

LITIGATION, DISPUTE RESOLUTION, AND SKILLS (SKILS)

SKILS 950L: Advocacy I

4 Credits

Advocacy I teaches pretrial and trial skills through a combination of lecture, written and oral courtroom exercises, and videotape review.

Prerequisite: Prerequisite or concurrent: SKILS955

SKILS 950R: Advocacy I

0 Credits

Advocacy I teaches pretrial and trial skills through a combination of lecture, written and oral courtroom exercises, and videotape review.

Prerequisite: Prerequisite or concurrent: SKILS955

SKILS 951: Advocacy II

3 Credits

Students synthesize the individual trial skills learned in Advocacy I by preparing and conducting an entire case, from the initial interview of the client through a trial on the merits. Each case is tried before a jury and judge from a Pennsylvania or federal court. All trials are videotaped in their entirety.

SKILS 952: Strategic Legal Research

3 Credits

This course is designed to provide students with an advanced understanding of ways lawyers use primary and secondary legal research sources and finding tools to successfully represent their clients. An emphasis is placed on the development of effective legal research strategies that take into account choice of format (e.g., the relative advantages and disadvantages of print and electronic sources), cost/benefit analysis of format choice, evolving approaches by law firms and private practitioners to billable research hours, use of computerized tools to organize research results, and presentation of research results to case supervisors. Course content will be presented in a hybrid format consisting of two hours per week of in-class meetings with the remaining credit to be completed by coursework outside scheduled class time through online and written assignments.

Prerequisite: CORE 912 and CORE 914

SKILS 955: Evidence

3 Credits

This course presents evidence in trials under the Federal Rules of Evidence, at common law and in equity and with reference to administrative bodies. The reasoning from which rules arise in areas including relevancy, competency, privilege, examination of witnesses, writing, the hearsay rule and its exceptions, burden of proof, presumptions, judicial notice, and constitutional evidence problems is also addressed.

SKILS 957: Client Counseling

2 Credits

This course introduces students to the dynamics of a productive attorney-client relationship, the goals of interviewing and counseling, and structures and techniques that can be used to achieve those goals. The focus is on developing students' skills in interviewing and counseling. Instruction consists of assigned reading, problem-solving exercises, group discussion, and practice through simulations. Client Counseling is one of the core courses for the Certificate in Dispute Resolution and Advocacy. Preference is given to students seeking the Certificate in Dispute Resolution and Advocacy.

SKILS 958: Conflict of Laws

3 Credits/Maximum of 999

This course examines the legal rules that have developed for resolving conflict-of-law problems. Specific topics include: domestic jurisdiction, international jurisdiction, domestic choice of law, extraterritorial application of national law, conflicts between state and federal law, and enforcement of judgments. Course time is split roughly equally between domestic and international topics.

SKILS 960: Negotiation/Mediation

3 Credits

This course combines the law and ethics of negotiation, mediation and settlement with economic and psychological bargaining theory and regulates hands-on practice in representing clients in negotiation and mediation. Bargaining theory (including distributive and integrative bargaining), relevant socio-psychological research, negotiation and mediation ethics, the law of settlement, and the basics of contract drafting are all introduced. Instruction consists of assigned reading, a series of simulations and exercises (including drafting a resulting contract), written negotiation planning and self-evaluation, feedback, and group discussion.

SKILS 962: The U.S. Law of Arbitration

3 Credits

This course provides an introduction to the domestic law and practice of arbitration. It assesses the statutory and decisional law basis for arbitration, especially the provisions of the Federal Arbitration Act. It investigates the central doctrinal issues in the field: the enforceability of unilaterally-imposed arbitration agreements, the arbitrability of statutory rights - in particular, civil rights matters, and the use of contract to establish the law of arbitration between the arbitrating parties. Emphasis is placed upon practical problems that have emerged in the practice of arbitration law: the selection of arbitrators, the use of discovery and evidence-gathering in arbitral proceedings, and the content of arbitration agreements. The course also addresses the new uses of arbitration in the consumer, health, and employment fields.

SKILS 964: Intensive Legal Writing and Drafting

2 Credits

This course develops students' skills in common legal writing formats other than memos and briefs. Not intended as a remedial course, this course rather provides an opportunity for students to sharpen legal writing skills with an emphasis on clarity and precision of expression. Weekly writing assignments include a few fully drafted documents (e.g.,

short will, a short contract, a statute), as well as letters, short pleadings, jury instructions, and other short pieces. Students will concentrate on re-writing and editing their work.

Prerequisite: CORE 912 and CORE 914

SKILS 965: Federal Courts

3 Credits

This course addresses the relationship of federal courts to administrative agencies and state courts.

SKILS 966: Arbitration Workshop

3 Credits

The first part is the drafting of arbitral clauses in a variety of circumstantial settings (maritime, labor, commercial, consumer, and employment) in regard to CPR best practices standards and addressing the authority of the arbitrators and the configuration of the arbitral procedure. This process would take several sessions. The second branch would be to view and then construct an arbitration pursuant to one or several of the arbitral clauses. This would require the conduct and architecture of an arbitral trial along with the protocol for its management, both with the arbitrators and the parties. This would take some time as well. Third, the students would be asked to participate in a statutory drafting workshop that reflects their experiences in the two previous branches. They would be asked to evaluate the UNCITRAL Model Law and several national laws of arbitration and arrive at a new and better model law.

