00 a.m. to 5:00 p.m. Attendance at orientation is mandatory.

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

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

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

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

**Note:** This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.
LAW 1398 v00 Street Law: Mock Trial Advocacy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201398%20v00) (Project-Based Practicum) J.D. Practicum | 4-5 credit hours
Please see the Street Law website (http://www.law.georgetown.edu/academics-academic-programs/clinical-programs/our-clinics/street-law-program) and this video (https://www.youtube.com/watch?v=q9k_eEMNAM) for more information.

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

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

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

ORIENTATION: There is a four-day orientation required for this practicum course conducted from Wednesday, January 8th through Friday, January 10th from 6:00 p.m. to 9:30/10:00 p.m. and Saturday, January 11th from 9:00 a.m. to 5:00 p.m. Evening division students should reach out to practicum faculty to discuss orientation schedule conflicts. Attendance at this orientation is mandatory for students who did not already take the fall semester Street Law: Criminal Justice and Human Rights practicum.

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

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

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

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

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

LAW 1368 v00 Supreme Court Decisions: The Impact of the 2017-18 Term of the Supreme Court of the United States on Federal Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201368%20v00) J.D. Seminar | 1 credit hour
The course is designed to focus on decisions from the 2017-18 Term of the Supreme Court of the U.S. and to examine their impact on practice before the Federal Courts. The cases will be used as teaching tools to examine the many facets of Federal Practice.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

LAW 1361 v00 Supreme Court History from John Jay to John Roberts (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201361%20v00) J.D. Seminar | 2 credit hours
This seminar examines the history of the Supreme Court as an institution from its origins to the present day. Beginning with the design for the Supreme Court in the Constitution itself, we will study the Court as it has developed chronologically, from its first meeting on February 2, 1790 in the Royal Exchange building in New York City to its current occupants on One First Street. Each week we will move forward from one period to the next, organizing our study around the 17 Chief Justiceships of John Jay through John Roberts. We will rely principally upon two single volume histories of the Supreme Court and supplement these narratives with selections from some of the defining cases from each of these periods. Our goals throughout will be to think through the dominant jurisprudential questions and trends of each era, the personalities that shaped the Court at different moments, and the changes in the powers and internal operating procedures of the Court itself.

Students will be expected to prepare an outline, draft, and final version of a 20-25-page paper on a topic covered in the seminar and chosen in consultation with the instructor. Participation in class discussions will factor into final grades.
LAW 1174 v00 Supreme Court Institute Judicial Clerkship Practicum
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201174%20v00) (Project-Based Practicum)
J.D. Practicum | 3 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 operate in conjunction with Georgetown Law's Supreme Court Institute (SCI), which provides moot courts to Supreme Court advocates in virtually every case the Court hears each Term. Each moot court panel is composed of five “Justices,” professors or practitioners with experience in Supreme Court and appellate advocacy. This practicum will enable eight J.D. students to function as “law clerks” who will help prepare “Justices” to serve on SCI moot court panels. Students will participate in a two hour/week seminar and carry out five hours/week of project work under the direction of the course professor.

SEMINAR: The seminar component of the practicum will explore the role and function of law clerks; the mechanics of writing a useful bench memo and draft opinion; and ethical dimensions of judicial clerkships, including confidentiality and influence. Seminar sessions will also feature guest speakers, including appellate judges and former judicial law clerks.

PROJECT WORK: Each student will be assigned a case scheduled for argument in the February or March sitting, for which he or she will prepare a "bench memorandum." Prior to the moot court, the student will submit the memorandum to his or her assigned moot "Justice" – a Georgetown Law professor or local practitioner who has volunteered to serve on the moot panel – and will meet with the Justice for a "case conference" to discuss the case in preparation for the moot. After attending the moot court, the student will attend the oral argument, read the argument transcript, or listen to the audio recording, and write a postmortem review describing the ways in which the moot resembled and differed from the argument.

Learning Objectives:
Writing, legal analysis, oral presentation, and other skills required to serve as an effective appellate law clerk; sensitivity to ethical issues such as confidentiality and influence on judicial decision-making.

