

LITIGATION AND ARBITRATION (LITARB)

While every effort is made to ensure course lists are accurate, change is inevitable and courses may show alternate program restrictions at the time of scheduling. Courses used to satisfy graduation requirements must be designated as such at the time of registration. Not all courses are offered each year.

LITARB 510 Complex Civil Litigation - The Judicial Perspective (2 Credit Hours) This course will focus on class action litigation and multi-district litigation (MDLs), two of the most complex areas of procedure in federal litigation. The course will cover in detail the rules of civil procedure that are implicated in complex civil cases, including Federal Rule of Civil Procedure 23 governing class actions. It will also cover the purpose behind class actions and MDLs; the differences between class actions and MDLs; class certification; discovery issues; expert discovery issues and strategies; litigation strategy; and settlement. For each of these areas, we will address the issues and the roles of the parties from a wide range of perspectives, but with special emphasis on the judicial perspective, in both the trial and appellate courts. We will evaluate students based on a written paper and class participation.

LITARB 530 Civil Procedure (3 Credit Hours) This course focuses on the structure and organization of the federal and state judicial systems, jurisdiction over the person and subject matter, process and pleadings, parties, joinder of claims, pre-trial motion practice, discovery of evidence, division of functions between judge and jury, in-court procedures, post-trial motions, and appellate review. The course is litigation practice-oriented and uses the Federal Rules of Civil Procedure as a model.

LITARB 540 Advanced Problems in Evidence (3 Credit Hours) This seminar will examine in much greater depth than possible in evidence courses select issues and areas in the field of evidence. This will include doctrinal areas such as burdens of proof and presumptions, the hearsay rule (including its constitutional manifestation in the confrontation clause), character evidence rules, as well as structural issues such as the implications of probability theory and other cognitive tools such as inference to the best explanation for understanding the nature of juridical proof specifically and the operation of the legal system more generally. A syllabus will be distributed but the students in the class will be able to suggest other topics that they would like to examine. The class will be informal and interactive. The grade will be based on a combination of class involvement and a research paper that meets the research writing requirement. Drafts will be discussed in class and a final draft submitted by the end of exam week. All reading materials will be provided by the instructor. The class will be valuable both for those who wish to become litigators and those with a jurisprudential interest in the law. As to the former, a deeper understanding of both the rules of evidence and the structure of the field of evidence will be invaluable. As to the latter, the seminar will examine some of the profound epistemological challenges the legal system faces. A prerequisite for this Seminar is Evidence. *Additional Course Information:* Satisfies Research Writing degree req

LITARB 599 Legal Ethics for Litigators (2 Credit Hours) This course addresses ethical considerations and rules of professional conduct that arise during clerkships and the practice of law, including not only the applicable rules but also strategic, practical, and moral considerations. Using materials from a leading casebook, the rules, and cases or articles of particular interest, we will discuss both the rules and the ethical situations that law clerks and practicing litigators face in a variety of situations. There will be a particular focus on the ambiguities of how to

handle particularly difficult issues encountered in the practice of litigation and the rules and framework to which attorneys can turn in determining how to handle those issues. *Additional Course Information:* Meets Legal Ethics degree requirement

LITARB 600 Legal Ethics (2 Credit Hours) This two hour survey course explores the professional and ethical obligations of lawyers in today's society and examines ethical issues currently facing the legal professional. Client confidences, client fraud, conflicts of interest, fees, obligations to client and courts will be a focus. We will discuss lawyer wellness, and lawyer regulation and admission issues. *Additional Course Information:* Counts toward Appellate Law Concentration, Meets Legal Ethics degree requirement

LITARB 600B Professional Responsibility in Legal Writing (2 Credit Hours) This two-unit course satisfies the professional writing degree requirements. In this class, we will explore the ethical and professional obligations of lawyers in today's society and draft multiple documents highlighting issues of ethics and professionalism that arise in the practice of law. Documents may include materials on both procedural and substantive areas of practice such as memoranda, pleadings, motions, and contracts. Our class time will involve active learning exercises and simulations. *Additional Course Information:* Satisfies Prof Writing degree req

LITARB 600G Legal Ethics in a Global Legal Practice (2 Credit Hours) This course explores the professional and ethical obligations of lawyers in the United States and in other countries. Topics include ethical issues that arise in multinational practices, the organization and regulation of the bar, admissions, advertising and solicitation, client confidentiality, conflicts of interest, and rules of conduct in advocacy. While we will focus much of our attention on the ABA Model Rules of Professional Conduct, we will also survey other sources of law and compare the professional codes of different countries. *Additional Course Information:* Meets Legal Ethics degree requirement

LITARB 600L Legal Ethics for Business Lawyers (2 Credit Hours) This course explores the professional ethical obligations of lawyers in a business practice. The class surveys laws and rules for lawyers in business oriented practice, focusing on real world issues. Topics include proper identification of the client, the role of the business lawyer as a gatekeeper or counselor, protection of client confidences, liability for client wrongdoings, conflicts of interests, and litigation issues. We consider issues that lawyers have faced in recent corporate scandals. *Additional Course Information:* Meets Legal Ethics degree requirement

LITARB 600P Legal Ethics for Public Interest and Government Lawyers (2 Credit Hours) Public Interest and government lawyering are unique areas of practice and present distinct ethical issues. While we will study the substantive law governing all lawyers regardless of their practice area, the course will focus on ethical challenges most frequently encountered in the government or public sector area. Topics include client identification, application of the privilege conflicts of interest, and decision making authority. This course satisfies the ethics requirements for graduation. *Additional Course Information:* Meets Legal Ethics degree requirement

LITARB 601 Legal Ethics and Professional Responsibility (3 Credit Hours) This course is designed to be interactive, focusing on realistic ethical problems that lawyers face. This 3 hour section delves deeper into the professional and ethical obligations of lawyers and judges than the 2 hour class. Course materials and discussions focus on what it means to be a lawyer, lawyer's role in the rule of law and lawyer's obligations to society and clients. We will develop an understanding of what it means

to be a professional. *Additional Course Information:* Meets Legal Ethics degree requirement

LITARB 602 The Real Deal (1 Credit Hour) The Real Deal is a transactional law course that will be offered as a capstone experience for San Francisco immersion program students at the end of their spring program. This course will provide students with a practical understanding of transactional law in the context of a simulated negotiation and drafting exercise. Working in teams, students will represent either the investor or a company raising early-stage capital in a simulated transaction.

LITARB 603 Poverty Law (2 Credit Hours) The class will introduce students to civil legal issues that impact people that live in poverty. Students will not learn how to serve clients in the covered areas, but will examine some of the more common types of cases that civil legal aid attorneys handle and the social context that creates the legal situations experienced by low-income people. The inextricable connection of race and poverty will be woven throughout the semester. The course will cover select and representative areas of law in a wide variety of legal areas such as public benefits, employment, child welfare, education, and housing and will highlight the often interrelated nature of the legal problems of the poor.

LITARB 604 International Business Law Negotiation (3 Credit Hours) This course teaches hands-on, real-world negotiation skills in a simulated negotiation in which Northwestern and University of Chicago law students will represent either a US pharmaceutical company, KJH Pharma (KJH) or an African agricultural production company, Malundian Cassava Corporation (MCC). The two companies are interested in working together to exploit a new technology developed by KJH that uses the cassava produced by MCC. The form of their collaboration will consist of drafting and negotiating a non-disclosure agreement, letter of intent, a joint venture agreement, a licensing agreement, and a long term supply contract or some variation. The negotiations will take place through written exchanges and live negotiations that will be conducted via zoom. The purpose of the course is to provide students with an opportunity to: (i) experience the development of a business transaction by negotiating, drafting and redlining agreements; (ii) participate in a live, extended negotiations in a context that replicates actual legal practice with an unfamiliar opposing party and unfamiliar environment; (iii) understand the business and legal issues that impact the negotiation; (iv) gain insight into the strategies used in negotiations and the dynamics of international business transactions; and (v) learn about the role that lawyers and the law play in these negotiations. Students are expected to spend time working in teams outside of class to prepare written communications and for live negotiations. Class discussions will focus on the deal framework, strategy for the negotiations and tactics, as well as the substantive legal, business and policy matters that affect the transaction. Evaluation will be based upon class participation, contributions to the written communications and a final paper. *COURSE MATERIALS:* TEXTBOOK: D. Bradlow and J. Finkelstein, "Negotiating Business Transactions: An Extended Simulation Course" (Wolters Kluwer, Aspen Coursebook Series, 2013). *COURSE REQUIREMENTS:* In order to successfully complete this class, students must meet the following requirements: 1) Active participation in: (i) class discussions; (ii) meetings outside of class to develop and respond to written communications exchanged in the negotiations; (iii) live negotiations; and (iv) class analysis of the negotiations. Each participant will serve as part of a negotiating team for at least one negotiation session. The functions of the negotiating team include: (i) preparing an initial draft communication for the class to consider as it develops the next communication in the negotiations; (ii) presenting the strategic thinking and rationale leading to the draft written communications and responding to class discussions on these matters; and (iii) preparing

and submitting the final communication to the opposing party in a timely manner. Contributions as negotiators and leadership in preparing negotiation materials and strategy are highly valued. Participation in class discussions will constitute 25% of the final grade. Participation and conduct of negotiations (in which a student is on the negotiation team) will constitute 25% of the final grade. 2) Throughout the class and the negotiations, each student must prepare 2 written memorandums updating management on the process, strategy and progress of the negotiations. Each memorandum should be approximately 2 pages and no more than 3 pages (double spaced). The memorandum should contain the student's pre-negotiation summary, the progress and tactics of the negotiation, and an analysis of the team's strategy versus outcome. To the extent that the student is making significant contributions in meetings or discussions, the student should reference these contributions and their relationship to the success of the negotiations. The 2 memoranda will collectively constitute 20% of the final grade, and are evaluated based on insight, organization and clarity of writing. 3) Each student will prepare a paper on a topic as agreed to by the student and Professor. The topic will be determined during the final week of live negotiations, and will include an assessment of the degree to which the class achieved the goals established by the Board of Directors (in secret instructions), along with an assessment of the merits and limitations of different strategies employed by the class. The final paper should be in the form of a memorandum to the Board of Directors. 8 - 10 pages. The paper is due on the last day of Final Exams, submitted to the Professor via email. The final paper will constitute 30% of the student's final grade. *COURSE MATERIALS:* There is a reasonable amount of reading materials required for this course, including materials for the first class, which should be read prior to the first class. *Prerequisite:* Negotiation LLM students may enroll in Negotiation and International Business Law Negotiation concurrently with professor permission. *Additional Course Information:* Satisfies Experiential Learning degree req, Satisfies Prof Writing degree req

LITARB 604T International Business Law & Negotiations (3 Credit Hours) IBLN is a simulation-based course structured around a negotiation exercise in which students from Northwestern Pritzker Law and Tel Aviv University Law School will represent either Malundian Cassava Corporation, an African agricultural production company, or KJH Pharmaceutical Corporation, a U.S. pharmaceutical company, in a complex international business transaction. The companies are exploring a collaboration concerning a new technology developed by KJH Pharmaceutical Corporation that uses cassava produced by Malundian Cassava Corporation. The negotiations will take place through written exchanges and live negotiation at Tel Aviv University. For specific class information please reference class description. Please contact the professor to confirm the add/drop deadline. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 605 Trial Advocacy ITA (4 Credit Hours) Trial advocacy skills are developed through students' presentation of solutions to problems at weekly class sessions. The problems require students to examine witnesses; introduce physical, documentary, and other types of evidence; present and challenge the testimony of expert witnesses; present opening and closing arguments; and select a jury. *PREREQUISITE/ENROLLMENT RESTRICTIONS:* During Bidding - Students must successfully bid on Evidence ITA, Trial Ad ITA, and Legal Ethics ITA. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc

LITARB 605I Introduction to Trial Advocacy (International Track) (4 Credit Hours) Introduction to Trial Advocacy (International Track). This is a course in basic trial advocacy, adapted for International LLM students. The focus is on the basic skills of courtroom advocacy -- including direct

and cross examination of witnesses, opening and closing address, and argument to the court – that can be utilized in trials, arbitrations, and other forms of fact adjudication. Effective advocacy techniques will be emphasized; specific American rules of evidence and procedure will be de-emphasized. Every student will participate in two simulated trials, conducted before practicing lawyers and judges. The course will meet concurrently with the JD sections of Introduction to Trial Advocacy, with instruction in small groups of 4-6, but will be graded separately. PRE-REQUISITES/RESTRICTIONS: LLM students only. *Additional Course Information:* LLM Candidates only

LITARB 606 Evidence (ITA) (3 Credit Hours) The law of evidence provides the grammar rules of the distinctive language practices that prevail in the American trial. These rules have traditionally been thought to support the rule of law by enhancing the accuracy of trial "fact-finding" and by keeping the inquiry focused on the issues indicated by the substantive law. An Evidence course will examine the rules of evidence, usually focusing on the dominant Federal Rules of Evidence. These rules include relevance, hearsay, expert testimony, impeachment of witnesses, rules surrounding the use of exhibits and evidentiary privileges. An Evidence course may also explore the relationship between these rules and the function of the trial in our legal order, the methods best calculated to result in reliable knowledge of past events, and the moral and political values that shape and qualify our search for such knowledge. JDs - Successful enrollment in LITARB 605 Trial Advocacy ITA is required for enrollment in Evidence ITA. This course is not open to LLMs.

