First-Year Week One Simulations

Week One 2020 will take place from Monday, January 6 through Thursday, January 9, 2020. Week One courses are optional, 1-credit courses, graded pass/fail, and count toward the 6 credits of experiential coursework required of students matriculating as first-year students in Fall 2016 or later.

Courses Currently Offered for Week One 2020

Advocacy, Client Counseling and Negotiation Skills in Practice Settings
Professor Sheldon Krantz (CRN: 33691)

Jan. 6-9, 2020 from 1:30 p.m. - 5:30 p.m.

Through role plays set in the context of interaction with clients, fact-finding, negotiation, litigation, and transactional work, this Week One simulation course will teach first-year students how ethics issues arise in practice and how lawyers may run afoul of rules that govern professional responsibility. During the course’s four days, students will be involved in one or more of the following matters:

- A court sanctions hearing relating to allegations of abuses in civil discovery;
- A disciplinary hearing considering conflict of interest claims against in-house counsel because of her alleged representation of both a university and its president during a criminal investigation;
- A simulation of interaction with clients and negotiations relating to the sale of a helicopter;
- A simulation of an internal law firm investigation of alleged associate and partner abuses in billing.

In each of these situations, students, working in teams and in various roles will be assigned responsibility for meeting with clients, fact-finding—reviewing documents and interviewing prospective witnesses, researching pertinent ethics rules, engaging in negotiations, and making arguments either in a court or disciplinary hearing setting. Through these role-playing assignments, students will learn how to analyze rules of professional conduct, engage in fact-finding, and serve as advocates in various settings. Upper-class teaching fellows will serve as clients, potential witnesses, and decision-makers in the disciplinary setting.
Congressional Hearing Simulation: Updating the Fair Labor Standards Act for Today’s Economy
Professors Indivar Dutta-Gupta and Laura Tatum (CRN: 33612)

Jan. 6-9, 2020 from 1:30 p.m. - 5:30 p.m.

President Franklin D. Roosevelt called the Fair Labor Standards Act (FLSA) of 1938 “the most far-reaching, far-sighted program for the benefit of workers ever adopted in this or any other country.” The historic FLSA established the minimum wage, created a standard workweek, and outlawed child labor. Almost eighty years later, many argue that the law is too rigid for today’s 21st-century workplace and the gig economy. Others contend that the law must be strengthened to better protect workers, many of whom face job insecurity; wage theft; or lack of health, retirement, and unemployment benefits. Most agree that the law needs to be updated -- but how?

In this dynamic and realistic Week One simulation, students will prepare for and conduct a Congressional hearing on updating the FLSA. Working in teams, students will gain experience in the key components of preparing for and conducting a hearing including writing, delivering, and responding to opening statements, testimony, and questions. Students will play the roles of witnesses such as Department of Labor leadership, business leaders, worker advocates, and others, as well as Democratic and Republican Congressional Members of Congress/staff. Additional Members of Congress will be played by outside experts. Upperclass teaching fellows will help guide student preparation for the hearing and also may serve as Members of Congress in the simulation.

Corporate Compliance in the Financial Sector: Anti-Money Laundering and Counter-Terrorism Financing
Professor Jonathan J. Rusch (CRN: 37673)

Jan. 6-9, 2020 from 9:00 a.m. - 1:00 p.m.

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

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

**Designing Financial Regulation Post-Crisis**  
Professor **Jeffery Y. Zhang** (CRN: 35480)

**Jan. 6-9, 2020 from 6:00 p.m. - 10:00 p.m.**

This Week One, project-based simulation course is designed to introduce students to the policymaking process within the realm of financial regulation. Many people can list numerous contributing factors of the 2008 financial crisis, and most have heard of the Dodd-Frank Wall Street Reform and Consumer Protection Act. But what did the Dodd-Frank Act actually set out to accomplish? What regulations have U.S. financial regulators implemented to improve financial stability since its passage in 2010? Did those regulations achieve their objectives? Which regulatory pieces are still missing? The objective of this course is to explore these questions by having students simulate financial regulatory policymaking through in-class debates and group presentations.