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

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

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

This course may be suitable for evening students who have sufficient flexibility in their day jobs to take time off to attend the weekly seminar (11:10 a.m. - 1:10 p.m. each Wednesday); conduct a case conference with their Justice/professor (roughly an hour, scheduled at the professor’s convenience); and observe their assigned moot court (a two-hour session during the working day, scheduled to accommodate the needs of the advocate). THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students must submit a transcript and Statement of Interest (one page double-spaced), explaining his or her interest in the course to Professor Dori Bernstein (dkb37@law.georgetown.edu) by June 3, 2019. This is a three credit course. Two credits will be awarded for the two-hour weekly seminar and one credit will be awarded for approximately five hours of supervised project work per week, for a minimum of 11 weeks. The seminar and project components 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. FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students will have until the beginning of the second 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. Students will attend three Supreme Court Institute moot courts over the course of the semester. Most will be held at the usual class time, but it is possible that one or more may be scheduled on a Friday afternoon (1:00 p.m. or later). Availability to attend at these times is a class requirement except for other class conflicts.

LAW 469 v00 Supreme Court Litigation Seminar
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20469%20v00)
J.D. Seminar | 2 credit hours
This seminar seeks greater understanding of the nature of Supreme Court decision-making in four primary ways:
First, we will read a modest amount of secondary source material and discuss how the Supreme Court works and how it differs from other American courts.

Second, we will study in depth several cases being decided by the Court this Spring.

Third, through two short (10-12 page, double-spaced) writing assignments and opportunities for extensive one-on-one discussion with me, there will be a heavy emphasis on effective legal writing.

Fourth, we will focus on effective oral advocacy, as practiced in the U.S. Supreme Court, with multiple opportunities to observe actual moot courts and talk with arguing counsel, and also for each student to participate as advocate and judge in short, informal moot courts, all in cases currently pending before the Court.

Topics to be discussed include the certiorari process, strategic considerations in briefing before the Court, the role of amici curiae, the Office of the Solicitor General and its impact on the work of the Court, and the role of oral argument in the decisional process.

Students will be expected to be prepared to participate at each seminar meeting. Course grades will be based on classroom participation and the two papers.

Prerequisite: J.D. students must complete the required first-year program, including Constitutional Law I: The Federal System (or Democracy and Coercion), 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).


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.

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 will attend three Supreme Court Institute moot courts over the course of the semester. Most will be held at the usual class time, but it is possible that one or more may be scheduled on a Friday afternoon (1:00 p.m. or later). Availability to attend at these times is a class requirement except for other class conflicts.
The purpose of this seminar is to introduce you to the basics of Supreme Court practice and to teach you appellate advocacy skills. You will learn the ins and outs of the certiorari process and put that knowledge to work in crafting either a Reasons for Granting Certiorari or a Reasons for Denying Certiorari. You will also learn techniques for presenting cases on the merits in the Supreme Court, and then draft a brief in, and argue, a Supreme Court case. The certiorari-stage Reasons for Granting or Denying Certiorari will be no more than 1,900 words in length, excluding footnotes (roughly 8 pages) and a draft merits briefs must be at least 6,250 words in length, excluding footnotes (roughly 25 pages), but no more than 7,000 words (roughly 28 pages). We will give you comments on your draft merits brief, and you will then submit a revised final merits brief with legal citations of at least 6,250 words, excluding footnotes, but no more than 7,000 words. In the process, you will receive one-on-one instruction from the professors and learn through in-class discussions based on the instructors’ extensive experience litigating in the Supreme Court.

The professors for the seminar are:

The Honorable Patricia Millett of the U.S. Court of Appeals for the District of Columbia Circuit, who served for four years in the Justice Department’s Civil Division, Appellate Staff, and for eleven years in the Office of the Solicitor General. While in practice, she argued 32 cases before the U.S. Supreme Court and briefed scores more, as well as dozens of cases before appellate courts.

Michael Robinson, formerly Senior Counsel with the Appellate Staff, Civil Division, at the Department of Justice, has argued 119 appeals, including three en banc cases, before every federal court of appeals in the country, and several state appellate courts. Professor Robinson also has drafted numerous Supreme Court briefs at both the certiorari and merits stages with the Office of the Solicitor General.

Recommended: Prior or concurrent enrollment in one or more of the following courses: Constitutional Law I and II, Administrative Law, and an advanced legal writing seminar such as Advanced Legal Writing and Practice for Judicial Clerks and Civil Litigators, Advanced Legal Writing as a Discipline, Writing for Law Practice, or Appellate Courts and Advocacy Workshop.