LITARB 607 Legal Ethics (ITA) (3 Credit Hours) This section is coordinated with Introduction to Trial Advocacy (ITA) and its companion Evidence (ITA) course. It forms the third of the Introduction to Trial Advocacy "trilogy." You must be taking or have taken Trial Advocacy (ITA) to take this course. In this section students will participate in simulated interviews, counseling sessions, negotiations, and trial exercises that present central issues in professional responsibility. Students will defend and prosecute simulated cases against attorneys; other students will deliberate on the cases and present opinions. The course will cover the traditional range of topics in Professional Responsibility, with an emphasis on those that arise in relation to litigation and negotiation. PRE-REQUISITES/RESTRICTIONS: JDs - Successful enrollment in LITARB 605 Trial Advocacy ITA is required for enrollment in Ethics ITA. This course is not open to LLMs. *Additional Course Information:* Meets Legal Ethics degree requirement

LITARB 608 Litigation, Crises and Strategic Communications (2 Credit Hours) During high-profile litigation and other crises, organizations must contend with multiple stakeholders – both inside and outside the legal system. Developments in a crisis are analyzed and influenced by employees, the media, elected officials, regulators, investors, advocacy groups and others. The opinion of these stakeholders, rather than the specific resolution of the legal issues, often determine the ultimate success of an organization's crisis management strategy. An organization is often judged more on how it manages the litigation and crisis situation than how the actual situation is resolved. In today's world, inside and outside counsel are often expected to go beyond their strictly "legal" duties and assist in helping the organization protect its reputation in a crisis. This course will explore how attorneys can provide broad crisis management advice to clients, rather than narrow legal counsel. The class will analyze the perspectives and motivations of different actors in a crisis and explain the intersection among legal issues, organizational goals and risk management. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 610 Introduction to Trial Advocacy (3 Credit Hours) The faculty consists of sitting judges and active trial lawyers all of who have extensive experience teaching trial practice. In the classroom, students perform problems as trial counsel in small groups with a faculty member in charge of each group. These problems include direct and cross examination of lay and expert witnesses, adverse examinations, introduction of exhibits, impeachment, opening statements, and closing arguments. Each student's performance is critiqued by a faculty member. Faculty will also occasionally give demonstrations of trial skills and brief lectures. Many of the student performance are videotaped and then reviewed by the student with a faculty member. In addition, students prepare and try two complete cases—a midterm bench trial in the Circuit Court of Cook County and a final jury trial in the Federal District Court. PREREQUISITE: Unlike the Fall semester Trial Advocacy (ITA) program, this course has no coordinated co-requisite Evidence and Ethics sections. However, Evidence is a pre- or co-requisite for this course. Evaluation: No final examination. Grade is based on simulation performance. Teaching method: Lecture, discussion and simulation. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 611 Conflict Management in Legal Practice (3 Credit Hours) The goals of this course are to help students learn to better manage conflict in their professional and personal lives and, as a result, provide better service to their clients and experience more satisfaction. Specifically, students will learn to 1. Manage external conflict (between people), through four negotiation approaches and models. 2. Manage focus, awareness, stress, and emotions, through mindfulness, a way of paying attention that can improve performance and satisfaction. 3. Manage internal conflict (within a person), through internal family systems (IFS), a psychological model of the mind that includes internal Subpersonalities" or "Parts" that interact as a system. 4. Integrate negotiation, mindfulness, and Internal Family Systems. 5. Write better.

LITARB 612 The Strategy of Litigation (2 Credit Hours) Alan Salpeter (Arnold & Porter) (50 years of litigation experience), teaches class for students interested in commercial litigation. Course is practical discussion of picking a theme; discovery strategies; managing risks and troublesome litigation situations; negotiating settlements; being effective with clients. Guests include federal judges, experts, jury consultant, general counsel and mediator. Format is interactive; 25 students. Evaluation: take-home exam + attendance + participation.

LITARB 613 Mental Models in Conflict Resolution (3 Credit Hours) This seminar course focuses on the "mental models" that play-or could play-roles in the development, evolution, and attempts to address conflict. In studying these models (some of which overlap or are intricately interrelated), students will draw upon perspectives from social science disciplines such as economics and psychology; neuroscience; and cognitive maps of lawyering (e.g., traditional, client-centered, collaborative), negotiation (e.g., adversarial and problem-solving), and mediation (e.g., narrow, broad, transformative, understanding-based). Students will also explore the following: relationships between and among mental models, emotions, and lawyering and other dispute resolution strategies and techniques; whether the mental models are explicit or implicit, conscious or subconscious; and which mental models are most appropriate in particular circumstances. Evaluation: Final paper, presentation of paper, and class participation Teaching Method: Some lecture, discussion and student presentations. Prerequisites: None Text: Leonard Riskin, *Managing Inner and Outer Conflict Mindfully* (forthcoming book, Spring 2019 Draft), which will be available on Canvas at no cost to students. *Additional Course Information:* Satisfies Research Writing degree req

LITARB 614A Intellectual Property Litigation: Pretrial Skills (2 Credit Hours) This class is designed to teach both analytical and practical skills for handling intellectual property disputes, using an imaginary fact pattern that takes the student-attorneys from the beginning of the case when the client first walks through the door up through a summary judgment motion. Along the way, student-attorneys will gain hands-on experience in dealing with pretrial considerations (including pre-filing considerations and preparing cease and desist letters), initial pleadings in federal court, discovery, and preparation of a summary judgment argument. The class will involve patent and trademark issues. Student-attorneys will focus on both written and oral skills as part of this course. During the first half of the course, weekly assignments will focus on short writing assignments, and during the second half of the course, the emphasis will be on developing oral skills, such as questioning witnesses in a deposition. The primary objective of the course is to prepare student-attorneys for the types of assignments they would likely receive during their first few years of practice as intellectual property lawyers. Because this is a "hands-on" class in which students learn by doing, class attendance and participation is essential. **PRE-REQUISITES/RESTRICTIONS:** PPTYTORT 650 Intellectual Property is a required pre-requisite. PPTYTORT 651 Patent Law is preferred (but not required) *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc

LITARB 615 Depositions (3 Credit Hours) Depositions are an integral part of any civil litigation practice. It is the means by which you gather evidence for your claim or defense directly from witnesses. In this simulation course, you will learn how to take and defend depositions. The class will be led by United States Magistrate Judge Sunil Harjani, along with a group of adjunct professors drawn from a variety of litigation practice experiences in Chicago. Each student will be assigned a role as attorney for the plaintiff or defendant. You will be taking or defending a portion of a deposition nearly every week in this class. This class will particularly benefit students contemplating a litigation practice after graduation. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 616 Pre-Trial Advocacy (2 Credit Hours) In this class, we will examine strategies, procedures, and simulations dealing with pre-trial proceedings, with a particular focus on obtaining preliminary relief and motion practice. Specifically, students will draft a complaint, an answer, a motion for a preliminary injunction, a motion in limine, and a summary judgment brief. In addition, you will have an opportunity to argue a number of these motions in a simulated courtroom setting. Through course materials, lectures, and discussions, you will garner the tools and insights necessary to perform these real world litigation tasks. Therefore, we expect you to prepare for each class meeting by completing the assignments designated for that meeting. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc, Satisfies Prof Writing degree req

LITARB 619 Pretrial Litigation (4 Credit Hours) This course introduces all aspects of the pretrial process including investigation, interviewing, counseling, discovery, and motion practice. Students are assigned to two- or three-person law firms to engage in the simulated litigation of a single case throughout the semester. Under the supervision of a "senior partner," the students generate a series of litigation exercises by scheduling interviews, meetings, depositions, and motions. The students develop a "theory of the case" and are responsible for effectuating it in accordance with the rules of professional responsibility. The course emphasizes student decision-making in a litigation setting. There are no set exercises in Pretrial Litigation. The content of the weekly sessions is determined solely by the student litigation plan. All litigation exercises are observed and critiqued by faculty members, including practicing lawyers

and judges. The course concludes with the formal argument of contested motions. **NOTE ON SCHEDULING:** This class is scheduled for two time slots of three hours each, but the class will not meet for six hours each week. Students must keep all six hours free. Since the exercises will vary from week to week, students must keep all six hours available for this course. Students may not drop this course after the first week of classes. Evaluation: Grades are assigned on the basis of the students weekly performances, senior partner meetings, and presentation of final motions. Teaching method: Lecture and simulation Text: Prerequisites:

LITARB 620 Advanced Trial Practice (3 Credit Hours) This course is an advanced study of trial practice, intended for students who are seriously considering careers as courtroom advocates. Students will perform weekly simulation exercises, focusing on advanced concepts in the trial of civil and criminal cases. Issues will include trial theory development, expert testimony, complex trials, and advanced examination techniques. The course will be taught by a team of experienced practitioners. Classroom participation and attendance is mandatory. Teaching Method: Discussion and simulation. Prerequisites: LITARB 605 Trial Advocacy ITA, LITARB 605I Trial Advocacy ITA Int'l, or LITARB 610 Introduction to Trial Advocacy is a prerequisite for this course. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc

LITARB 621 Appellate Advocacy (3 Credit Hours) Appellate Advocacy is an advanced course that teaches the substance of appellate practice and process and develops students' skills and judgment as appellate writers and oral advocates. Students will pursue a simulated appeal as the primary pedagogical device, applying core doctrines of appellate review and learning the dynamics of bringing an appeal and how to frame winning issues and arguments. Students will also hone their writing and analytical skills, preparing several pieces of work product that an appellate lawyer would create in the course of pursuing an appeal. Students' work will culminate in a final appellate brief and oral argument. **PRE-REQUISITE** CLR II. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc, Satisfies Prof Writing degree req

LITARB 623 Power, Status and Negotiations (2-3 Credit Hours) This course introduces participants to social exchange theory and its application to negotiations. We first work to understand how structures of networks and resource dependence influence outcomes of negotiated and reciprocal exchange. To do this, we study four principle components of social exchange theory: resources, power, brokerage and status. We evaluate questions like, when are actors more or less likely to resort to coercive power? When are they more likely to resort to reward power? Which is more effective? How does status impact outcomes? When is it better or worse for an actor's alternatives to exchange to have many or few alternatives to exchange? When is it good for an actor for her alternatives to exchange to know each other? We then study how negotiation processes may be informed by structure in influencing outcomes of exchange. Here we evaluate when and how actors may influence outcomes in their negotiations using information about network structures and resource dependence models. For instance, how could you talk your way out of a parking ticket? Is it ever a good idea to start an argument in a negotiation? When, if ever, is it a good idea to apologize in a negotiation? Is Facebook a good place to find love, a job, or both? How can job applicants signal that they are high status, and avoid signaling that they are low status actors?