Prerequisite: SKILS962

SKILS 967: Federal Court Practice

2 Credits

This course introduces contemporary issues in several topical areas of particular interest to litigating in federal courts. The course topics are varied, with the unifying theme being that each topic possesses either particular prominence or exclusive jurisdiction within the country's federal court system. These topics include: the history and organization of the federal courts, the courts' relationship with Congress, the practical dynamics of federal procedure, strategic considerations involved in a litigant's choice of federal court, employment discrimination, federal criminal matters, sentencing, civil rights cases, and habeas.

SKILS 968: Judicial Opinion Writing

2 Credits

Students will learn about the role of a judicial clerk and how to draft judicial opinions. Students will recognize the impact of written advocacy on judicial opinion writing as they switch roles from advocating as a lawyer to deciding issues raised by the advocates and writing opinions that implement subtle persuasive writing techniques. Students will develop a deeper understanding of the process for creation of legal precedent through opinions, including the impact of standards of review and procedural posture. The course will cover the common forms of judicial writing. With individualized feedback, students will develop precision in self-editing and revision skills and will practice producing concise, clear, and accessible written work.

Prerequisite: Legal Analysis, Research and Writing I and II

SKILS 969: Legal Journalism

2 Credits

Students will learn journalistic writing styles to prepare them to contribute accurate and accessible legal information and analysis to general interest and legal trade media as legal analysts or professional journalists. For legal trade publication work, the emphasis will be on readability and appropriate depth for a professional audience. Students will learn journalistic standards of truth and interviewing techniques for print and broadcast media. Live broadcast techniques, including live interview hosting, will also be covered.

SKILS 971: Scholarly Writing Workshop

1 Credits

This course provides students with the framework for developing a thesis, conducting research, and producing a significant scholarly paper. In an interactive workshop setting, students will discuss progress and receive feedback from faculty and fellow students on: (1) identification and refinement of a thesis; (2) developing and implementing a research plan; (3) appropriate use of authority, including legal citation form; and (4) developing and refining a critical perspective and scholarly argument. Students must be concurrently enrolled in a seminar (SEM) course or an independent study (PERSP 996) of at least two credit hours.

Concurrent: SEM course at least 2 credits or PERSP 996 for at least 2 credits

SKILS 972: Mediation of Environmental and Public Conflicts

3 Credits

Conflicts between parties with different views of the public good are often difficult to resolve, especially in the environmental and natural resource arena. The judicial dispute resolution process is often not well-adapted to addressing conflicts among jurisdictions and meeting the interests of the public and private parties affected by the conflict. Mediation and other alternative dispute resolution techniques can be very useful tools in these cases. This experiential course uses case studies and simulations to explore techniques and strategies other than traditional litigation that lawyers can use to represent clients and resolve disputes in these settings.

SKILS 973: Spanish and Bilingual Communication in Law Practice

2 Credits

This course is designed for students who want to improve their ability to understand and communicate with Spanish-speaking clients and colleagues in legal settings.

Prerequisite: faculty approval required

SKILS 976: Civil Pretrial Practice and Advocacy

3 Credits

This course will combine elements of core curriculum courses, legal writing, and experiential learning by engaging students with a robust fact pattern requiring research and analysis leading to written pre-trial advocacy including pleadings, discovery and disclosures, motions (procedural, substantive, and dispositive), negotiation and settlement documents. Paralleling a case through complex civil litigation, this "in-context" course will provide students with insight into the process of

preparing a case for trial or, more likely, bettering the client's position for a pre-trial disposition.

SKILS 982: Pennsylvania Practice

2 Credits

This class will acquaint the student with civil procedure at the state trial court level. Using Pennsylvania as the model, the course traces a civil case from service of process to trial and includes discussion of venue, pleadings, discovery and dispositive motions. The course also deals with other important aspects of civil practice including statutes of limitation, comparative negligence, compulsory arbitration and settlement.

SKILS 983: Writing and Editing for Lawyers

2 Credits

The goal of the course is to improve the legal reading, writing, and editing skills of students. The course will reinforce rules of grammar, punctuation, sentence structure, usage, voice, tone, style, and organization. The emphasis will be on the application of these rules in the context of legal writing. Students will learn how to craft sentences that are accurate, brief, clear, precise, and sometimes persuasive.

SKILS 986: Remedies

3 Credits

Remedial devices focusing on the theory and application of legal and equitable relief are analyzed comparatively. The course covers the procedural and substantive law elements of damages, specific performance, injunctions, declaratory judgments, reformation, rescission, and restitution.

SKILS 987: Writing Workshop

2 Credits

The goal of this course is to improve the legal writing and editing skills of students. By engaging in the process of directed writing and editing, students will learn to write clearly, succinctly, precisely, and sometimes persuasively. Emphasis will be given to organization and integration of procedural and substantive aspects of cases.

Prerequisite: Faculty approval required

SKILS 988: Legal Problems of Indigents

2 Credits

This course is an introduction to law relevant to assisting people in poverty including law addressing public benefits, housing, consumer issues, custody, domestic violence, and private rights of action. It will also address realities of existence for people in poverty and consider historical and policy perspectives. Finally, the course will focus on some practical skills, and students will participate in mock hearings and/or mock interviews.

SKILS 997: Special Topics

1-9 Credits/Maximum of 999

Formal courses given infrequently to explore, in depth, a comparatively narrow subject that may be topical or of special interest.