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

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

LAW 1346 v00 Supreme Court Practice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201346%20v00)
J.D. Seminar | 3 credit hours
This seminar examines the Supreme Court as an institution with emphasis on the ways in which the institutional forms and structures of the Court influence the law the Court makes. Topics studied include: appointments to the Court; the Court’s jurisdiction and procedures for determining cases it will adjudicate; the internal deliberative process employed by the Justices; and the role of the advocates before the Court. Cases currently pending in the Supreme Court will be studied for illustrative purposes.

Prerequisite: Constitutional Law I: The Federal System (or Democracy and Coercion).


Note: 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 1416 v00 Supreme Court Topics: The Role of Dissenting Opinions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201416%20v00)
J.D. Seminar (cross-listed) | 1 credit hour
This course will learn about the role of dissenting opinions in U.S. appellate courts generally, and the United States Supreme Court in particular, with a special focus on the writings and jurisprudence of Justice Ruth Bader Ginsburg. We will also briefly discuss the role dissents play in select foreign jurisdictions. Students will be evaluated based on their active and informed class participation, including a mini-moot during the final class session, and on the quality of their final written product, which will be a 5-10 page paper.

Recommended: Constitutional Law I: The Federal System or Democracy and Coercion.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

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.
LAW 1299 v00 Tackling the Civil Access to Justice Crisis (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201299%20v00) (Fieldwork Practicum)
J.D. Practicum | 4 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course will focus on the access to justice crisis in this country. Students will participate in a two hour/week seminar and carry out 10 hours/week of fieldwork with organizations that are engaged in research and developing interventions to address the civil access to justice crisis.

SEMINAR: In the two-credit, graded, seminar portion of the practicum, students will learn about the nature and extent of the access to justice crisis in this country. Recent studies reveal that an estimated 75% of civil cases in the state courts have at least one party who is unrepresented, leaving some 30 million people who cannot afford an attorney alone in court. Indeed, 86% of civil legal problems of low income Americans receive inadequate or no legal help. The stakes are high with many people without legal help facing the danger of losing their families, their homes and their livelihoods. Yet, this invisible crisis has given rise to an array of innovations to serve more people who cannot afford an attorney. Students will study new interventions to rectify this broken system; consider strategies to bring forward solutions; enhance their competencies in gathering essential information; engage in creative problem-solving; enhance their legislative and rule drafting skills; gain experience in working as part of a team; and address cultural issues and concerns.

FIELDWORK: In the two-credit, mandatory pass/fail, fieldwork portion of the practicum, students will be assigned to work with organizations that are engaged in research and development initiatives to address the civil access to justice crisis. The organizations may include District-based legal services providers—such as Ayuda, D.C. Access to Justice Commission, D.C. Pro Bono Center, as well as national organizations such as the Legal Services Corporation, Fines and Fees Justice Center, or the Self Represented Litigation Network. Initiatives underway include: revising unauthorized practice of law rules to permit non-lawyers to help address unmet legal needs; expanding pro bono commitments through establishing mandatory pro bono requirements, and through other means; developing “low bono” projects to represent those with modest incomes who cannot afford the normal rates lawyers charge; creating ways for professionals and community actors who are not lawyers to help provide access to justice; creating civil Gideon requirements at state levels in adversarial proceedings where basic human needs are at stake; providing new forms of self-help services to those who represent themselves in litigation or in their handling of other legal matters; and reforming court rules and procedures to create a fairer environment for pro se litigants.

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

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

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This course is suitable for evening students who can commit to attending seminar and working 10 hours/week (during business hours). This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The two-credit seminar portion will be graded. The two credits of fieldwork are

LAW 858 v00 Tax Practice and Procedure (Litigation) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20858%20v00)
LL.M Course (cross-listed) | 2 credit hours
Studies problems and considerations arising in the litigation of federal tax cases before the U.S. Tax Court, District Court, and the Court of Federal Claims, including jurisdictional, procedural, ethical and evidentiary issues. Practical problems of choice of forum, pleadings, discovery, privileges and tax trial practice are surveyed. Also considered are IRS summons enforcement litigation, civil collection, levy and distraint, and the tax lien and its priorities. Government attorneys, practicing attorneys, and U.S. Tax Court Judges are utilized as guest lecturers on some of the subject matter.