LITARB 625 Advanced Topics in Litigation (3 Credit Hours) This class will address a series of advanced topics in litigation practice. Taking students beyond the substantive legal principles governing litigation and investigations, the course will explore practical strategies for

recognizing and addressing issues that arise in these matters. We will focus on four topics that are of increasing importance in the modern practice of complex litigation: (1) Project Management in Discovery; (2) Government and Internal Investigations; (3) Scientific and Economic Experts; and (4) Technology and Intellectual Property. These areas raise some of the most interesting and challenging problems in complex litigation, e.g.: - balancing the benefits of cooperation against the need for zealous advocacy in government investigations; - meeting heightened expectations of counsel for electronic discovery after the 2006 amendments to the Federal Rules of Civil Procedure; - litigating the limits of credible science in Daubert motions; - and the relationship between antitrust law and intellectual property protection. The first half of each class will consist of a lecture given by a Mayer Brown LLP lawyer who practices in the area under discussion, and the second half will consist of a student presentation on an assigned topic related to the area and a subsequent class discussion of the key concepts in the area, which the Mayer Brown LLP lawyer will facilitate. Each student will be required to prepare a written paper and oral presentation to the class. Students will be evaluated based on their written paper (70%), presentation to the class (15%) and class participation (15%). Course Materials. The materials for this course will consist of cases, articles or other excerpts distributed by each instructor at least two weeks prior to the beginning of each section of the course. Evaluation Methods: The grade in this course will be based on the following three components: 1) a paper, 2) a presentation to the class and 3) class participation. Students will work in teams of two or three on both the papers and presentations. Paper. Seventy (70) percent of the students' grade will be based on a final written paper on a topic related to one of the areas covered in the course. Grading for the paper will be based on quality of analysis, value of legal research, ability to argue persuasively for a proposition and clarity of writing. Successful submissions will generally start with a clearly stated hypothesis or proposition and include a clear and logical argument in support of that hypothesis or proposition. The final submission should be approximately 20 double-spaced pages in length, excluding footnotes. Presentation. Fifteen (15) percent of the students' grade will be based on a presentation to the class. The purpose of this oral report is to share the topic, thesis and conclusions of the paper in a manner that facilitates a robust class discussion. Class participation. Fifteen (15) percent of the student's grade will be based on student's participation in class throughout the semester. This includes, but is not limited to, attendance. In order to learn the material thoroughly, it is essential that students prepare for and actively participate in class. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

LITARB 626 Dispute Resolution in Sports (2 Credit Hours) This course will provide an overview of how dispute resolution processes are used in the world of sports. This course aims to give students a basic overview of the various areas of dispute resolution that occurs in sports. In addition to regular readings and discussions, there will be interactive simulation exercises to expose students to the various dispute resolution processes in sports. Students will learn about the negotiations, mediations, and arbitrations that take place in professional, Olympic, and collegiate sports. Students will also develop an understanding of how to apply the World Anti-Doping Code to the athlete's case, as well as the basics of how labor law, antitrust law, and contract law apply to sports dispute resolution. PRE-REQUISITES/RESTRICTIONS: LITARB 670 Negotiation is recommended, but not required. *Additional Course Information:* First Class Attendance Required, Counts toward Civil Litigation Dispute Res Conc, Satisfies Prof Writing degree req

LITARB 627 Dispute Resolution (2 Credit Hours) This course will teach students about the various dispute resolution processes. Students

will learn about the basics of the Negotiation, Mediation, Arbitration, and Restorative Justice processes, as well as the hybrid processes and variations that are used to resolve disputes. Students will learn to evaluate which process works best for their client's interests in various situations, as well as the benefits and drawbacks of the various processes for society as a whole. Students will be required to compose a short policy paper relating to this. Students will also learn the basics of representing clients in these processes. Arbitrability, as well as arbitration forum selection will be covered and students will learn the basics of composing dispute resolution agreements. Students will learn through class discussion, simulation, lecture, and readings. Students will learn about the variations of the dispute resolution processes that are used in different areas of society, including in financial regulation, sports law, employment law, international commercial disputes, and consumer disputes. Please note: If you have taken Dispute Resolution (LITARB 677) you should not enroll in this course. *Additional Course Information:* First Class Attendance Required, Satisfies Prof Writing degree req

LITARB 630 Civil Rights Litigation (2 Credit Hours) Class description: This seminar explores how litigants vindicate federal constitutional rights in the courts. Topics include 42 U.S.C. 1983, which provides the primary cause of action to remedy constitutional violations; defenses and immunities of individuals and municipal governments; and various forms of monetary and injunctive relief. Class instruction is a mix of in-class discussion of doctrinal topics and in-court observation (when scheduling allows) and discussion of actual civil-rights trials, pretrial conferences, and other court hearings presided over by Judge Chang. Grading: Grades are based on a final exam, with class participation as a possible basis to improve (not reduce) the final grade. Location: The class meets in Judge Chang's courtroom in the federal courthouse at 219 South Dearborn Street, Chicago. Maximum enrollment: 14. Pre-requisites: None. *****Please note the Location: the class meets in Judge Chang's courtroom in the federal courthouse at 219 South Dearborn Street, Chicago. Prerequisites: none. Additional Course Information:** Counts toward Law and Social Policy Concentration

LITARB 631 Forensic Science (3 Credit Hours) The use of forensic science evidence in the courtroom has expanded dramatically over the past 25 years. At the same time, criticism of even the most venerable forensic sciences (e.g., fingerprints) has intensified. What are the strengths and weaknesses of the various forensic sciences and forensic science claims? What are the best arguments for getting forensic science evidence admitted and excluded? What kind of guidance do existing laws, standards, and high court opinions provide? How do legal decision makers respond to this type of evidence? This course examines these questions across various forensic subfields (e.g., DNA, document examination, forensic linguistics) with an eye toward identifying why some forensic science claims are more probative than others, and what lawyers need to know about forensics to present and challenge this type of evidence in court. Evaluation Method: The class will include lectures, discussions, in-class problems, short video clips, an occasional guest speaker, and student presentations. Grades will be based on class participation, weekly question-statements, a group presentation, and a one-hour test (open book, open notes). Class Materials: Weekly readings will be posted online.

LITARB 635 Evidence (3 Credit Hours) Evidence law governs practices in the American trial. This course will closely examine the rules of evidence in their own right, and further examine them from the perspective of their philosophical, political, and social implications. The twin objectives of the course are to convey a complete command of the law of evidence (including relevance, hearsay, witness examination, expert testimony, privilege, and exhibits), and to enhance the student's understanding of the deep issues lying just beneath the surface of the rules, including

such matters as the nature of truth and its significance for dispute resolution and the role of other values in the litigation process, such as anti-discrimination policies or welfare maximization. The doctrinal focus of the course is the Federal Rules of Evidence, although divergences between the Federal Rules and the common law of evidence are noted and examined. **For Professor/section specific information please see class level description** *Additional Course Information:* Counts toward Appellate Law Concentration, Counts toward Civil Litigation Dispute Res Conc

LITARB 636 Advanced Evidence (2 Credit Hours) This course provides students with the opportunity to enhance their knowledge and understanding of the rules of evidence. During the semester, students will represent opposing parties in a series of simulated criminal and civil cases to litigate one or more evidentiary issues. This will require legal analysis and reasoning, legal research, and written and oral advocacy before a "court." *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 650 Civil Procedure II (3 Credit Hours) This class addresses topics in Civil Procedure that were not covered or only touched upon in Civil Procedure I. It addresses the Constitutional Right to a jury trial in (some) civil cases, judicial control of the jury, interlocutory appeals, claim and issue preclusion, and named multiparty civil litigation. It is a "lawyer's law" class, covering important technical issues that a civil litigator should master and the philosophical commitments underlying them. *Additional Course Information:* Counts toward Appellate Law Concentration, Counts toward Civil Litigation Dispute Res Conc, Open to First Year Students

LITARB 656 Remedies (3 Credit Hours) Knowledge of available legal and equitable remedies shapes the strategies a lawyer can bring to bear in resolving a client's problem through litigation. The forms of relief which may be available to a client in seeking redress for harm drives the lawyer's strategic thinking about which theories of recovery or causes of action can be asserted, survive defenses, and ultimately, achieve the goals of the client. This course examines the forms of and limits on judicial relief in civil actions. We will use our investigation of remedies theory and practice as a method of ordering our critical thinking about the multiplicity of legal and equitable claims that can arise out of a single set of facts in a dispute. Using this approach, we will attempt to bridge the gap between knowledge of available claims and the exercise of an attorney's judgment in how and when to pursue legal action. Prerequisites: Civil Procedure, Contracts and Torts. This course may be taken concurrently with Torts. Teaching Method: Case Studies, Class Participation, Discussion (detailed discussion of cases, theories, and method), Lecture Evaluation Method: Attendance, Class Participation, Final Exam. *Additional Course Information:* Counts toward Appellate Law Concentration, Counts toward Civil Litigation Dispute Res Conc, Open to First Year Students

LITARB 657 Persuasive Techniques (2-3 Credit Hours)

LITARB 658 Procedural Issues in Public Law Litigation (3 Credit Hours) This course will explore the unique procedural and remedial issues that arise in litigation involving governmental entities. Its focus will be both practical and theoretical. This class will examine the mechanics of litigation—such as pleading, class certification, and joinder—and the remedies courts may award—such as nationwide injunctions, vacatur, structural injunctions, and damages. It will also analyze the government's role as a representative of the public interest, the judiciary's role as a backstop to prevent abuses of power, and the benefits and costs of the adversarial system in public law litigation. *Additional Course Information:* Satisfies Research Writing degree req

LITARB 659 Federal Civil Discovery (3 Credit Hours) A vital part of any litigation practice involves the effective use of the civil discovery

process to uncover evidence needed to evaluate the client's case, and to prepare for settlement, summary judgment or trial. In this seminar, you will learn not only the federal civil discovery rules, but also how to plan for the discovery process as well as how to use interrogatories, document requests, depositions, requests to admit, and other discovery tools. This class meets the Professional Writing Requirement. *Additional Course Information:* First Class Attendance Required, Satisfies Prof Writing degree req

LITARB 661 Class Action Litigation (2 Credit Hours) This litigation-oriented course focuses on the class action system in the United States federal courts. The course will be taught by two practicing attorneys: one who represents plaintiffs in class actions and one who defends such cases. The class will include frequent guest lecturers, including federal judges. The course explores the policy reasons behind class actions, litigation and administration of class actions, and recent Supreme Court decisions and legislation regarding class action law. The course will cover, at a general level, how these policy and procedural considerations are carried out in the context of various substantive claims that are litigated through class actions. The course will meet once a week for two hours and will be designed as an interactive class with open discussion among the adjunct faculty, guest lecturers and judges, and students. Course materials will consist of a collection of caselaw that corresponds to each weekly lesson. The course will be graded based on class attendance and participation (25%), a midterm reflection paper (25%) and an oral presentation to be made during one of the final two classes (50%). The final presentation will consist of students being divided into plaintiff and defense counsel, then paired into teams of two, to advocate their respective position against an opposing team.

