



COUNSELING AND NEGOTIATIONS
Course Subject – TADR/ Course Number – 426/ CRN - 43807
SPRING 2022 COURSE DESCRIPTION & SYLLABUS

Faculty Information

Debjani Desai, Adjunct Professor of Law
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Office Hours

By Appointment; I am generally available via phone and email.

Class Meeting Times

January 10, 2022 – April 18, 2022 (no class March 21, 2022 – March 25, 2022)
Tuesdays
6:00 – 9:00 PM

Prerequisites

Course Information: Previously listed as JD 210. Prerequisite(s): JD 401 and JD 405 and JD 406 and JD 407 and JD 411 and JD 414 and JD 415 and JD 416; and LAW 402 or LAW 403 or LAW 404; and LAW 412 or LAW 413. **Please double-check with the school.*

Mid-term Assessment and Final Exam

Midterm Assessment - February 15, 2022
Final Exam - April 12, 2022

Classroom

On-campus
Links will be posted on Blackboard

Reading Materials (optional)

Legal Counseling, Negotiating, and Mediating: A Practical Approach, Second Edition,
Herman, G. Nicholas, and Cary, Jean M., Matthew Bender & Co., Inc., ISBN-13: 978-
1422480397; ISBN-10: 1422480399

Policies

The Law School's Common Syllabus Provisions, available at <https://go.uic.edu/lawcsp>, are incorporated by reference.

Three or more absences will result in an automatic grade of WF.

Course Description

This three-credit course focuses on how to engage in effective and efficient legal counseling and negotiating. This course will review practical skills in counseling that are integral to legal representation, including ethical and legal ramifications. In addition, this course will review a blend of theoretical negotiating approaches with practical application in different practice areas and settings.

Learning Outcomes

My primary goal is to help you understand and develop certain practical lawyering skills, including interviewing clients and witnesses, counseling clients, and negotiating on behalf of clients. Specifically, you should be able to learn and apply the processes and techniques that good lawyers use in advising their clients and helping them resolve their legal problems or disputes without litigation.

Exams & Assessments

The course includes two major assessments. The first is a mid-term counseling exercise that will comprise **30%** of your final grade. The second is a final negotiating exercise that will comprise **30%** of your final grade. **40%** of your grade will include assessments of your presentations and participation in class; quality, timely, and accurate completion of in-class and out-of-class assignments, and attendance. This course requires you to work in groups. Some assessments are graded as a group, however, your ultimate grade is based on individual performance. Classes comprised of fewer than 30 students are not subject to the UIC JMLS grading curve.

Course & Syllabus Structure

I have divided the course and syllabus into two sections. The first section covers counseling. The second section covers negotiations. Most classes have a written and oral advocacy component.

I will do my best to inform you of modifications to the syllabus.

DATE	MATERIAL
<p>T 1/11/22</p>	<p>Reading</p> <p><u>Herman</u>: 1-85</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Course Introduction • Learning Legal Counseling and Negotiating • Overview of the Counseling Process and Decision-Making Models • The Initial Client Meeting
<p>T 1/18/22</p>	<p>Reading and Assignment</p> <p><u>Herman</u>: 1-85</p> <p>Scenarios 1 and 2 Presentation Preparation and Memo</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Interviewing Your Client • Decision-Making and Implementing the Decision • Presentations on Scenarios 1 and 2
<p>T 1/25/22</p>	<p>Reading and Assignment</p> <p><u>Herman</u>: 87-127</p> <p>Scenario 3 Presentation Preparation and Memo</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Ethical Considerations in Client Counseling • Presentations on Scenario 3
<p>T 2/1/22</p>	<p>Reading and Assignment</p> <p><u>Herman</u>: 131 – 176</p> <p>Scenario 4 Presentation Preparation and Memo</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Introduction and Academic Approaches to Negotiation

	<ul style="list-style-type: none"> • Negotiating Models, Strategies, and Styles • Ethical Considerations in Negotiation and Settlement
T 2/8/22	<ul style="list-style-type: none"> • Practice Counseling
T 2/15/22	<ul style="list-style-type: none"> • MIDTERM • Counseling Presentation and Memo
T 2/22/22	<p>Reading and Assignment</p> <p><u>Herman</u>: 177 – 220</p> <p>Negotiations Problems</p> <p>Prepare an Agenda and Negotiation Preparation Outline Scenario 1 and 2</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Negotiating Tactics and Techniques • Valuing Cases for Negotiation and Settlement
T 3/1/22	<p>Reading and Assignment</p> <p><u>Herman</u>: 221 – 298</p> <p>Negotiations Problems</p> <p>Prepare an Agenda and Negotiation Preparation Outline Scenario 3</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Preparing for Negotiation • Negotiating in Writing and Over the Telephone • Negotiating Face to Face • Negotiating During Civil Litigation • Small Group exercises (30 minutes per team)

<p>T 3/8/22</p>	<p>Reading and Assignment</p> <p><u>Herman</u>: 335-478</p> <p>Negotiations Problems</p> <p>Prepare an Agenda and Negotiation Preparation Outline Scenario 4</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Legal Considerations in Settlement • Cross-Cultural Negotiations and • Negotiating Between Genders • Plea Bargaining • Small Group exercises (30 minutes per team)
<p>T 3/15/22</p>	<p>Reading and Assignment</p> <p>Negotiations Problems</p> <p>Prepare an Agenda and Negotiation Preparation Outline</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Small Group exercises (30 minutes per team)
<p>T 3/22/22</p>	<p style="text-align: center;">Spring Break - No Class</p>
<p>T 3/29/21</p>	<p>Reading and Assignment</p> <p>Negotiations Problems</p> <p>Prepare an Agenda and Negotiation Preparation Outline</p> <p>Class Coverage</p> <ul style="list-style-type: none"> • Small Group exercises (30 minutes per team)

<p>T 4/5/22</p>	<p>Reading and Assignment</p> <p>Negotiations Problems</p> <p>Prepare an Agenda and a Negotiation Preparation Outline</p> <p>Class Coverage</p> <ul style="list-style-type: none">• Small Group exercises (30 minutes per team)
<p>T 4/12/22</p>	<ul style="list-style-type: none">• Final Exam• Negotiation Preparation Outline, Presentation, and Settlement Agreement