Prerequisite: Federal Income Taxation (formerly Taxation I).

LAW 067 v05 Technology in Legal Practice: A Practical Study of Electronic Discovery, Big Data, Cybersecurity and Beyond (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20067%20v05)
J.D. Seminar | 2 credit hours
In today's age of exploding data volumes, called into focus by increasingly strenuous discovery obligations in federal and state legal matters, lawyers face the critical need to embrace and understand how technology itself has become indispensable, in many respects, to the practice of law. This course considers the ways in which data and technology are fundamentally transforming the practice of law. We will examine procedural rules and case law that confront these issues. We will explore some of the core technologies that are deployed at the critical stages of legal proceedings. We will seek to understand the growing role of data itself as a strategic, tangible factor in today's legal world.

This course will be a hands-on practical course: through a series of lectures and demonstrations, and with valuable insights from a variety of industry experts, students will examine the fascinating interplay of technology and law, with particular focus on how case outcomes can be shaped by the leverage of technology. Subtopics will include preservation, analytics and review of data, development of a discovery plan “toolkit”, the emerging roles of discovery experts, cybersecurity, privacy, and the Internet of Things. Perhaps most importantly, this course will familiarize students with many of the ways technology is used in modern-day discovery and legal practice more broadly, preparing them for the early stages of their careers.

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

Mutually Excluded Courses: Students may not receive credit for both this seminar and Electronic Discovery or Topics in Electronic Discovery.
LAW 1663 v00 The Federal Courts and the World Seminar: History, Developments, and Problems (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201663%20v00)
J.D. Seminar | 2 credit hours
This is a 2-credit seminar investigating the federal courts’ role in United States foreign affairs. It is a commonplace that the courts take a backseat to the political branches on issues relating to foreign affairs. But that truism, though generally accurate, obscures more than it reveals, for the federal courts routinely adjudicate cases with significant implications for the United States’ relations with the world—as they have since 1789. In this course, we will explore several fundamental questions: What kinds of foreign affair issues have the courts historically addressed? How has the courts’ jurisdiction over cases implicating foreign affairs changed over time? How have the courts handled foreign and international law? What impact has the separation of powers had on the courts’ decision-making?

The course is organized thematically; in each two- or three-week unit we will focus on a particular issue, including the foreign affairs background to the establishment of federal courts under Article III of the Constitution; the status of foreign states as litigants in federal court; the status of international law in federal court; the reach of the courts’ jurisdiction beyond U.S. territory; and the courts’ deference (or lack thereof) to the political branches on questions implicating foreign relations. Each unit will be framed in historical perspective, exploring both the courts’ past practice and their modern approach.

There are no prerequisites.

LAW 1495 v00 The Role of the State Attorney General (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201495%20v00)
J.D. Course | 2 credit hours
As the chief legal officer of the states, commonwealths and territories of the United States, attorneys general serve as counselors to their legislatures and state agencies and as the “People’s Lawyer” for all citizens. Originating in the mid-13th century in the office of England’s “King’s Attorney” the office had become, by the American Revolution, one of advisor to the Crown and to government agencies. Today, of all positions in state government, the Office of the Attorney General is quite possibly the most radically changed since the founding of the United States of America. Three forces have molded the Office of the Attorney General: state constitutions and state government codes, which specify the duties and responsibilities of the attorney general; legislative decrees altering the duties of the attorney general in response to specific state needs; and the personalities and ambitions of those who have served as attorney general. Attorneys general today deal with everything from common law and statutory authority; conflicting legal and policy demands; resource restriction; relationships with academics and outside counsel; to hard core partisan politics. This course will cover the day to day challenges faced by attorneys general and their staffs in delivering legal advice to guide state government in a constitutional and ethical manner. The course will also cover the relationship of attorneys general with the federal government, the private bar and a myriad of advocacy organizations. It will focus on some of the most controversial legal issues attorneys general address – consumer protection, public corruption and mass incarceration to name a few.