LITARB 670 Negotiation (3 Credit Hours) For most lawyers, negotiation is a major part of their professional duties. Of the matters that come into a lawyer's office, the vast majority of legal matters are resolved by negotiation. Negotiation is also a major element of everyday life. This course is designed to give students experience in negotiation, as well as a grounding in negotiation theory. The emphasis of the course is on experiential learning. Students spend most of their time participating in negotiation simulations, as well as discussing negotiation problems. Students are observed in their negotiations and receive feedback. Some negotiations are recorded for later viewing and feedback. The negotiation simulations cover a wide range of situations. In past years, students have negotiated in a large number of contexts. These include: the settlement of lawsuits, neighborhood disputes, campus disputes, personal services contracts, contracts for the sale and purchase of commercial and residential property, intra-family disputes, corporate takeovers, international disputes and labor disputes. Students will learn about the impact of culture on negotiation as well as about biases that may impact their negotiations. There is a 50 dollar course fee to pay for this course to pay for royalties to the publishers of the negotiation simulations. However, a fee waiver is available for all students with financial difficulties. *Additional Course Information:* First Class Attendance Required, Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc

LITARB 670S Negotiation Workshop (2 Credit Hours) This unique offering of the Negotiation Workshop is designed to allow students to take the class during the summer in a format that does not interfere with weekday jobs or internship obligations. A significant portion of this course is delivered via online presentations and exercises that can be reviewed at a time convenient to each student during the specified period. This two hour class will fulfill the negotiation course prerequisite for any of the Center on Negotiation and Mediation's other course offerings: Advanced Negotiation (Winter Intersession); Mediation Process and Advocacy (Fall Semester); or the Mediation

Practicum (Spring Semester, also requires CCR certification in the Fall Class). Please contact the professor to confirm the add/drop deadline. Students may not earn credit for both LITARB 670 Negotiation and LITARB 670S Negotiation Workshop. *Additional Course Information:* First Class Attendance Required, Satisfies Experiential Learning degree req

LITARB 671 Juries (3 Credit Hours) The jury is often a focus of vigorous popular debate - both a cultural icon and popular scapegoat. The jury has also received considerable attention from legal scholars and social scientists. We will look closely at cases and at archival, interview, and simulation research, as well as a study of actual jury deliberations to examine jury behavior and the role played by the jury in the American legal system. Among the topics we will discuss are: the effects of attempts to channel and control the jury; reactions of the jury to the evidence and the law, including jury nullification and comprehension of complex testimony and legal instructions; the role of deliberations; changes in the jury over time; composition of the jury, including qualification and challenges; the structure of the jury, including jury size and decision rules; a comparison of the jury with its chief alternative, the professional legally-trained judge; and recent innovations in the conduct of jury trials. *Additional Course Information:* Satisfies Research Writing degree req

LITARB 672 Advanced Negotiation Workshop (2 Credit Hours) The Advanced Negotiation Workshop builds on the theory learned in the basic workshop. The focus is on self-awareness, emotional intelligence and understanding your negotiating self through multiple levels of feedback from peers and outside professionals. Students will engage in several multi-party complex simulated negotiations. The class will offer training in awareness practices, dealing with emotion, both your own and that of others, and improvisational techniques. Prerequisite: Negotiations Evaluation Methods: Faculty Observation; Peer evaluations; Coach Evaluations; Quiz; Pre-negotiation Analysis; Process and Outcome Analysis. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc

LITARB 675 Mediation and Advocacy (4 Credit Hours) This course will focus on the mediation process from two perspectives: (1) that of the mediator and (2) that of the advocate considering whether mediation is appropriate for a particular dispute, and, if so, representing the client in mediation. The course is designed to provide students with both a theoretical background and hands-on experience in mediation and mediation advocacy. The skills taught in this course are invaluable if you want to mediate or simply be a better negotiator - research shows that the best negotiators have received mediation training. Even if a student does not plan to be a mediator, this course provides unparalleled experience thinking on your feet with personalized and intensive feedback from dispute resolution professionals. All students will also have an opportunity to observe a mediation in the Cook County courts. NOTE: A portion of the course will consist of mediation skills training conducted by the Center for Conflict Resolution (CCR, www.ccrchicago.org). SOME OF THE TRAINING WILL TAKE PLACE DURING THE WEEKEND. PLEASE REFER TO THE CURRENT SEMESTER CLASS DESCRIPTION FOR SPECIFIC DATES. Those students who successfully complete the skills training portion of the course and meet all of CCR's certification requirements for their model of mediation, will have the opportunity to become certified as CCR mediators. PRE-REQUISITES/RESTRICTIONS: LITARB 670 (or 670S) or 670K Negotiation, or LITARB 674 Cultural Negotiation are a co-requisite for this course. Attendance in class is mandatory. The last date for dropping the course will be 5:00pm of the first class. No drops will be allowed after that. *Additional Course Information:* First Class Attendance Required, Satisfies

Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc

LITARB 676 Practicum: Mediation Practice (4 Credit Hours) This course is a continuation of the Mediation and Advocacy class for those students who are certified to mediate for the Center for Conflict Resolution. For Spring 2022, all CCR mediations will take place virtually. This course will meet in person on Thursdays from 12 to 1:20 in seminar to supervise, monitor and improve mediation skills. The professor determines the frequency and number of supervised mediations and assignments. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 677 Dispute Resolution (3 Credit Hours) The purpose of this course is to help students learn how lawyers (and to some extent other professionals) can help their clients and society select and carry out the most appropriate (that is, efficient, productive, and humane) methods for managing conflict. To that end, we will cover the following topics: the nature of conflict; client interviewing and counseling; negotiation; mediation; adjudication (principally arbitration); mixed dispute resolution processes; and how to select and design dispute resolution processes. The course generally takes the perspective of a practicing lawyer and explores the idea of the lawyer as problem-solver, but also will include client, court, and societal perspectives. We also will consider how one's state of mind can affect performance, and address issues of professional responsibility. Methods of instruction will include reading, lectures, demonstrations (live and video), role-play and other exercises, and journaling. Grades will be based on class participation; the journal and (possibly) other very brief writing assignments; and an examination. The only required book is Leonard L. Riskin, et al., *Dispute Resolution and Lawyers* (5th ed., Hardcover, Westgroup 2014.) ISBN: 978-0-314-28590-4. Do not buy the abridged, paperback version of this book. Rely on the ISBN above. *Additional Course Information:* First Class Attendance Required, Counts toward Civil Litigation Dispute Res Conc

LITARB 679 Judicial Decisionmaking (2 Credit Hours) This seminar is designed for students who are planning on clerking after law school and for those interested in studying judicial decisionmaking and opinion-writing. During this intensive Intersession course, we will begin by discussing the theoretical underpinnings of judicial decisionmaking: (1) the impact of judicial philosophy; (2) judicial activism vs. judicial restraint; (3) ethical issues in judging; and (4) judicial temperament. We will then turn to the role of the clerk and the art and craft of opinion writing. Finally, we will examine how judges cultivate their unique voice and style. A panel of former clerks, and perhaps a panel of sitting judges, will round out the experience. This course will yield three important and practical writing projects. First, the students will prepare a bench memorandum for a pending case in the Federal Appellate Clinic. Second, after mootng the Clinic students in their cases (at a mutually agreed time during the semester separate from the Intersession classes), the seminar students will conference as a panel of judges and draft an opinion deciding the case. Finally, one important focus of the course is to actively study a particular judge with an eye towards identifying that judge's decisionmaking approach and writing style, topics that will prepare students for an upcoming clerkship. Students will write a final paper-due by the end of finals-that analyzes a particular judge's judicial philosophy, writing style and other important aspects of the judge's practice. Ideally, the student would study the judge for whom the student will be clerking, but if a student has not yet secured a clerkship or is not intending to clerk, a student may choose any judge. Students will be evaluated based on their preparation for the intensive Intersession courses, their class participation, their role in mootng and conferencing the clinic course, and based on the three written assignments. Students

earn 2.0 credits, and this course does not fulfill any upper-level writing requirements.

LITARB 681 Law, Advocacy & Public Persuasion (3 Credit Hours)

For those attorneys who choose to pursue careers in government, politics or business, the crucial determiner of success is often the ability to persuade within the public arena. But contemporary legal practice requires virtually every attorney to influence an array of "public" audiences: corporate boards, governmental bodies, bar associations, law firm management committees, stockholder meetings, community groups, and the public at large. Indeed, today's complete lawyer - whether deal-maker or litigator, whether in private practice or public service - will persuade audiences beyond those involved in a trial or a negotiation, and frequently when the stakes are highest. This course will train lawyers to influence public audiences with both the written and spoken word; it seeks to provide practitioners with four primary tools: (1) an understanding of the lawyer's historical and contemporary role as public persuader; (2) strategic sensibilities in approaching non-lawyer audiences; (3) the tactical ability to use more powerful language and arguments for persuasive effect; and (4) improved capabilities as public speakers/presenters, through intensive practice and critique. *Additional Course Information:* Satisfies Experiential Learning degree req, Satisfies Prof Writing degree req

LITARB 683 Creating Change as a Lawyer (3 Credit Hours) In this course, we will explore the roles lawyers and other stakeholders play as advocates for social, political, and civic change. Students in this class will engage in real-life and class-based learning. If you have questions about any aspect of the course, please contact the professor by email at: m-llorente@law.northwestern.edu. The professor is willing and eager to answer any questions about the course, and she is interested in your feedback and suggestions.

LITARB 684 Law, Advocacy & Public Persuasion II (2 Credit Hours)

This course is an advanced workshop in public advocacy. It broadens and deepens the skills learned in Law, Advocacy & Public Persuasion I, focusing on improvement of the persuasive abilities of its participants in a series of challenging public settings. The emphasis will be on the targeted, hands-on application of persuasive tools - both in content development and especially in content delivery - within a series of predominantly "informal" legal, business, policymaking and leadership scenarios, including board and panel presentations, hostile questioning & related Q&A availabilities, organizational meetings and town halls, and contemporary public thought-leadership settings. The course operates in a workshop format, and feedback is frequent, plentiful and personalized. Prerequisites: Law, Advocacy & Public Persuasion I. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 685 Theory of Judicial Decisionmaking (3 Credit Hours)

Judicial Decision-Making is a course designed to explore the process underlying the development and application of law generally. For law to be comprehensible, even predictable, requires not only looking at output - case decisions - but also at the process by which those decisions are reached. Understanding what shapes judges' decision-making process yields insights into all areas of law. In addition, that same inquiry is key to appreciating the role of judges and courts in the broader political system. For instance, if the extreme view that judging is just a product of what the judge had for breakfast is true, then law needs to be understood not as binding exogenous constraint, but simply as a rhetorical device for masking raw ideological preference, or even idiosyncrasy. Whereas if judges seriously consider legal factors- methodology, formalism, federalism and other such factors - then we need to ask how, when, and how much each of these factors play in, and can they be precisely and rigorously characterized, and their impact assessed. Once that

most fundamental question is answered, there still remain many other potential factors in the judicial decision-making process. For instance, does public opinion affect judges - and if so, does it operate only at the limits of public acceptability, or as a more common influence? Similarly, how do separation of powers constraints limit judicial choice - do the other branches only affect the selection of judges, or do they influence the ongoing decision-making process, for example through aversion to congressional overrides? This course will take a cross-disciplinary approach to understanding judicial behavior and the judicial decision-making process. It will examine: classic and modern theories of the role of the judge in society; how judges are selected; how judicial preferences are measured; how much of judicial decision-making can be predicted by ideological preferences; whether and how judges set their own agendas; how the structure of the judicial system shapes judicial preferences, including multi-judge courts and the judicial hierarchy; and how external factors affect judicial decision-making, including public opinion and the political branches.

