

UNIVERSITY OF OREGON
Environmental Studies Program

SYLLABUS

Course: ENVS 411/511
Title: Law and Environment
Term: Summer 2013
Day & Time: MTWR 10:00-11:50 AM
Classroom: Columbia 142
Instructor: Kay Crider, J.D.
Office: Columbia 244
Office Hours: Tues. & Wed. 1:30-2:30 PM or by appt.
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Course Description & Goals

This course provides students with an understanding of laws that regulate the environment as well as the skills to analyze and apply these laws to current issues. By the end of this course, students will be able to communicate with agencies, NGOs, businesses, lawyers, and individuals about environmental laws and determine whether and how to use legal tools to resolve environmental issues. Topics include the structure and operation of the legal system, the development of environmental laws, policy issues and risk assessment, federal and state laws applicable to habitat and species protection, air quality, water quality, toxic substances, solid and hazardous waste, energy production, government agency regulation and enforcement, citizen and public enforcement, and international environmental law.

Prerequisites

ENVS 201 and junior or senior standing for undergraduates taking ENVS 411.

Textbook and Course Materials

Environmental Law, Kubasek & Silverman (8th Edition 2013). Additional course materials will be posted on Blackboard.

Attendance, Class Conduct & Academic Integrity

Attendance is required. Class participation, discussion and presentation are key components of the learning process in this course. Computers, cell phones and other electronic devices must be put away. They are distracting to both yourself and other students. Academic integrity, plagiarism or cheating will not be tolerated and will be dealt with seriously in conjunction with University procedures. Please be sure to read the posted information on plagiarism so there are no areas of misunderstanding: <http://libweb.uoregon.edu/guides/plagiarism/students>.

Accommodation

The University of Oregon works to create inclusive learning environments and to provide reasonable accommodation to qualified students with disabilities. If you have a documented disability and need accommodations in this course, please arrange to meet with me at the start of the term and bring a letter from the UO Accessible Education Center outlining your approved accommodations. The AEC is located in 164 Oregon Hall at 541-346-1155 or uoaec@uoregon.edu.

Grading

- 25% Blackboard Summaries of Cases Assigned to Entire Class *and* Class Participation
- 10% Discussion questions for cases not summarized
- 20% Individual Legal Case Summary: Paper and Oral Presentation
- 20% Group Project: Environmental Comment to Agency; Written and Oral Presentation
- 25% Weekly quizzes (3 quizzes)

Assignments

Textbook chapter assignments are listed in the course outline. Case assignments and titles of other readings will be listed on Blackboard for the course dates they are applicable. Reading the assigned materials before each class will enhance understanding and retention of the material as well as class discussion. Familiarize yourself with the Abbreviations and Acronyms in the Appendix of the textbook as those terms will be used in class and appear in the readings. You do not need to memorize acronyms for quizzes or exams.

Graded assignments include:

1. Brief Summaries of Cases To Discussed in Class.* Assigned reading will include legal cases on each of the topics to be discussed in class. Cases will be uploaded to Blackboard. *Starting week 2*, there will be two cases to read for each class period. A short summary is required for one of the two cases and must be submitted by each student on Blackboard *prior* to the class in which the case will be discussed. You are required to write a substantive discussion question for the other case (see assignment #2). The case summary for each case should include:

- a. Facts of the case, in three sentences or less
- b. Issues in the case, in three sentences or less
- c. Decision of the court, in three sentences or less
- d. Reasoning of the court, in three sentences or less

*NOTE #1: You do not have to summarize or submit a discussion question for the case on which you will write a short paper and lead a class discussion (see assignment #3).

During week 1, we will read and discuss a few cases but no summaries will be required. The focus will be on becoming familiar with legal jargon and learning how to pull the key information out of a case. The legal opinions demonstrate how the laws created by the legislature, the regulations created by agencies, and the interpretation of those laws and regulations by the courts is intertwined and applies to actual environmental issues that are the subject of the cases.

2. Discussion Questions. As noted in assignment #1, *starting week 2*, there will be two cases to read for each class period. A substantive discussion question is required for one of the two cases and must be submitted by each student on Blackboard *prior* to the class in which the case will be discussed. You are required to write a substantive discussion question for the other case (see assignment #1).

3. Written Case Analysis & Oral Presentation** (due on chosen topic day). Sign-ups will be during the first week of class. Copies of selected court cases will be posted on Blackboard. Each student will choose a different case, write and turn in a paper, and present the case to the class and lead a class discussion in 20 minutes or less. The paper can be a maximum of 8 pages in length, double-spaced. Include the following information, labeled as indicated below and in the order listed:

- a. Name the parties to the case (who is suing who) and the date of the case
- b. Summarize the case in one paragraph (what is it about *and* what was the result)
- c. Describe the court or agency making the decision
- d. Describe the claim/complaint
- e. Summarize the facts of the case
- f. Summarize the decision of the current court (aka the holding)
- g. Summarize the court's reasoning in reaching its decision
- h. Define two terms in the case that were new to you
- i. State *your* analysis of the case (1 page or less)
- j. List two takeaways from the case (why did we read it/what does it tell us)
- k. Prepare two questions about the case for class discussion and lead the discussion.