Over the four days of this course, students will get up to speed on key post-crisis regulatory measures implemented in the United States. Then, acting as financial regulators, they will analyze the strengths and weaknesses of the current regulatory framework. Students will focus on the main macroprudential aspects of bank capital regulations, including the quantification of their costs and benefits.

**Extradition Simulation: International Law, Human Rights, and Effective Advocacy**  
Professor **David A. Koplow** (CRN: 37642)

**Jan. 6-9, 2020 from 1:30 p.m. - 5:30 p.m.**

This course is designed to complement the rest of the 1L curriculum in several ways. First, it will expose you to selected elements of international and foreign law, beyond the usual concentration on the U.S. domestic law system. Second, our focus will be principally upon treaty texts, rather than judicial decisions, within a system that does not rely upon binding precedents in the same ways you have already encountered. Third, we hope to nurture your sensitivity to facts, as much as to law, as key elements in legal practice. Finally, through a series of collaborative simulation exercises, we intend to engage you in active, experiential learning in a direct, powerful way.

The four-day simulation is based upon a hypothetical attempt by the United States to secure the extradition of two accused terrorists, who have been indicted in federal court for participating in terrorist acts on U.S. soil, but who are currently resident in Russia and in France. The leaders in those countries appear willing to return the two suspects to the United States, but the effort may be blocked by those countries’ membership in the European Convention on Human Rights, which may bar extradition in cases where the accused would face the prospect of capital punishment or indefinite detention in harsh conditions.

Students will be assigned the role of counsel for one of the defendants or one of the governments, and will work in small teams on two primary tasks. The first exercise is to prepare for and conduct a fact-gathering interview of one of the clients. The second exercise is to plan,
practice, and conduct a simulated hearing before the European Court of Human Rights. Throughout, students will be guided by the instructor and by a team of teaching fellows in the development of essential lawyering skills, including fact development and analysis, problem solving, strategic planning, and effective oral advocacy.

**Internal Investigation Simulation: Evaluating Corporate Corruption**

Professors Erin Carroll, Michael J. Cedrone, and Susan A. McMahon

**Jan. 6-9, 2020:** there are three sections of this course:
- 9:00 a.m. - 1:00 p.m. with Professor Cedrone (CRN: 10602)
- 1:30 p.m. - 5:30 p.m. with Professor Carroll (CRN: 30495)
- 6:00 p.m. - 10:00 p.m. with Professor McMahon (CRN: 22155)

This Week One simulation involves an internal investigation by Santé, an issuer on a U.S. exchange. Santé has uncovered evidence of bribe-like payments made as part of its operations in Africa. It is concerned that these payments may trigger liability under the Foreign Corrupt Practices Act (FCPA), a U.S. statute with a wide extraterritorial reach. Fearing criminal penalties and negative press, the French company has engaged outside counsel to evaluate the potential risks associated with these payments and to consider ways to mitigate those risks.

In their role as outside counsel, students will interview key witnesses and assess the risks posed to their clients under the provisions of the FCPA. Students will then present their findings and recommendations to their client’s general counsel, played by Georgetown Law alumni. The focus of this course is skills exposure and acquisition in a challenging and complex international context. Students should expect intensive group work and a highly-participatory environment. Students will not only learn about statutory interpretation and the role of the FCPA in corporate transactions, but they will have the opportunity to engage in essential lawyering skills, including fact development, legal analysis, interviewing, counseling, team-building, project management, and problem-solving.

**Internet Defamation Simulation: Alternative Dispute Resolution in a Transnational Dispute**

Professor Julia L. Ross (CRN: 33517)

**Jan. 6-9, 2020 from 1:30 p.m. – 5:30 p.m.**

This Week One simulation course is designed to introduce you to some of the issues that arise in transnational disputes and the skills employed by lawyers in representing clients in the context of an international dispute resolution proceeding. The course uses a single problem involving an article on a California news website alleging that a French plaintiff used his wine export business to launder money for organized crime figures in Russia and Italy. The French plaintiff has alleged that he was defamed by the article, and the parties, which also include a U.S.-based web hosting service, have agreed to resolve the dispute through an international arbitration proceeding.