LITARB 686 Contemporary Problems in Complex Litigation (2 Credit Hours) This course focuses on mass torts, civil rights cases and other complex matters that receive intensive judicial management as class actions or MDLs. This course will provide an insight into the nature of broad, societally important litigation and both the difficult decisions that litigants and judges must make and the impact that those decisions have on the judiciary, the litigants, and the broader society in which our judicial system exists. *Additional Course Information:* Counts toward Civil Litigation Dispute Res Conc

LITARB 687 Arbitration in the United States (2 Credit Hours) This seminar focuses on arbitration as a method of resolving both domestic and international commercial disputes. The course will explore the advantages and disadvantages of arbitration as compared to both mediation and litigation in the courts. In addition, the course will address the statutory basis for U.S. arbitration; the nature and scope of arbitral jurisdiction; the nature of the arbitral process; techniques of effective advocacy in arbitral hearings; the enforcement of arbitral awards; and judicial review of arbitral proceedings. The course will also review a series of recent Supreme Court decisions in which the Court has limited the scope of judicial review of arbitral awards and clarified the ways in which arbitral agreements can limit liability (for example, by barring class actions). Finally, the course will examine international arbitration in the United States, including the U.S. enforcement of international awards and the conduct in the U.S. of arbitrations between governments and private parties ("Investor-State" arbitrations). *Additional Course Information:* Counts toward Civil Litigation Dispute Res Conc

LITARB 690 Mediation Process (4 Credit Hours) ***There is a mandatory training session for all students on Saturday, October 3, 2015 from 8:30-5:00pm*** Students planning to participate in the 4 credit hour Mediation Practicum in the spring semester will also have to attend a mandatory training October 4 and October 10-11 This course will focus on the mediation process from two perspectives: (1) that of the mediator and (2) that of the advocate considering whether mediation is appropriate for a particular dispute, and, if so, representing the client in mediation. Effective advocacy in mediation has some elements in common with effective advocacy in litigation, but also many different elements. The course is designed to provide students with both a theoretical background and hands-on experience in mediation and mediation advocacy. The skills taught in this course are invaluable if you want to mediate or simply be a better negotiator. Research shows that the best negotiators have received mediation training. Even if a student does not plan to be a mediator, this course provides unparalleled experience thinking on your feet with personalized and intensive feedback from dispute resolution professionals. All students

will also have an opportunity to observe a mediation in the Cook County courts. A portion of the course will consist of mediation skills training conducted by the Center for Conflict Resolution (CCR). CCR is a non-profit organization that provides free mediation services in Chicago through the Cook County court system and community-based referrals (www.ccrchicago.org). Those students who successfully complete the skills training portion of the course and meet all of CCR's certification requirements for their model of mediation, will have the opportunity to become certified as CCR mediators, and to conduct actual mediations on behalf of CCR in the 4 credit hour practicum during Spring (LITARB 676). In addition to the training held by CCR, students pursuing certification may be required to do other activities and simulations inside and outside of class in order to meet certification requirements. Once students complete their practicum experience, they may maintain their certification by continuing to mediate once a month at CCR. Attendance in class is mandatory. A student who misses a class for any reason other than illness will lose participation points that could result in the loss of a letter grade. Any student who is not present at the first class meeting will be dropped from the course. The last date for dropping the course will be 5:00pm of the first class. No drops will be allowed after that. Prerequisites: Negotiation, LITARB 670 or 670K or Cultural Negotiation LITARB 674 are a co-requisite for this course. Students concurrently bidding to be enrolled in Negotiations may bid on this course. Evaluation: Grades will be based on demonstrated comprehension of the principles of mediation as demonstrated in class participation (25%), self-analysis of videotaped mediation (30%), reflection paper of a court mediation observation (15%), and group project (30%). Text: *Mediation: Mediation Representation* (3rd Edition) by Harold Abramson. *Additional Course Information*: First Class Attendance Required, Counts toward Civil Litigation Dispute Res Conc

LITARB 691 Mediation Advocacy (3 Credit Hours) ***There is a mandatory training session for all students on Saturday, October 3, 2015 from 8:30-5:00pm*** Students planning to participate in the 4 credit hour Mediation Practicum in the spring semester will also have to attend a mandatory training October 4 and October 10-11 This course will focus on the mediation process from two perspectives: (1) that of the mediator and (2) that of the advocate considering whether mediation is appropriate for a particular dispute, and, if so, representing the client in mediation. Effective advocacy in mediation has some elements in common with effective advocacy in litigation, but also many different elements. The course is designed to provide students with both a theoretical background and hands-on experience in mediation and mediation advocacy. The skills taught in this course are invaluable if you want to mediate or simply be a better negotiator. Research shows that the best negotiators have received mediation training. Even if a student does not plan to be a mediator, this course provides unparalleled experience thinking on your feet with personalized and intensive feedback from dispute resolution professionals. All students will also have an opportunity to observe a mediation in the Cook County courts. A portion of the course will consist of mediation skills training conducted by the Center for Conflict Resolution (CCR). CCR is a non-profit organization that provides free mediation services in Chicago through the Cook County court system and community-based referrals (www.ccrchicago.org). Those students who successfully complete the skills training portion of the course and meet all of CCR's certification requirements for their model of mediation, will have the opportunity to become certified as CCR mediators, and to conduct actual mediations on behalf of CCR in the 4 credit hour practicum during Spring (LITARB 676). In addition to the training held by CCR, students pursuing certification may be required to do other activities and simulations inside and outside of class in order to meet certification requirements. Once students

complete their practicum experience, they may maintain their certification by continuing to mediate once a month at CCR. Attendance in class is mandatory. A student who misses a class for any reason other than illness will lose participation points that could result in the loss of a letter grade. Any student who is not present at the first class meeting will be dropped from the course. The last date for dropping the course will be 5:00pm of the first class. No drops will be allowed after that. Prerequisites: Negotiation, LITARB 670 or 670K or Cultural Negotiation LITARB 674 are a co-requisite for this course. Students concurrently bidding to be enrolled in Negotiations may bid on this course. Evaluation: Grades will be based on demonstrated comprehension of the principles of mediation as demonstrated in class participation (25%), self-analysis of videotaped mediation (30%), reflection paper of a court mediation observation (15%), and group project (30%). Text: *Mediation: Mediation Representation* (3rd Edition) by Harold Abramson. *Additional Course Information*: First Class Attendance Required, Counts toward Civil Litigation Dispute Res Conc

LITARB 693 The Visual Display of Evidence at Trial (2 Credit Hours) This course is designed to describe and teach the fundamentals of presenting evidence at trial, with a particular focus on how to display complex information and data in a manner this is accessible, understandable, and persuasive to jurors. The course will build on basic trial advocacy techniques and combine faculty lecture and demonstrations with student "on-your-feet" exercises that simulate real-world courtroom experiences. Specifically, students will be asked to prepare arguments and witness examinations incorporating demonstratives and other mechanisms for displaying information. Lectures, discussions and required reading materials will cover topics such as storytelling through visuals, using the high-tech courtroom, the "new" jury, the development of the use of graphics and other demonstratives in the practice of law, and evidentiary issues raised in the electronic world. The course is presented through NU Law's Fred Bartlit Center for Trial Strategy. It will be taught by experienced trial lawyers from Bartlit Beck LLP. Classes will take place in Bartlit Beck's own Courtroom and "Forum" in the historic 1892 Cook County Criminal Courts building, located a few blocks from the law school at 54 West Hubbard Street. Prerequisites: None Teaching Method: Simulation, demonstration and lecture Course Materials: TBD. *Additional Course Information*: Satisfies Experiential Learning degree req

LITARB 695 International Arbitration (2 Credit Hours) This seminar is designed to provide an introduction to the law and practice of international commercial arbitration. It will consider the fundamental characteristics of international arbitration including its advantages and disadvantages as a form of dispute resolution; the network of international treaties (e.g., the New York Convention), national laws, procedural rules and guidelines that apply to international arbitration; the role of institutions and other organizations in supporting international arbitration; and the relationship between international arbitration and national courts. The seminar will cover key topics such as drafting arbitration agreements, selection of arbitrators, conflicts and other ethical issues, provisional remedies, preparing and presenting cases to tribunals (including obtaining evidence, witness testimony, experts, written submissions and hearings), arbitral awards, enforcing agreements to arbitrate, and actions to enforce and set aside arbitral awards. Students will be evaluated on the basis of a final exam. *Additional Course Information*: Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc

LITARB 695-L Negotiation (2 Credit Hours) For most lawyers, negotiation is a major part of their professional duties. Of those matters that come into a lawyer's office, the vast majority are resolved by negotiation. Negotiation - communication for the purpose of persuasion - is also a major element of everyday life. This course is designed

to give students experience in negotiation, as well as a grounding in negotiation theory. The emphasis of the course is on experiential learning. Students spend most of their time participating in negotiation simulations, as well as discussing negotiation problems. The negotiation simulations cover a wide range of situations. In past years, students have negotiated the settlement of lawsuits, neighborhood disputes, personal services contracts, contracts for the sale and purchase of commercial and residential property, intra-family disputes, corporate takeovers, international disputes and labor disputes.

LITARB 698 Trial Team I (2 Credit Hours) This course is limited to the members of the Northwestern University School of Law Trial Team.

LITARB 699 Trial Team II (1 Credit Hour) This course is limited to the members of the Northwestern University School of Law Trial Team.

LITARB 700 Clinic: DPELC Entrepreneurship Law (4 Credit Hours) This is an intensive clinical experience under the direct supervision of DPELC faculty. It involves the actual, hands-on representation of entrepreneurs, start-ups, social entrepreneurs and not-for-profit organizations. Students will gain practical experience meeting with clients, identifying and prioritizing legal challenges, finding solutions and taking actions or drafting documents that may be required to assist the client in meeting his or her objectives. Issues most frequently encountered include choice of entity, entity formation, trademark searches, intellectual property protection, shareholder agreements, operating agreements and other contract drafting. Students will also gain experience in law firm management such as professional development, client development, and law firm administrative tasks. Students will participate in networking events, office hours and workshops. Prerequisite: Entrepreneurship Law is a pre-requisite course for Fall and Spring semesters. Entrepreneurship Law may be taken as a co-requisite only in the Summer term. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 700T Company Law Engagement Seminar (1 Credit Hour) The San Francisco Company Law Engagement Seminar is designed to expose students to the entrepreneurship ecosystem in Silicon Valley and the San Francisco Bay Area through visiting Bay Area and Silicon Valley lawyers in their entrepreneurship practice settings. Students will meet with start-up companies, venture capital funds, private equity funds, incubators / accelerators, technology companies, venture attorneys and various other thought leaders from across the entrepreneurial spectrum. The class will meet once prior to our visits to companies, and once again following the last company visit. Our goal will be to understand how various entrepreneurial ventures are innovating in today's market and the role that law plays in fostering entrepreneurship and innovation in both early stage and larger companies. Additionally, each student will be assigned one company that the group will be visiting. Students will conduct research in advance of the company visit and, prior to visiting the assigned company, share background information regarding such company. At the last class meeting, each student will give a short presentation to the class regarding one or more unique ways in which such student's assigned company is innovating in the marketplace. This presentation will serve as the class project for each student.

