Course Syllabus

**University of Baltimore School of Law**

**Semester Year**

**Course**: INTERVIEWING NEGOTIATING AND COUNSELING

LAW Course Number 813

Section 512

**Instructor**: Julie Colin, Esq.

[Jule.Colin@ubalt.edu](mailto:Jule.Colin@ubalt.edu) text: (908) 240-7345

BEST TIMES FOR INDIVIDUAL CONSULTATION: Tu, Wed 4-6, or flexible by appointment

**Days/Time: Mondays 6:15-9**

**Location:**  Room assignments are available through MyUB. **(Please include only this general statement regarding location. Please do not list a room number because room assignments are subject to change until the first day of classes.)**

**Course Description**:

CATALOG DESCRIPTION: This course focuses on the theory and techniques of interviewing, counseling, and negotiation that are necessary for effective representation of clients. Such topics as question formulation, witness interviewing, structuring the counseling session, case evaluation, development of bargaining range and negotiation tactics will be covered. The teaching medium will be theory and simulation. Students will act as attorneys weekly in mock cases and critique the videotaped performances. This is an interactive class and participation will be necessary.

REQUIRED TEXTS: LAWYERS AND CLIENTS: Critical Issues In Interviewing and Counseling by: Ellmann, Dinerstein, Cunning, Kruse and Shalleck and LAWYER NEGOTIATION: Theory, Practice, and Law by: Folberg and Golann

RECOMMENDED TEXTS OR OTHER MATERIALS, ETC. : Professor will post clips of sample interactions on TWEN.

**Student Learning Outcomes:**

This course will provide both theory and practice for the participant to transition from student to counselor. The course is intended to provide a framework through which a participant can gain confidence, develop a professional style, and understand how to judge each situation encountered.

Students will learn techniques in Client Interviewing, including active listening, variations in approach, and ethical considerations.

Students will then progress to negotiation and conflict. The theory and psychological approaches to negotiation will be addressed. Students will review the various types of negotiations, including high conflict negotiation, collaborative negotiation, telephone etiquette and electrical negotiations, and the importance of the eye-to-eye meeting. Interaction with clients during negotiations will focus on advice, differences of opinion, morality and ethics.

Pitfalls of the negotiation, including those from the client, those from the adversary, and those from the court will be considered.

**Grades:**

ARTICULATE BASIS FOR GRADING: Class participation, including presentations, will account for 33.3% of the grade. 33.3% of the grade will be a written project regarding client counseling, and the remaining 33.4% of the grade will be written negotiation project. The negotiation project will be a take-home exam. Students should treat each assignment as a real interaction with clients and attorneys. All written assignments are expected to be final versions, though students are encouraged to seek counsel and advice from the Professor.

**Course Expectations:**

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

You are expected to complete all reading assignments before class and to participate consistently in class discussion to demonstrate that you have read and reflected on the issues raised in the assignment. This is an interactive class and students are expected to be in attendance even if that is not a designated day for the student to present an oral assignment. Professionalism is expected and guests may be employed from time to time to provide the students with sample clients or adversaries in order to gain practice.

Readings assigned in this matter may not be specifically addressed in a repetitive manner, but techniques and theories are expected to be employed. Students will be graded based on their application of the readings, as well as hand outs and class discussion.

ON NOTICE: This professor expects that all students are in possession of a Blue Book, or have access to a Blue Book. It is further expected that students have access to grammar guides. Students who submit work that does not comply with generally accepted rules will lose points.

**Attendance**:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools. BEYOND ALL THIS, I WILL TAKE FREQUENT ABSENCES PERSONALLY!

|  |  |  |
| --- | --- | --- |
| Regular Semester Hours | | |
| Credit Hours | Meetings Per Week | |
|  | 1 | 2 |
| 2 | 2 absences | 5 absences |
| 3 | 2 absences | 5 absences |
| 4 | -- | 5 absences |

**Course Website:**

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.) Check the TWEN page. It will provide you with ideas and examples of our class subjects.

**Computers:**

Students may not use laptop computers for class related purposes. Well, you can if you choose to do so, but I really prefer to have a conversation.

**Class Cancellation:**

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at <http://law.ubalt.edu/academics/policiesandprocedures/honor_code/>.

Just don’t cheat. I want you to do well. I want you to go out and have excellent communication skills. If you cheat, I will know it.

**Title IX Sexual Misconduct and Nondiscrimination Policy:**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

If anyone has any issue in this class of harassment of any sort, please address it with me or the administration immediately. We cannot fix what we do not know is broken!

**Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

**ASSIGNMENTS**

DATE; January 22, 2018

TOPIC: Introduction to Interviewing Clients

READING: Lawyers and Clients, Chapters 1 and 2

DATE: January 29, 2018

TOPIC: Narrative Theory and Practice

READING: Lawyers and Clients, Chapter 5

DATE: February 5, 2018

TOPIC: Ethics in client management, difficult situations, teaching the law to a nonlawyer client

READING: Lawyers and Clients, Chapter 3, Chapter 8

DATE: February 12, 2018

TOPIC: Putting it all Together: Classroom interviews with new clients will be conducted.

READING: TBA

DATE: February 19, 2018

TOPIC: Introduction to Negotiations

READINGS: Lawyer Negotiation, Chapters 1-3

DATE: February 26, 2018

TOPIC: Style of Negotiations—Competitive, Collaborative and more

READINGS: Lawyer Negotiation, Chapter 4

DATE: March 5, 2018

TOPIC: Negotiations: How To

READINGS: Lawyer Negotiation, Chapters 5-6

DATE: March 12, 2018

TOPIC: Getting to the “FINISH” line in Negotiations

READINGS: Lawyer Negotiation, Chapter 7

DATE: March 19, 2018

SPRING BREAK

DATE: March 26, 2018

TOPIC: Negotiations Ethics, Electronics and Cyber Worlds

READINGS: Lawyer Negotiation, Chapter 8, 10

DATE: April 2, 2018

TOPIC: The Law of Negotiation

READINGS: Lawyer Negotiation, Chapter 11

DATE: April 9, 2018

TOPIC: Mediation v. Arbitration

READINGS: Lawyer Negotiation, Chapters 12-13

DATE: April 16, 2018

TOPIC: Benefits of Effective Negotiation

READINGS: Lawyer Negotiation, Chapter 14, plus TBA

DATE: April 23, 2018

TOPIC: Negotiations in class (Students will be engaged in settlement negotiations)

READINGS: TBA ( Assignment will be posted on TWEN)

DATE: April 30, 2018

TOPIC:

READINGS: TBA