Students will be assigned roles and will work in teams, representing one of the three parties to the dispute. They will begin the week by conducting client interviews to ascertain the facts from their client’s perspective. After debriefing on the client interview process, students will prepare for a simulated international arbitration hearing in which each student will argue whether French or United States (or some other) law should govern the dispute. Upperclass teaching fellows, in the role of arbitrators for the dispute, will render a decision on the choice of law issue, and students will then prepare for and represent their clients in a mediation session to try to settle the case on the merits.
The assigned readings and classroom sessions during the week are designed to prepare students to engage in the simulated client interview, arbitration hearing, and mediation session. The materials and classes will introduce the theory and doctrine governing components of defamation law in several jurisdictions, limitations on liability for Internet Service Providers under U.S. and French law, choice of law theory and methodology, and techniques for preparing for arguments, interviewing clients, and conducting mediation sessions.

**Legal Innovation - Designing Human-Centered Solutions to Challenges in Law**
Professor Daniel Yi (CRN: 35339)

**Jan. 6-9, 2020 from 6:00 p.m. - 10:00 p.m.**

This Week One, project-based simulation course is designed for students who want to learn methods and processes to create new and effective solutions to challenges in the legal industry. Working in teams of four, students will re-imagine how we can deliver some aspect of legal services. To do this, we will bring together principles from design thinking, business strategy, and behavioral science.

Some examples of legal design challenges that teams may take on:

- **How might we reduce the rate of default in landlord-tenant court?**
- **How might lawyers in firms improve the billing process for clients?**
- **How might we improve the likelihood that consumers will read, understand, and respond to a product recall notice?**
- **How might we help qualifying pro se litigants take advantage of free filing policies in D.C. Superior Court?**

Over four fast-paced, intense days, teams will: map out and study the problem, sketch out competing ideas, turn your ideas into testable prototypes, and validate the key elements you will need if your idea is going to work. At the end of Week One, you will pitch your proposed solution to a key influencer in the legal industry.

**Questioning Witnesses In and Out of Court**
Professors Michael F. Williams, Jonathan D. Brightbill, and Jonathan J. Rusch

**Jan. 6-9, 2020: there are two sections of this course:**
9:00 a.m. - 1:00 p.m. with Michael Williams and Jonathan Brightbill (CRN: 31627)
6:00 p.m. - 10:00 p.m. with Jonathan Rusch (CRN: 31393)

This Week One course will introduce students to a critical dimension of lawyering: the law, practice, and ethics of questioning witnesses effectively in non-adversarial and adversarial situations. Through lectures, simulation exercises (i.e., mock depositions, grand jury proceedings, and trials), and oral and written feedback, students gain exposure to the forensic techniques needed to effectively question witnesses in both informal and formal settings, a skill set whose value in the practice of law is not limited to litigation. This course is an excellent introduction to the type of materials covered in upperlevel elective courses such as Trial Practice and Civil Litigation Practice.

The course does not require students to have taken Evidence, but will introduce students to selected key evidentiary issues that they need to understand in order to construct lines of questions and individual questions to elicit responsive answers (or to object successfully to
opposing counsel’s questions). For class each evening, students will have limited assigned readings before class (which may include fact patterns and mock documents for the next day’s exercises), and handle questioning in mini-problems involving witness questioning in both civil and criminal practice. The scenarios are expected to include situations such as: (1) informal interviews of corporate employees and other individuals by outside counsel conducting internal investigations of alleged wrongdoing, such as consumer fraud, economic sanctions violations, foreign bribery, organized crime, and SEC disclosure violations; (2) informal and formal interviews of government employees, government-contractor officers and employees, and other individuals by counsel for a Congressional committee investigating alleged fraud against the government; (3) formal non-adversarial questioning of witnesses in civil and criminal depositions, and in federal grand jury proceedings; and (4) formal adversarial questioning of witnesses in civil and criminal trials. Students can expect to be conducting witness questioning each evening of class and to enhance their and their classmates’ learning through a highly participatory and supportive environment.

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

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

Restorative Justice
Professor Thalia González (CRN 35388)

Jan. 6-9, 2020 from 9:00 a.m. - 1:00 p.m.