LITARB 704 Clinic Practice: Wrongful Convictions and Juvenile Justice (4 Credit Hours) Students who enroll in the Center on Wrongful Convictions will participate in our trifold mission of representation, education, and reform on a national scale. Students will partner with faculty and, in many cases, Northwestern alumni from national firms to represent imprisoned clients who were convicted of serious crimes and have compelling claims of innocence and/or major constitutional violations. Our clients' cases unfold at both the state and federal level before tribunals ranging from clemency boards to state trial courts to the federal

courts of appeal and, on occasion, the U.S. Supreme Court. Students' case work may include visiting and counseling incarcerated clients, interviewing witnesses and other field investigation, conducting legal or forensic science research, and drafting court documents. Qualifying students may appear in court as permitted by Illinois Supreme Court Rule 711. Students may also participate in the writing of briefs as amicus curiae in high-level appellate cases across the country. With respect to education, outreach, and reform, interested students will participate in the CWC's strategic reform and policy work. Examples of past student engagement around reform and policy include the creation of reports and/or presentations concerning access to justice and/or needed systemic reforms; working with media outlets to engage public audiences in the urgency of national criminal justice reform work; and co-authoring, with CWC faculty, publications exploring failures in law and practice that too often permit wrongful convictions to go unredressed. This course emphasizes teamwork, collaboration, and strategic thinking. Students typically work in groups of two or more and meet weekly outside of class on individual cases or projects. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 705 Clinic Practice: Tenant Advocacy (4 Credit Hours) The Tenant Advocacy Clinic will use a variety of tools to advocate for low-income tenants on both an individual and systemic level. Students in TAC will represent clients facing evictions, housing discrimination, and poor living conditions in court and administrative hearings, taking primary responsibility for their cases including interviewing clients and witnesses, engaging in fact investigation, developing case strategy, engaging in written and oral discovery, pursuing settlement negotiations, and preparing pre-trial motions. Students with 711 licenses may conduct trials and hearings. Further, students will fight for systemic change for low-income tenants by, for example, representing and consulting with tenant associations and grassroots coalitions. By the end of the semester, students will gain exposure to multiple facets of the rental crisis in America and experience advocating for low-income tenants across myriad contexts. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 706 Clinic: Juvenile Justice/ Criminal Trials and Appeals/PreTrial Representation (4 Credit Hours) Students in this section of the Clinic will represent clients in juvenile and criminal trials and appeals. Students will also work on issues involving the conditions of confinement in prisons and jails. The purpose of involving students in these cases is to develop skills in interviewing, counseling, investigation, oral advocacy, and writing and to expose students to the strengths and weaknesses of our justice system. Each student will have individual clients for whom he/she will be responsible. In the more complex criminal cases students will work together in groups. Weekly class sessions will be held during which there will be presentations on cases, skill development, and broad issues affecting the juvenile and criminal justice systems. Readings relevant to our section's work will be assigned. Students may also become involved in efforts to safely decrease Illinois' prison population and reduce the state's overreliance on incarceration. Weekly class sessions will include case presentations, skill development training, and discussion of broad criminal justice issues, including identified systemic flaws and possible solutions. Skills students can expect to develop in this course include interviewing, counseling, investigation, creative problem-solving, and written and oral advocacy. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 708 Clinic Practice: Center on Wrongful Convictions (4 Credit Hours) Students in this clinic will participate in the Center on Wrongful

Convictions' representation of imprisoned people who were convicted of serious crimes and have compelling claims of innocence and/or were excessively sentenced, as well as policy-related reform efforts. *Additional Course Information:* Counts toward Appellate Law Concentration, Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 712 Clinic Practice: Center for Criminal Defense (4 Credit Hours)

This Clinic's primary focus is the trial level representation of adult defendants facing criminal charges. Pending cases raise issues involving, among others, whether the prosecution can prove the mens rea element of an offense committed while the defendant was in the midst of a psychotic episode; whether self-defense is applicable in a shooting event involving multiple participants; whether an eyewitness identification is tainted by police suggestiveness. There will be one case involving a man wrongly incarcerated who is seeking review of his conviction. In addition to frequent and direct client contact, opportunities are often presented for students to participate in courtroom advocacy, including jury trials, pre-trial evidentiary hearings, and sentencing proceedings. There are no exams, but student presentations and/or a short reflective essay assignment will be submitted at the end of the semester. And as with all students in the Bluhm Legal Clinic, journals will be kept current on the progress of ongoing representations. Various readings will be assigned for our weekly discussions. We will read a book each semester focused on criminal justice. While not a prerequisite, note that students in this Clinic benefit significantly from course work or experience in one or more of the following: trial advocacy, evidence and criminal procedure. JD students only. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 714 Clinic: International Human Rights Advocacy (4 Credit Hours) Students in IHR Advocacy Clinic will have the opportunity to work on cases or projects using the norms and mechanisms of international human rights law. Projects may involve, e.g., accountability for the crime against humanity of forcible transfer; advocacy to combat gender-based violence; State and business accountability for human rights violations; right to safe water in Illinois prisons; international advocacy challenging racism and race/ethnicity discrimination in the U.S.; rights of indigenous peoples to participate in decisions affecting them; and protection of the human rights of LGBTIQ people. Working in collaboration with local NGO partners, students will have the opportunity to conduct fact-finding, prepare complaints to UN or regional human rights mechanisms, draft reports for human rights mechanisms or amicus briefs, and develop strategies for combatting human rights abuses. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 716 Clinic Practice: Juvenile Justice Trials and Criminal Appeals (4 Credit Hours) This course will be involved in representing juveniles charged with crimes in the juvenile and perhaps criminal court system. The purpose of involving students in these cases is to develop skills in interviewing, counseling, investigation, oral advocacy, and writing and to expose students to the systemic failures of our justice system, including ineffective assistance of defense counsel, police and prosecutorial misconduct. Student will have individual clients for whom she/he will be responsible and will also work together in groups. Weekly class sessions will be held during which there will be presentations on cases, skill development, and broad issues affecting the juvenile justice systems. Readings relevant to our section's work may be assigned. Third year students will have the opportunity to represent clients in court. Students will also participate in advocacy efforts relating to juvenile justice reform. Second year student earn 3.0 credits. Third year students earn 4.0 credits. Enrollment is limited to JD candidates. *Additional Course*

Information: Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 719 Clinic: Federal Appellate Practice (4 Credit Hours) Students in this Clinic will research, brief, and argue cases in federal appellate courts across the country. Our cases will generally focus on immigration, criminal sentencing/post-conviction issues, and qualified immunity, although other topics may be covered as well. This Clinic is only open to 3L/3J students, and students are strongly advised to have completed 56 credits prior to enrollment. More information can be found on our website, www.nlawappellate.com. *Additional Course Information:* Third year students only, Counts toward Appellate Law Concentration, Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 720 Clinic Practice: Human Rights Advocacy at Home and Abroad (4 Credit Hours) In this clinical course, students will work on projects that will expose them to diverse forms of human rights advocacy before domestic courts, international tribunals, and foreign courts. The clinic is litigation-oriented, although clinic students will also be exposed to legislative advocacy and may have the opportunity to engage in fact-finding and research regarding human rights violations abroad. A current sampling of projects includes: (1) representation of Mexican nationals on death row in Texas who are facing imminent execution in violation of the Avena Judgment of the International Court of Justice, a case that mandated judicial hearings in the cases of 52 Mexican nationals on death row whose consular rights have been violated; (2) appellate advocacy on behalf of prisoners in Malawi who have been denied the right to counsel, and collaboration with lawyers in Malawi to reduce prison overcrowding and protect the rights of pre-trial detainees (in the past, a number of clinic students have traveled to Malawi to work directly with prisoners there); (3) representation of Mohamed al Qahtani, a prisoner at Guantanamo who was tortured by U.S. interrogators, in federal habeas proceedings; and (4) working with lawyers around the world to promote the implementation of international norms regarding the application of the death penalty. NOTE: There will be a mandatory clinic student orientation hosted by clinic faculty on Sunday, September 8, 2013 from 1:00 5:00 pm. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 721 Clinic: Civil Rights Litigation (4 Credit Hours) The Civil Rights Litigation Clinic, taught by the professors in the MacArthur Justice Center, focuses on criminal legal system reform and civil rights enforcement through complex civil litigation, primarily in federal court. The Clinic is involved in some of the most significant civil rights cases in the State of Illinois, including: wrongful conviction damages actions, the enforcement of a federal consent decree over the Chicago Police Department on behalf of community groups, promoting the rights of transgender prisoners in the Illinois Department of Corrections, class action challenges to Illinois' unconstitutional parole revocation system, challenges to the use of cash bond to detain people pretrial, enforcement of voting rights, enforcement of protesters' rights, challenges to solitary confinement, ensuring prisoners' protection from harm, litigation to protect the medically vulnerable in correctional facilities during the COVID-19 pandemic, and challenges to excessive use of force by law enforcement. *Additional Course Information:* Counts toward Appellate Law Concentration, Satisfies Experiential Learning degree req, Counts toward Civil Litigation Dispute Res Conc

LITARB 722 Clinic Practice: The United States Supreme Court (4 Credit Hours) Clinic projects will include: (1) researching and drafting merits briefs to be filed with the Court; (2) researching and drafting amicus curiae briefs at the merits and petition stages; (3) participating in moot courts for cases to be argued during the Term; (4) researching and

drafting petitions for writs of certiorari; (5) researching and identifying issues and cases that are worthy of petitions for certiorari. While the particular mix of projects will be subject to timing and availability, students can expect ample opportunity to engage in each of the various types of projects over the entire year. The goal of the Clinic will be to provide a thorough working knowledge of the Court, its unique procedures and the types of cases that attract the Court's attention and the kinds of arguments that can capture the votes of a majority of the Justices. As the nature of the projects reflect, students will develop skills in all aspects of advocacy, with a heavy emphasis on developing sophisticated research and writing skills. The development of oral presentation skills will be emphasized as well, through participation in moots as advocates for the opposing side and as questioners. Students will frequently work directly with other attorneys around the country who represent the persons who are the subject matter of these cases. As a specialized appellate practice, the Clinic most frequently operates as an adjunct attorney; therefore, students should not expect direct client contact. The value of the Clinic lies in the researching, crafting and preparing of briefs at the highest level possible. *Additional Course Information:* Counts toward Appellate Law Concentration, Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 728 Clinic Practice: Immigration Law (4 Credit Hours) The Immigration Law Clinic is a broad-based immigration clinic representing low-income youth and parents in proceedings before the Chicago Immigration Court. Our previous clients have included children, women, and men from countries such as Mexico, Honduras, Guatemala, China, Indonesia, Ethiopia, and Cameroon. As part of the clinic, student lawyers are responsible primarily for interviewing clients and witnesses, conducting factual investigations, drafting pleadings and motions, preparing legal briefs, and representing clients at hearings before the Chicago Immigration Court, the Board of Immigration Appeals, and the Chicago Asylum Office. Many of our witnesses and the documents we need to represent our clients are in other countries. Students will need to communicate through interpreters to obtain documents required for their cases. Additionally, some of our clients are detained, and students will need to work with the appropriate agencies to advocate for their client's release from detention. Through course readings, lectures, and discussions, students will garner the tools and insights they need to represent their clients effectively. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 729 Clinic Practice: Environmental Advocacy (4 Credit Hours) This course is designed to provide a multidisciplinary clinical experience, emphasizing a broad-based view of legal strategy, skills development and environmental solutions. Clinic cases generally focus on environmental justice, energy and sustainability, and natural resources protection. Recent and ongoing projects include live complex litigation before courts and agencies, commenting to and advocating before administrative agencies, policy and legislative research and drafting, and advocacy within international environmental law frameworks. Most of the clinic's work is on behalf of Chicago-area environmental justice organizations, such as the Southeast Environmental Taskforce, Immigrant Solidarity DuPage, among several others. The clinic also often partners with leading environmental organizations, including the Environmental Law & Policy Center, Respiratory Health Association, Natural Resources Defense Council, and the World Wildlife Fund. The clinic includes a weekly seminar that focuses on connecting students' project work for clients with broader principles of environmental law and key practice skill development. The seminar also affords students with opportunities to interact with clients and practicing attorneys across a broad spectrum of environmental law practice. The Environmental Advocacy Clinic teaches students to pursue environmental solutions through strategies that

incorporate a broad range of legal and advocacy options. Students may participate in environmental litigation, administrative proceedings, legislative and rulemaking proceedings, public advocacy and media activities and work with attorneys, scientists, economists, and legislative experts. Through their participation in environmental cases, projects and weekly seminars, students will develop diverse lawyering and advocacy skills in assessing environmental issues and developing strategies, often using multiple legal and advocacy strategies, to address real environmental problems impacting our clients, partners, and communities. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 730 Clinic Practice: Complex Civil Litigation & Investor Protection (4 Credit Hours) Students will be given the opportunity to learn the practical aspects of complex civil litigation. Complex civil litigation will cover the range of lawyering skills, including client relations, drafting of pleadings, the discovery process, depositions, arguing motions in court, bench and jury trials as well as appeals. In addition, students will be exposed to the economic considerations that are involved in the litigation process and will become involved in marketing, fee negotiation and budgeting, as well as related ethical concerns. Students will work on a range of cases, such as: civil rights litigation including exonerees of wrongful convictions, business disputes, real estate, insurance, elder financial abuse, fraud, shareholder rights litigation and securities litigation. Students in this course will also work in the Investor Protection Center, which provides representation to investors with limited income and have disputes with stockbrokers, investment advisers, or securities firms. Students will be given the opportunity to learn the practical aspects of securities mediation and arbitration. Students will be responsible for interviewing and counseling clients, explaining the arbitration and mediation process, investigation and selecting potential arbitrators, conducting discovery, negotiating settlements, and participating in arbitration trials and mediations. Finally, students will be exposed to the economic considerations that are involved in securities arbitration. ENROLLMENT RESTRICTIONS SPRING 2025 3L students may enroll in Section 1 2L students may enroll in Section 2 Tax students may enroll in Section 3. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration, Counts toward Civil Litigation Dispute Res Conc