Although each state is unique, the course will demonstrate the remarkable congruence that exists among state attorneys general when addressing similar challenges and issues. Unlike private and other government lawyers, who work subject to ethical rules that defer decision making to agency “clients,” for state attorneys general representing the public interest is the day-to-day reality of their professional lives. The course is weighted toward those decisions by attorneys general that reflect their independent status, which is most often revealed when legislatures, other elected officials, state agencies or the federal government exceed their constitutional or statutory authority. The course materials include federal and state statutes and case law, law review and descriptive articles from a variety of sources, and hypotheticals that describe the nature and function of the Office of State Attorney General. There is no separate text for this course, all readings and videos will be available via TWEN (either through links or directly downloadable).

Students will be evaluated on class participation (15%); the quality of a short writing assignment in which each student will profile a current state attorney general (20%), and a compact take home exam which can be self-scheduled any time during the exam period (65%). The short writing assignment will be due on ___, shortly before Week Seven. Each student will submit a short paper or memorandum profiling a current attorney general, including the underlying legal authority for that attorney general’s role, election date, interests and significant action, culture of that attorney general’s office, and key initiatives, including at least one example of their multistate litigation participation and one action involving the defending the state role. The take home exam will involve analysis of a hypothetical which explores current issues facing state attorney generals. In addition to substantive content, the exam will be assessed according to the quality of the prose and organization of the discussion.
LAW 067 v06 Topics in Electronic Discovery [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20067%20v06]

J.D. Course (cross-listed) | 1 credit hour

Modern discovery is no longer about rummaging through boxes of paper; today, virtually all information is created and stored electronically. The wealth of potential evidence contained in massive stores of e-mail, instant or text messages, electronic files of different types, database applications, social media, the cloud, mobile devices, information from sensors, and myriad other imaginable (and unimaginable) applications or media has engendered an ever-expanding jurisprudence in the field known as Electronic Discovery. The law has struggled to keep pace with the challenges digital information presents for the legal system, including preservation and spoliation issues, rising costs, and questions of privilege waiver, privacy, and evidentiary admissibility, to name but a few. Amendments to the Federal Rules of Civil Procedure that went into effect in December 2015, changes to the Federal Rules of Evidence in September 2008, and a dizzying array of state and local rules that have emerged in response to the challenges posed by electronically stored information have brought Electronic Discovery to the forefront of litigation. This course will touch on matters that lawyers need to know in order to competently represent their clients in an increasingly digital world, and will also explore some of the broader challenges posed by digital information.

**Prerequisite:** Civil Procedure (or Legal Process and Society). This requirement may be waived with permission of the professor.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Electronic Discovery or Technology in Legal Practice: A Practical Study of Electronic Discovery, Big Data, Cybersecurity and Beyond.

**Note:** WEEK ONE COURSE. This seminar will meet for one week only on the following days: Monday, January 8, 2018, through Thursday, January 11, 2018, 9:00 a.m. - 12:20 p.m. The course will have a take-home exam that must be completed during the week of Friday, January 19th through Friday, January 26th, 2018. This course will be taught online using Zoom. Additional instructions will be provided to enrolled students.

The course is mandatory pass/fail and will not count toward the 7-credit pass/fail limit for J.D. students. Attendance at all class sessions is mandatory and all enrolled students must attend the first class in order to remain enrolled. Students on the waitlist must attend the first class in order 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. Once the second class session begins, students may only seek a withdrawal by contacting an academic advisor in the Office of J.D. Academic Services. Withdrawals are permitted up until the last class for this specific course.

LAW 067 v07 Topics in Electronic Discovery [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20067%20v07]

J.D. Course (cross-listed) | 1 credit hour

Modern discovery is no longer about rummaging through boxes of paper; today, virtually all information is created and stored electronically. The wealth of potential evidence contained in massive stores of e-mail, instant or text messages, electronic files of different types, database applications, social media, the cloud, mobile devices, information from sensors, and myriad other imaginable (and unimaginable) applications or media has engendered an ever-expanding jurisprudence in the field known as Electronic Discovery. The law has struggled to keep pace with the challenges digital information presents for the legal system, including preservation and spoliation issues, rising costs, and questions of privilege waiver, privacy, and evidentiary admissibility, to name but a few. Amendments to the Federal Rules of Civil Procedure that went into effect in December 2015, changes to the Federal Rules of Evidence in September 2008, and a dizzying array of state and local rules that have emerged in response to the challenges posed by electronically stored information have brought Electronic Discovery to the forefront of litigation. This course will touch on matters that lawyers need to know in order to competently represent their clients in an increasingly digital world, and will also explore some of the broader challenges posed by digital information.

