

UNIVERSITY OF OREGON Environmental Studies Program

SYLLABUS

Course: ENVS 411/511

Title: Law and Environment

Term: Fall 2012

Day & Time: Tues./Thurs. 10:00-11:50 PM

Classroom: Columbia 142

Instructor: Kay Crider, J.D.

Office: Columbia 244

Office Hours: Tues./Thurs. 2:00-3:30 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, lawyers, businesses 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 (7th Edition 2011). Additional course materials will be posted on Blackboard. A copy of the textbook has been placed on reserve in the Science Library.

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

- 30% Blackboard Summaries of Cases Assigned to Entire Class; Class Participation
- 25% Individual Legal Case Summary: Paper and Oral Presentation
- 25% Group Project: Environmental Comment to Agency; Written and Oral Presentation
- 20% Final Exam

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.

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 and short summaries of cases will be required to be submitted by each student on Blackboard *prior* to the class in which the case will be discussed. 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: These are short assignments to be done by each student for *every* case, except the case on which you will write a short paper and lead a class discussion (see assignment #2). Assignment #2, described below, is an in-depth analysis of one case, a written paper and an oral presentation to the class, for which only one case will be assigned per student.

2. Written Case Analysis & Oral Presentation** (due on chosen topic day). Sign-ups during the first week of class. Copies of selected court cases will be made available to students and cases will be posted on Blackboard. Each student will review a separate case. Write and turn in a report and present the case to the class in 10 minutes. Maximum 8 pages, 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.

3. Group Project: Preparation of Comments to Government Agency on Proposed Agency Action and Background Paper** (date comments are due will vary; each assignment will list a specific due date specified by the Oregon Department of Environmental Quality; group class presentations are due Nov. 20): 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 to be submitted to the agency. 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. What laws or regulations apply?
- e. Is there more than one option to propose in your comments?

****NOTE #2, APPLICABLE TO ASSIGNMENTS 2 & 3:** 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.

4. Final Exam: written in class, closed book; primarily short answer and a limited number of multiple-choice questions. There will be questions relating to class lectures, basic concepts from assigned cases, and presentations by any guest speakers. Pay particular attention to the “takeaways” in the last slide of the Powerpoint presentations for each class period—these presentations will be posted on Blackboard *after* each class period. You will not be allowed to leave the classroom during the exam so please plan accordingly.

If you have any questions about anything in the syllabus, please ask.

SEE NEXT PAGE FOR TABLE OF READINGS AND ASSIGNMENTS BY DATE



DATE OF CLASS SESSIONS, TOPIC & ASSIGNED READINGS		
DATE	TOPIC	REQUIRED READINGS
September 25	Introductions, Syllabus Review, Course Goals, and Overview of the Legal System	Syllabus and Chapter 1
September 27	Tools for Resolving Legal Disputes Sign-ups for case presentations	Chapter 2 and Blackboard documents
October 2	Administrative Law & Agencies and Guest Speaker Ranei Nomura from DEQ	Chapter 3 and Blackboard documents
October 4	Needs and Bases for Regulation	Chapter 4 and Blackboard documents
October 9	Regulation of Air Quality Case presentations on Air Issue	Chapter 5 and Blackboard documents
October 11	Regulation of Air Quality Day Two Case presentations on Air Issue	Chapter 5 and Blackboard documents
October 16	Regulation of Water Quality Case presentations on Water Issue	Chapter 6 and Blackboard documents
October 18	Regulation of Water Quality Day Two Case presentations on Water Issue	Chapter 6 and Blackboard documents
October 23	Regulation of Toxic Substances Case presentations on Toxics Issue	Chapter 7 and Blackboard documents
October 25	Regulation of Toxic Substances Day Two Case presentations on Toxics Issue	Chapter 7 and Blackboard documents
October 30	Regulation of Solid & Hazardous Waste Case presentations on Waste Issue	Chapter 8 and Blackboard documents
November 1	Regulation of Solid & Hazardous Waste Day Two Case presentations on Waste Issue	Chapter 8 and Blackboard documents
November 6	Regulation of Energy Production Case presentations on Energy Issue	Chapter 9 and Blackboard documents
November 8	Guest Speaker Lisa Arkin: Coal Transport in OR	Blackboard documents
November 13	Regulation of Public Lands Case presentations on Public Lands Issue	Chapter 10 and Blackboard documents
November 15	Regulation of Public Lands Day Two Case presentations on Public Lands Issue	Chapter 10 and Blackboard documents
November 20	Oral Presentations on Group Projects Note: Written Comments Are Due on Date Specified by Agency for Each Project	
November 22	No class – Thanksgiving Holiday	
November 27	Environmental Due Diligence	Blackboard documents
November 29	International Environmental Law	Chapter 11 and Blackboard documents
FINAL EXAM: Friday, December 7 @ 8:00 AM		