LITARB 733 Clinic Juvenile Justice Pre-Trial, Trial, Appeal and Post-Dispositional / Post-Conviction Advocacy (4 Credit Hours) Students enrolled in this course will advocate on behalf of youth and adults involved in the juvenile and criminal legal system. Section 1 students will primarily engage in litigation while students in section 2 will advocate through major policy reform efforts. Descriptions of each section provide detail about the work in which students will be engaged. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration, Satisfies Prof Writing degree req

LITARB 734 Clinic: Second Chances for Youth: Decarceration, Diversion and Post-Sentencing Advocacy (4 Credit Hours) This clinic section will focus on children and young adults in the Illinois criminal court system, especially those seeking reconsideration of extreme sentences. Students will represent clients in both court proceedings and executive clemency/parole proceedings and will have the opportunity to develop traditional trial skills as well as skills related to negotiation, investigation, discovery, expert witness preparation, client counseling and written advocacy. Additionally, students can expect readings and discussions exploring the structural forces and trends behind the law in this area as well as social science research regarding adolescent development, public health approaches to violence, the benefits of holistic representation, and the implementation of restorative justice practices. Class sessions for this clinic section will be held jointly with LITARB 733. *Additional Course*

Information: Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 735 Clinic Practice: Criminal Defense - The Death Penalty (4 Credit Hours) Students will help defend indigent clients in state and federal court who are facing execution. Death penalty defense is complex litigation, comprising many different and challenging tasks, and the work to be done will vary from case to case. Students may research, draft, and revise legal pleadings such as appellate briefs, trial motions, clemency petitions, and applications for habeas corpus relief. At the same time, they may contribute to investigation and fact development - visiting clients on death row, interviewing witnesses, and evaluating evidentiary documents. Students will help brainstorm case strategy, to develop lawyerly judgment. They will generally work in teams, giving them a chance to sharpen the skills that foster effective collaboration - not just with other lawyers, but with professionals in allied fields. All these activities will also give us a rich opportunity to examine the ethical concerns unique to capital defense work and client relations. They will also give us occasion to reflect on the ways in which one may ground work as a lawyer in broader personal or political commitments. Although this clinic focuses on litigation, we aim to emphasize the broad range of settings, from the traditional to the unconventional, in which dedicated and courageous advocacy is possible. *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration

LITARB 736 Clinic: PreTrial Representation and Corrections Policy (4 Credit Hours) Students in this section of the Clinic will represent indigent criminal defendants incarcerated in the Cook County Department of Corrections because of their inability to pay the bail amounts required for their pretrial release. Students will be assigned to represent individuals by submitting in writing and arguing in court motions to reduce set bail amounts to affordable levels or for release under agreed conditions. To prepare such motions, students will, at a minimum, interview their clients in jail, collect and verify critical facts, seek supporting documents and individuals, and explore available supervision, treatment, education or other suitable options. Students will also have the opportunity to use their experiences providing direct bail representation as the foundation for other policy-oriented advocacy projects designed to improve Cook County's criminal justice system, particularly its current pretrial release and bail-setting practices. Students may also become involved in efforts to safely decrease Illinois' prison population and reduce the state's overreliance on incarceration. Weekly class sessions will include case presentations, skill development training, and discussion of broad criminal justice issues, including identified systemic flaws and possible solutions. Skills students can expect to develop in this course include interviewing, counseling, investigation, creative problem-solving, and written and oral advocacy. This course is a collaborative effort with the Office of the Cook County Public Defender. Students are strongly recommended to reserve at least one class-free weekday. Registration requirements Enrollment is limited to second- and third-year JD candidates eligible to receive certification under Illinois Supreme Court Rule 711. Evaluation method Quality of representation is the primary criterion for evaluation. Students are expected to be diligent, zealous and creative in the representation of their clients. Class Materials There will be reading assignments, but no required books. NOTE: There will be a mandatory clinic student orientation hosted by clinic faculty on Sunday, September 7, 2014 from 1:00 to 5:00 pm. *Additional Course Information:* Third year students only

LITARB 737 Clinic: International Human Rights LLMs Fieldwork (4 Credit Hours) International Human Rights LLM students will work under the supervision of Professor Tom Geraghty and Visiting Professors Adam Stapleton and Kathryn English on human rights/access to justice

projects in developing and post-conflict countries. Possible projects will include representation of prisoners in Malawi and access to justice projects in Kenya and Ethiopia. Students will be required to attend weekly classes sessions while in the U.S. and will also be required to submit a final paper. Students may have the option of travelling to Malawi in 2015 - January 1-11, March 21-29 or after classes/before graduation. Registration Requirements: This course is open to LLM IHR students only. This is not a biddable course. Enrollment by permission of the instructors. The bid point cost for this course is 100 points (25 points per credit). Students planning on taking this course must set aside 100 bid points to be able to enroll in this course after receiving instructor permission to enroll.

LITARB 738 Clinic: Mediation Advocacy (4 Credit Hours) This clinic focuses on two important developments in the practice of law: 1) the increasing use of mediation to resolve disputes and 2) the impact of technology on the future of legal services. In most jurisdictions, well over 90% of civil cases settle before trial through a variety of settlement processes including mediation and judicial settlement conferences. The Mediation Advocacy Clinic (the ζ MAC ζ) provides students with an opportunity to advocate for a live client in a mediation. MAC students will engage in specific tasks including: -reviewing the strengths and weaknesses of the client's legal case; -identifying the interests and alternatives of all parties; -preparing a negotiation strategy for the mediation; -working with the client on how best to present themselves and their case in the mediation; -working with the other side on creative solutions; -enlisting the support of the mediator; and -maximizing the outcome for the client The arrangement with all MAC clients will be a limited representation agreement and will focus solely on preparing for and representing the client during the mediation phase of any litigation or proceedings. We will partner with the EEOC, The Lawyers Committee for Civil Rights, The Chicago Commission on Human Relations, and other organizations to obtain cases. In addition to partnering with one of these organizations, students will use the Access to Justice (A2J) Author computer-based platform to design and create an interactive guide pro se clients can access online to prepare for a mediation. By designing a guide using A2J Author, students must not only demonstrate an understanding of effective client interview strategies, but will also have the opportunity to explore unique issues technology presents in today's legal practice. Integrating A2J Author in the MAC increases students' exposure to emerging technologies, enhances their technology fluency, and increases the MAC's impact to include pro se clients outside the Chicago area. Prerequisites: Negotiation, LITARB 670 or 670K or Cultural Negotiation LITARB 674 are a pre-requisite for this course. As in all clinics, students must be Rule 711 eligible (having completed at least half of your total hourly credits required for graduation). Both 3Ls and second-semester 2Ls are responsible for obtaining certification to practice as student attorneys under Illinois Supreme Court Rule 711. Text: Tomorrow's Lawyers: An Introduction to Your Future 1st Edition by Richard Susskind Please note: This is a one-semester clinic only offered in Fall 2017 and will not be offered in the Spring 2018 semester. Mandatory Clinic Student orientation on Monday, August 28th at 12p in Lincoln Hall.

LITARB 739 The Nature of Juridical Proof (3 Credit Hours) Prof. Allen, and a former student at NU, now a professor at Alabama, Michael Pardo, are writing a book to be entitled The Nature of Juridical Proof. The book will be an inquiry into the conceptual foundations and the empirical reality of American evidentiary practice. Its scope will thus range from conceptual inquiry into such things as the nature of inference, probability, and plausibility to intensely practical questions such as the actual operation of relevancy, the hearsay rule and the uses of expert testimony. The seminar will be a good complement to the basic Evidence class (which is a prerequisite) for either the potential litigator who wants

a deeper understanding of the field of evidence or the person with intellectual interests in evidence and inference. The readings will be either selected articles on the pertinent topic, or drafts of chapters if they are available (we are just beginning the project). The class will be conducted mostly as a discussion group. A paper will be required on some topic related to evidence, which each member of the seminar can choose; the topic need only be related to the field of evidence and need not map directly onto the subject matter of the book. The papers will be presented to the class for discussion and critique. A second draft will be required, and thus the seminar will satisfy the Research Writing requirement. The students who take the seminar will receive acknowledgements in the published book. Prereq: Evidence. *Additional Course Information:* Satisfies Research Writing degree req

LITARB 740 Civil Rights Lawyering Seminar (3 Credit Hours) This seminar explores a variety of aspects of civil rights lawyering, both historically and currently. It examines the lawyers and their organizations, roles, strategies, and challenges, as well as the relationship between litigation and social movements and community organizing. It is not a doctrinal class. It is not focused on civil rights constitutional case law or civil rights statutes, except as they arise as part of the examination of the lawyers and lawyering. By the end of the seminar, students should understand the creation of civil rights lawyers, the roles they have played, the strategies employed by civil rights lawyers, the challenges they have faced, and the relationships between civil rights lawyers and social movements. *Additional Course Information:* Satisfies Research Writing degree req

LITARB 741 Clinic: International Human Rights Law and Practice (4 Credit Hours) The International Human Rights Law and Practice Clinic works with diverse clients and partners to promote global justice. Students work in teams on dynamic projects using international human rights law, norms, and mechanisms, as well as other domestic and foreign law, to draw attention to human rights violations, to develop practical solutions to complex problems using interdisciplinary methodologies, and to promote accountability on the part of states and non-state actors. Students work closely with a wide range of clients and partners, including international organizations, foreign governmental institutions, NGOs, community groups, and international human rights experts. Most projects are interdisciplinary and involve collaboration with professionals from non-legal fields, such as medicine, law enforcement, or public health. All projects involve legal and non-legal research and writing, project and client management, and performative components, such as public presentations, foreign field work, and engagements with government or United Nations officials. Most projects involve international travel for research or program implementation. Past projects involved work in Botswana, China, Nigeria and South Africa, and clients and partners have included the United Nations Development Program, the Police Service Commission of Nigeria, the Southern African Litigation Centre, the Chicago Department of Public Health, the Global Coalition of TB Activists, the Botswana Labour Migrant Association, the Center for Social and Economic Rights, and Lawyers Alert Nigeria. Projects during the 2019-20 school year will involve work in the areas of global health and human rights, corporate accountability for human rights abuses, and the reform of the Nigeria Police Force. For more detailed information on these projects, feel free to contact Prof. Citro. *PRE-REQUISITES/ RESTRICTIONS:* This section is open to JD and IHR/LLM students. If seats are available, MSL and LLM students may register upon approval by the instructor and program administrators. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 742 Artificial Intelligence, Technology, and Ethics (2 Credit Hours) The modern lawyer must have at least a basic understanding of the latest technological innovations to remain competent and

competitive in today's legal market. In this course, we will study the application of AI and legal informatics to the legal profession while focusing on the ethical concerns inherent in the adoption and use of AI by lawyers. We will also examine the ethical ramifications of similar technological advances, including the adoption of lawbots, social media concerns, and the use of data-mining and algorithms in e-discovery, lawyer advertising and setting fees. Students will be allowed to explore innovations that interest them. *Registration Requirements:* A legal ethics course is recommended but not required. *Evaluation Methods:* Three short papers, possible other more minor assessments, attendance and class and group participation. *Class Materials:* Students should have access to a laptop computer. All other course materials will be posted on Canvas.