4. Group Project: Preparation of Comments to Government Agency on Proposed Agency Action and Background Paper** (comments are due on Blackboard by 9:00 AM on August 14 ; group presentations will be made during class on August 14): Students will work in groups to research an environmental action on which a government agency has invited public comment. After conducting research, students will prepare written comments on the proposed agency action. Each group will make an oral presentation to the class in 20 minutes or less outlining the research done to prepare the comments and why they chose their particular position. Each group member must participate in the presentation. Comments to the agency are limited to 5 pages, double-spaced. Some questions to consider:

- a. What documents should you review to prepare your comments—government documents; scientific papers or research; laws and regulations; or other?
- b. Are there government agency employees with whom you should consult?
- c. Are there scientists or specialists in the field with whom you should consult?
- d. Are there technological processes or business practices you should research?
- e. What laws or regulations apply?
- f. Is there more than one option to propose in your comments?

****NOTE #2, APPLICABLE TO ASSIGNMENTS 3 & 4:** Oral presentation will comprise 20% of the grade of the individual case assignment and group assignment. A PowerPoint presentation is not required, however, you may utilize that tool if you feel it will help you make a clear and succinct presentation to the class. Please keep in mind that “less is more” when using PowerPoint slides. Too much information, text or graphics on a slide is distracting from your oral presentation.

5. Quizzes: There will be three non-cumulative quizzes during this summer term course. The first quiz will be at the end of week 1 on Thursday, July 25. The second quiz will be at the end of week 2 on Thursday, August 1. The third quiz will be on August 13 and include material from week 3 and the first 2 days of week 4. All quizzes will be written in class, closed book and primarily short answer and a limited number of multiple-choice questions. There will be questions relating to class lectures and discussion, as well as basic concepts from assigned cases. Pay particular attention to the “takeaways” in the last slide of the Powerpoint presentations; they will be posted on Blackboard. You will not be allowed to leave the classroom during a quiz so please plan accordingly.

Policy on Late Work

Late work on any case summary or your paper or project will be accepted for the two days following the due date, with a 10% discount per day. Late work will not be accepted if turned in more than two

days late during this fast-track summer term. If you know in advance you will be absent on the date an assignment is due, you should make arrangements to turn in the assignment prior to the due date.

| DATE OF CLASS SESSIONS, TOPIC & ASSIGNED READINGS | | |
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| DATE | TOPIC | REQUIRED READINGS |
| July 22 | Introductions, Syllabus Review, Course Goals, and Overview of the Legal System Sign-ups for case presentations | Syllabus and Chapter 1 and Blackboard documents |
| July 23 | Tools for Resolving Legal Disputes Assignment of any remaining cases Review & discussion of case on standing | Chapter 2 and Blackboard documents |
| July 24 | Administrative Law & Agencies Review & discussion of case challenging agency rulemaking | Chapter 3 and Blackboard documents |
| July 25 | Needs and Bases for Regulation Review & discussion of case on National Environmental Policy Act (NEPA) ~ Quiz on Week 1 ~ | Chapter 4 and Blackboard documents |
| July 29 | Regulation of Air Quality – Day 1 Case presentations & discussion on Air Issues | Chapter 5 and Blackboard documents |
| July 30 | Regulation of Air Quality – Day 2 Case presentations & discussion on Air Issues | Chapter 5 and Blackboard documents |
| July 31 | Regulation of Water Quality – Day 1 Case presentations & discussion on Water Issues | Chapter 6 and Blackboard documents |
| August 1 | Regulation of Water Quality – Day 2 Case presentations & discussion on Water Issues ~ Quiz on Week 2 ~ | Chapter 6 and Blackboard documents |
| August 5 | Regulation of Toxic Substances Case presentations & discussion on Toxics Issues | Chapter 7 and Blackboard documents |
| August 6 | Regulation of Waste Case presentations & discussion on Waste Issues | Chapter 8 and Blackboard documents |
| August 7 | Regulation of Energy Production Case presentations & discussion on Energy Issues | Chapter 9 and Blackboard documents |
| August 8 | Regulation of Public Lands – Day 1 Case presentations & discussion of PL Issues | Chapter 10 and Blackboard documents |
| August 12 | Regulation of Public Lands – Day 2 Case presentations & discussion of PL Issues | Chapter 10 and Blackboard documents |
| August 13 | Regulation of Environment in International Arena Case presentations on Int'l Environmental Law ~ Quiz on Week 2 & 2 days of Week 4 ~ | Chapter 11 and Blackboard documents |
| August 14 | Written Comments & Oral Presentations on Group Projects Due | |
| No Final Exam | | |