**Prerequisite:** Civil Procedure (or Legal Process and Society). This requirement may be waived with permission of the professor. J.D. students must complete a minimum of 28 credit hours before enrolling in this distance learning course.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Electronic Discovery or Technology in Legal Practice: A Practical Study of Electronic Discovery, Big Data, Cybersecurity and Beyond.

**Note:** The course is mandatory pass/fail and will not count toward the 7-credit pass/fail limit for J.D. students.

Attendance at all class sessions is mandatory and all enrolled students must attend the first class in order to remain enrolled. Students on the waitlist must attend the first class in order 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. Once the second class session begins, students may only seek a withdrawal by contacting an academic advisor in the Office of J.D. Academic Services. Withdrawals are permitted up until the last class for this specific course.
LAW 351 v01 Trial Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20351%20v01)
J.D. Seminar | 2 credit hours
This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

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

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

Learning Objectives for Professors Williams, Glick, and Jones:
Students will develop an understanding of the trial process, from its foundational principles and processes through the mechanics of jury selection, opening statements, witness examinations, and closing arguments.

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

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

LAW 351 v05 Trial Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20351%20v005)
J.D. Skills | 2 credit hours
This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

Learning Objectives:
Provide exposure to the elements of a trial and the techniques that are necessary to properly try a case so that the students have a fundamental understanding of what is involved.

Prerequisite: Evidence.

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

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

LAW 351 v06 Trial Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20351%20v006)
J.D. Seminar | 2 credit hours
This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

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

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

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

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
This course is taught by two adjunct professors who have extensive litigation experience and years of instructing law students and lawyers to be effective trial advocates. This course experience blends practical and rigorous (on-your-feet) exercises culminating in a mock trial, with class discussion of trial techniques, strategy, and ethics. Students directly participate in a series of trial practice problems as witnesses and attorneys. Some sections use videotape as an aid to the learning process. Different instructors in this course emphasize different problems, including jury selection, motions and discovery practices, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic. Note: Some sections of this course may require extended classes or extra meetings outside of class to accommodate a mock trial.

Learning Objectives:

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

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

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

Prerequisite: Evidence.

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

Note: This seminar will be held in a courtroom at the D.C. Superior Court at 500 Indiana Avenue, NW, Washington, DC 20001. The specific courtroom number and instructions for admission will be provided by the professors.
**LAW 351 v10 Trial Practice**

This course is designed to impart a fundamental knowledge and experience of how to try a case, and the basic litigation skills necessary to do so. There will be emphasis on ethics, professionalism, strategy, sophistication, and success at trial in a manner that will allow you to protect your verdict on appeal.

Examples and exercises will pertain to litigation in U.S. District Courts. More often than not these will come from criminal cases as these lend themselves to more manageable examinations. However the skills learned will be entirely transferable to civil trials.

The class is taught in an “immersion” style, similar to a language class. Beginning with the second class we dive right in to mock trial work. This course blends rigorous mock trial experiences with class discussion of trial techniques, strategy, and ethics. Students will directly participate in a series of trial practice problems as witnesses and attorneys. We will focus on different problems throughout the semester, including jury selection, opening statements, direct and cross examination, handling exhibits, expert testimony, making and opposing objections, and closing arguments. The course is designed especially for students who wish to obtain some trial experience but lack the time to enroll in a regular litigation clinic.