LITARB 743 Legal Ethics in Motion (2 Credit Hours) This course satisfies 2 hours of the ABA's experiential graduation requirement and Northwestern's professional writing requirement. You will handle a disciplinary investigation from its onset to a hearing and then appeal, participating as prosecutors or defense lawyers in a mock disciplinary proceeding. Course work includes, preparing pleadings, motions, conducting a deposition, direct or cross examination, opening or closing arguments, writing an appellate brief and present oral argument. *Additional Course Information:* Satisfies Experiential Learning degree req, Satisfies Prof Writing degree req

LITARB 744 International Litigation (3 Credit Hours) This seminar will explore international civil litigation in U.S. courts. We will consider the various procedural issues that arise when courts are presented with foreign parties, foreign conduct, foreign evidence, and foreign states, and the various international and domestic legal sources that govern these subjects. Topics will include jurisdiction, forum & venue, choice of law, foreign judgments, and foreign states. *Additional Course Information:* Satisfies Research Writing degree req

LITARB 745 Clinic Practice: Women and Children's Human Rights Advocacy (4 Credit Hours) In this clinic, students will use a human rights framework to defend and strengthen the rights of women and children. Our projects, undertaken in collaboration with both U.S. and foreign/international organizations, focus on domestic as well as international human rights issues. The potential exists for interested students to participate in university-funded travel for project fieldwork. *Additional Course Information:* Satisfies Experiential Learning degree req, Satisfies Prof Writing degree req

LITARB 746 Clinic: Movement Lawyering (4 Credit Hours) In the Movement Lawyering Clinic students work within social and racial justice movements on cutting edge policy projects and litigation aimed at redressing over-policing and mass imprisonment. Students in the clinic work directly with collectives and community organizers who are committed to creating a more just Chicago. They also work on precedent setting, client driven litigation. Students will gain experience with client counseling, federal district court litigation, policy development and advocacy and the various strategies for social change. Representative matters include litigation expanding First Amendment protections to youth peacekeepers, civil rights litigation filed on behalf of protesters who experienced police brutality, enforcement of a federal court order aimed at transforming the Chicago Police Department, litigation filed on behalf of Black transgender woman challenging abusive prison conditions, policy projects aimed at developing community-led approaches to public safety and police accountability. *Additional Course Information:* Satisfies Experiential Learning degree req, Satisfies Prof Writing degree req

LITARB 747 Introduction to Juvenile Delinquency Defense (3 Credit Hours) This realistic simulated trial course will introduce students to rudimentary trial practice in juvenile delinquency court. Using a

simulated case in which actors are hired to portray clients, clients' parents, and witnesses, students will learn and practice litigating a trial-level delinquency matter. The course will integrate all three of the Carnegie apprenticeships, operating on the cognitive, psychomotor, and affective axes. The case will unspool chronologically, starting with the initial client meeting and culminating in a simulated trial. While the focus of the course will be on the development of trial skills and introduction of the history of and concepts integral to juvenile delinquency, the course will also incorporate examination of the rules of professional conduct, the realities of the history, demographics, and limitations of the juvenile delinquency system, and the role of the defense attorney in juvenile delinquency court. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 750 Clinic Practice: LGBTQI+ Rights (4 Credit Hours) Students enrolled in this course will advocate on behalf of lesbian, gay, bisexual, transgender, nonbinary, and intersex people as well as people living with HIV with a focus on issues impacting low-income members of the communities we serve. Advocacy opportunities may involve direct representation, policy reform, public education, and litigation. Through course readings, lectures, and discussions, students will garner the tools and insights they need to lawyer across difference with the historically marginalized communities the clinic serves. *Additional Course Information:* Satisfies Experiential Learning degree req

LITARB 800-L Civil Procedure (2 Credit Hours) This course focuses on the structure and organization of the federal and state judicial systems, jurisdiction over the person and subject matter, process and pleadings, parties, joinder of claims, pre-trial motion practice, discovery of evidence, division of functions between judge and jury, in-court procedures, post-trial motions, and appellate review. The course is litigation practice-oriented and uses the Federal Rules of Civil Procedure and the California Code of Civil Procedure as models. Where possible, the course will incorporate international civil dispute resolution into the readings and discussions. Final Examination.

LITARB 802-L Legal Ethics (2 Credit Hours) All lawyers must possess the skills to efficiently identify and resolve ethical dilemmas. This course will explore the most common ethical issues facing the legal profession. We will focus on the ABA Model Rules of Professional Conduct and the California Rules of Professional Conduct and address how these Rules shape and govern attorney behavior and decision-making.

LITARB 802E Legal Ethics: The Law of Professional Responsibility (2 Credit Hours) This course is an examination of some of the ethical problems encountered in practice, as well as a general introduction to the American civil and criminal procedure contexts in which those ethical problems are resolved. Topics include: an attorney's duties of competence to and communication with clients, representing conflicting interests, attorney-client privilege, preserving client confidentiality, ethical issues in the context of class action and other aggregate settlements, the role of the judge and jury (including judicial and jury misconduct), and court and bar sanctions for misconduct. Final examination.

LITARB 803E Ethics (2.5 Credit Hours)

LITARB 804E Evidence (2.5 Credit Hours) This course is designed for the Executive LLM program. The law of evidence provides the grammar rules of the distinctive language practices that prevail in the American trial. These rules have traditionally been thought to support the rule of law by enhancing the accuracy of the trial "fact-finding" and by keeping the inquiry focused on the issues indicated by the substantive law. The Evidence course will examine the rules of evidence, usually focusing on the dominant Federal Rules of Evidence. These rules include relevance, hearsay, expert testimony, impeachment of witnesses, rules surrounding the use of exhibits and evidentiary privileges. The course may also

explore the relationship between these rules and the function of the trial in our legal order, the methods best calculated to result in reliable knowledge of past events, and the moral and political values that shape and qualify our search for such knowledge.

LITARB 809I Trial Advocacy (2 Credit Hours) The aim of this course is to help students develop skills as trial advocates, including basic techniques of direct examination, cross examination, and argument. The scope of the course includes: • Development of an analytical framework for advocacy problems. • Appreciation of the obligations of the advocate to his/her client. • Recognition of limits of advocacy. • Experimentation with different modes and styles of advocacy. In order to accomplish these goals each student will perform as trial counsel in a variety of simulated courtroom exercises. Every student will engage in direct examination, cross-examination, opening statements and closing arguments. In addition, every student will act as counsel in one trial. This course is taught in the "simulated courtroom" method. For each session, you will be assigned to perform as trial counsel in one or more advocacy problems. For the most part these problems will consist of direct and cross examinations. The witnesses may be played by members of the faculty, but frequently you will be called upon to play the witness (especially in those problems for which you have been assigned a direct examination). At the beginning of each class session court will "convene." From that point onward you are expected to act in the role of trial counsel at all times other than during critique or discussion. Critique At various times during each class session the student performances will be critiqued by the faculty. The purpose of critique is to help you evaluate the strengths and weaknesses of your own performance, with an eye toward future improvement. Our goal in critique is not to criticize you either as an advocate or a person, but rather to alert you to any mistakes and to make specific and forward-looking suggestions. Lectures and Demonstrations Although it is necessary to practice trial skills in order to learn and assimilate them, the theory and analysis of trial advocacy are often best conveyed through lecture and demonstration. Thus, many class sessions will either begin or conclude with lecture and/or demonstration of specific skills and techniques. The point of the demonstrations is not to give you a model for imitation, but rather to give you a basis for analysis and understanding. In the course of each demonstration you should ask yourselves: (1) why the instructor chose a certain approach to the problem, (2) whether it was effective, (3) whether the approach was consistent with the instructor's theory, and (4) how and why you might have approached the problem differently. Faculty In addition to Prof. Lubet, the faculty for this course will include a group of outstanding trial lawyers from different practice backgrounds. A list of the adjunct faculty, including their addresses and telephone numbers, will be distributed.

LITARB 890 Litigation (3 Credit Hours) This course is limited to Executive LLM students only. Instruction occurs overseas.

LITARB 890M Civil Procedure (2 Credit Hours) Executive program only. Madrid Instruction.

LITARB 891 Civil Procedure (2.5 Credit Hours) Civil Procedure is the field of law that governs how civil lawsuits are brought and resolved in United States courts. Civil lawsuits are legal disputes between people or organizations that arise when one person or organization has harmed another. Examples of civil lawsuits are commercial disputes, personal injury cases, civil rights cases, and property rights cases. What makes Civil Procedure different from your other courses is that you will not be learning the law that governs breaches of contract or civil rights violations or personal injuries. Instead, you will learn the rules that govern how those disputes are resolved in American courts. Specifically, you will learn how a lawsuit begins, how the parties get important information from each other during the lawsuit, how judges manage and decide civil

cases, and how U.S. courts get the power to decide civil cases in the first place. LLM Executive Program Only.

LITARB 895 Clinical Study on Negotiation and Mediation (3 Credit Hours) Limited to Executive LLM candidates. Teaching location overseas.

LITARB 895E Negotiation [Executive LLM] (2 Credit Hours) Negotiation is one of the most important skills you will learn as an attorney. No matter how excellent your ideas, or how sophisticated your analyses, most achievements in the practice of law require the ability to effectively communicate with and influence others. Whether negotiating with your clients, other attorneys, judges, your boss, your subordinates, your colleagues, your spouse, friends or enemies, this course will offer techniques and tools to enhance your power and ability to achieve your objectives. Negotiation is something you learn by doing, so the emphasis of the course is on experiential learning grounded in negotiation theory. Students spend most of their time participating in negotiation simulations, as well as discussing negotiation problems. Students are observed in their negotiations and receive feedback. The negotiation simulations cover a wide range of situations, such as negotiating the settlement of lawsuits, neighborhood disputes, personal services contracts, and employment disputes. This course is the equivalent of LITARB 670K (Negotiations KSM) and also Cross-Cultural Negotiations. Students may take only one for credit. Teaching method: Some lecture, discussion and simulation.

LITARB 895M Negotiation (2 Credit Hours) Most lawyers, negotiation is a major part of their professional duties. Of those matters that come into a lawyer's office, the vast majority are resolved by negotiation. Negotiation: communication for the purpose of persuasion is also is a major element of everyday life. This course is designed to give students experience in negotiation, as well as a grounding in negotiation theory. The emphasis of the course is on experiential learning. Students spend most of their time participating in negotiation simulations, as well as discussing negotiation problems. Students are observed in their negotiations and receive feedback. Several negotiations are videotaped for later viewing and feedback. The negotiation simulations cover a wide range of situations. In past years, students have negotiated the settlement of lawsuits, neighborhood disputes, campus disputes, personal services contracts, contracts for the sale and purchase of commercial and residential property, intra-family disputes, corporate takeovers, international disputes and labor disputes. The class meets either one afternoon or one evening per week. There also are required meetings with other students outside class hours in order to negotiate or prepare for negotiations. All students must attend all classes (exceptions only for illness). A student who is not present at the first class for any reason other than illness, reported to the instructor on or before the day of the first class, will be dropped from the course. The last date for dropping is the first meeting day. No drops will be allowed after that date. Evaluation: Demonstrated comprehension of the principles of effective negotiation exercises, team project and prenegotiation analysis. This course is the equivalent of LITARB 670K (Negotiations KSM) and also Cross-Cultural Negotiations. Students may take only one for credit. Teaching method: Some lecture, discussion and simulation.

LITARB 896 Intensive Clinical Practice (12 Credit Hours)

LITARB 897M International Arbitration (1 Credit Hour) In the beginning of the twenty-first century International Commercial Arbitration is the normal means of resolving international commercial disputes. National laws on arbitration have been modernized on all continents. International treaties on arbitration have been signed or adhered to with impressive success. The class on international commercial arbitration is destined to give an overview of today's international arbitration practice as a

modern mechanism to settle commercial dispute. It shall intensify the knowledge of those practitioners who are regularly involved in arbitration proceedings around the globe. Essential practical topics such as drafting the arbitration agreement, the choice of the place of arbitration and the applicable law, the conduct of arbitration proceedings from filing the request until rendering an arbitral award and the particularities of ad-hoc and institutional arbitration proceedings will equally be dealt with as well as more complex topics such as the particularities of arbitration as a Dispute Resolution mechanism in Mergers and Acquisitions and of Investment Disputes.