Restorative justice is a distinct form of conflict resolution that aims to redirect society’s retributive response to harm. For example, crime, in the context of restorative justice, is not considered just an offense against the state but rather viewed as a wrong against another person and indicative of a broken relationship between the offender, the victim, and the community. Accordingly, restorative justice practice seeks to elevate the role of victims and community members, hold offenders directly accountable for their harm(s), and restore, to the extent possible, the emotional and material losses of victims through dialogue and problem solving. Across the country restorative justice has emerged as an alternative approach to addressing harm in public systems (i.e., juvenile and criminal justice, education, child welfare) and in community-based settings. This has increasingly placed lawyers (and judges) in various roles: decision-makers regarding the use of restorative justice at different stages of the juvenile and criminal justice process (i.e., pre-trial diversion, deferred adjudication, sentencing, and re-entry); architects of restorative justice (i.e., community courts); policymakers implementing and integrating restorative responses into legislation; and practitioners of restorative justice in a variety of settings.

This Week One course is designed to introduce students to restorative justice theory and practice in an intensive and condensed format. First, it will consider theories of crime and punishment and situate restorative justice values, frameworks and practices in this context. Next, it will review the
most common use of restorative justice in the United States within and adjacent to public systems. In the third section, it will process some of the ethical issues presented by restorative justice, particularly as it intersects with the court system. It will also take a critical look at the challenges and possibilities for restorative justice. The class capstone is a co-facilitated circle based on a simulation problem set.

The course objectives are to improve students’ understanding of restorative justice and their effectiveness as future lawyers. The course pedagogy is grounded in an understanding that students must perform complex skills in order to gain expertise. The course will expose students to skills associated with interviewing and investigation, conflict resolution, problem solving, facilitation, professional collaboration, and self-reflection.

**Social Intelligence in the Practice of Law: Dealing Effectively with Clients, Colleagues, and Opposing Counsel**

Professor Jane Juliano and Amy Wind (CRN 31392)

**Jan. 6-9, 2020 from 9:00 a.m. - 1:00 p.m.**

This Week One simulation will introduce students to the essential concepts and competencies of social intelligence implicated in all forms of a law practice, including law firms, government agencies, corporations, non-profits and a solo practice. Students will learn about emotional intelligence and research that illustrates how basic brain function and other factors, such as strong emotion, influence how a person makes decisions. Using a combination of lecture, discussion, videos, skills exercises and simulations of common legal practice scenarios, this course will emphasize concrete, practical tools to increase students’ effectiveness in managing themselves and their interactions with others. The course will equip students with an improved ability to effectively communicate with others and make them feel heard; present information in the most persuasive light; recognize and address their own internal biases; act with assertiveness when necessary; learn how to effectively give and receive criticism; and deal with highly emotional or extremely difficult individuals. This course also will present positive strategies for dealing with common interpersonal relationships in the legal workplace: lawyer-client, lawyer-opposing counsel, and lawyer-co-counsel. Students completing this course will have developed a solid grasp on how to address the wide variety of interpersonal dynamics that commonly arise in the legal arena.

**Learning Objectives:**

The main objectives of this course are to increase students’ awareness of the substantial role of social intelligence in the practice of law, and to provide students with concrete skills to effectively handle day-to-day interactions. Students will learn research-based skills and strategies from the fields of neuroscience, the study of emotions and emotional intelligence, negotiations and communication. As they learn theory, students will have the opportunity to practice techniques for harnessing these dynamics in professional interactions commonly involved in the actual practice of law. The simulations will emphasize positive strategies for dealing with common interpersonal interactions in a legal practice: lawyer-client, lawyer-opposing counsel and lawyer-co-counsel. At the end of the course students will have an improved ability to effectively communicate and negotiate, present information in a persuasive light; recognize and address internal biases; and deal with highly emotional or extremely difficult individuals -- skills that talented legal minds need to become great counselors at law.
World Health Assembly Simulation: Negotiation Regarding Climate Change Impacts on Health
Professors Vicki A. Arroyo, Katie Gottschalk, John T. Monahan, Rebecca B. Reingold, and Sara P. Hoverter (CRN 31384)

Jan. 6-9, 2020 from 1:30 p.m. - 5:30 p.m.

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