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

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

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

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

**LAW 351 v11 Trial Practice**

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

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

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

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

**LAW 1245 v00 Trial Practice and Applied Evidence**

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

**Learning Objectives:**

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

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

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

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

This seminar meets on Tuesdays, 5:45 p.m. - 8:50 p.m. The first class session on 9/3/19 will be held in Gewirz G108. Subsequent class sessions will be held at the D.C. Superior Court at 500 Indiana Avenue, NW, Washington, DC 20001. The specific room and instructions for admission will be provided by the professor. FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. To ensure that late withdrawals do not prevent a student on the wait list from filling a course opening, students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 1245 v01 Trial Practice and Applied Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201245%20v01)
J.D. Skills | 3 credit hours
This course is a traditional “Trial Practice” course with an additional credit hour to permit examination of the nuances of how some key aspects of the Federal Rules of Evidence are applied in a courtroom setting. The class combines rigorous mock trial exercises, demonstrations, and class discussion to enable students to develop both trial skills and an increased understanding of evidentiary rules. The student will learn all aspects of trial practice, including opening statements, direct and cross examination, making and opposing objections, handling exhibits, expert testimony, impeachment and rehabilitation, and closing argument through the experience of a single mock case. In addition, students will learn how to apply the Federal Rules of Evidence, including but not limited to hearsay, impeachment, opinion testimony, and refreshing recollection. The course is designed especially for students who wish to develop some trial experience but lack the time to enroll in a regular litigation clinic and those who wish to improve their understanding of the nuances of the Federal Rules of Evidence.

Learning Objectives:

- Conduct Direct and Cross-Examination of Witnesses
- Formulate and Respond to Evidentiary Objections
- Introduce Exhibits and Object to the Introduction of Exhibits
- Prepare Opening Statement and Closing Arguments (including Rebuttal Argument)

Prerequisite: Evidence.

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

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

This course may require extended classes or extra meetings outside of class to accommodate a mock trial. 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. To ensure that late withdrawals do not prevent a student on the wait list from filling a course opening, students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 355 v00 Trial Practice Seminar: Working with Expert Witnesses (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20355%20v00)
J.D. Skills | 2 credit hours
This seminar is designed to familiarize students with the role of experts in litigation. Strategies for the selection and use of experts as well as techniques for discovering the opinions of other parties’ experts will be presented. Particular emphasis will be given to the use of scientific experts in civil litigation. Techniques for direct examination and cross-examination of expert witnesses, and challenging the admissibility of expert testimony, will be reviewed. There will be frequent clinical exercises involving depositions of expert witnesses culminating in an in-court exercise.

Recommended: Prior or concurrent enrollment in Evidence.

LAW 336 v01 Trial Techniques (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20336%20v01)
J.D. Seminar | 1 credit hour
This mini-course will present remarkable challenges for students seeking a career in the courtroom. Students will explore innovative and effective approaches in the areas of voir dire, witness examination, opening statement, and final argument. The importance and consideration of client and case selection will also be addressed. All students will be encouraged and expected to participate. The course is designed to inspire active involvement through the various aspects of the course. It should be challenging, but at the same time gratifying and enjoyable for anyone who may have aspirations of becoming a trial lawyer. Evaluation will be on class preparation and student involvement/participation.

Note: WEEK ONE COURSE. This seminar will meet for one week only on the following days: Monday, January 9, 2017, through Thursday, January 12, 2017, 5:45 p.m. - 9:05 p.m.

This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. This course is not mutually exclusive with any courses in the Trial Practice series or any clinic.

Note: Attendance at all class sessions is mandatory and all enrolled students must attend the first class in order to remain enrolled. Students on the wait list must attend the first class in order to be admitted off the wait list. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar. Once the second class session begins, students may only seek a withdrawal by contacting an academic advisor in the Office of JD Academic Services. Withdrawals are permitted up until the last class for this specific course.
The ability to write effectively is one of a lawyer’s most important skills. This one-credit seminar is designed to help students develop this skill. The seminar will build upon the principles learned in the first-year Legal Research and Writing course by providing instruction in drafting legal documents typical to the particular area of law that is examined in the larger, substantive course associated with the seminar. This writing intensive seminar has been developed by two adjunct professors working in collaboration with the full-time faculty member teaching the larger course. In addition to the practical legal writing skills taught, students will also learn more generally about litigation strategy and the demands and concerns of professional practice.

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

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

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

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

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

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

**Full-time Faculty**

Jane H. Aiken
Hope Babcock
Angela J. Campbell
David D. Cole
John M. Copacino
Deborah Epstein
Maria Glover
Steven H. Goldblatt
Michael Gottesman
Kristin Henning
Neal K. Katyal
David A. Koplow
David J. Luban
Wallace J. Mlyniec
Jonathan T. Molot
Julie Rose O’Sullivan
James C. Oldham
Richard L. Roe
Susan Deller Ross
Tanina Rostain
Paul F. Rothstein
Philip G. Schrag
Abbe Smith
Lawrence B. Solum
David A. Super
Peter W. Tague
Carlos M. Vázquez
David C. Vladeck
Brian Wolfman