

Law 469 Environmental Lawyering
Spring 2010
Syllabus
12.07.09

Expectations and grading

Class grading

- 50% final research paper
- 25% paper presentation
- 15% class involvement
- 10% Journaling

Each student is expected to submit a research paper on a topic of their choice at least 15 pages in length (double spaced, 12 point type) with appropriate citations in proper Bluebook form. Ideally, the paper will be related to the work being done through the Outplacement program. Each student will be expected to present his or her paper during one of the last two weeks of the class as if it were being presented at a professional conference using presentation techniques that the student believes will maximize the effectiveness of the presentation. Grading for the paper presentation will be based on both the substance of the presentation and the effectiveness of the presentation.

Active class involvement is expected and will make up part of the final grade. This involvement is facilitated by student submissions of their “issue of the week.” Each student is expected to e-mail by noon on Monday each week a short statement of one issue that they have had to deal with in their placement during the previous week. This could be a substantive law issue, a research issue, and ethics issue, a client relationship issue or other matter. I will then choose some of these items to include in the class discussion. Students should be careful not to divulge any confidential information.

Participants must submit 7 journal entries approximately two pages in length covering topics as assigned in the syllabus. These entries are designed to help you reflect on your clinical experience. The journal entries will be graded as either acceptable (meaning that the work on the entry demonstrates a serious effort to address the assigned topic) or unacceptable. A final grade of unacceptable for the journal entries will result in a half grade (e.g., from an A- to a B+) reduction in the student’s final class grade.

Reading assignments and the syllabus will be available both on the GW portal.

Class 1 Jan. 4—Advanced Research Skills

Introductions

Class expectations

Advanced environmental research—Germaine Leahy

Reading: Learning from Practice, Chapters 1 & 2

Exercise: List goals for your externship

Class 2 Jan. 11—Law Practice Ethics

Discussion of ethics and the practice of government and public interest environmental law, Ethics Exercise

Writing assignment: *Journal entry #1 on the nature of the law practice in your organization*

Outplacement issue of the week (Issues should be e-mailed to me by the Monday before the class)

Readings

- Geoffrey P. Miller, *Essay, Government Lawyers' Ethics in a System of Checks and Balances*, 54 U. Chi. L. Rev. 1293 (1987)
- Nancy Polikoff, *Am I My Client? The Role Confusion of a Lawyer Activist*
- **Learning from Practice**, Chapter 4

Class 3 Jan. 18—Environmental Governance

Discussion of the basic approaches to environmental regulation and of new approaches to environmental governance

Chesapeake Bay Exercise

Writing assignment: *Journal entry #2 on approaches to environmental management (both regulatory and non-regulatory) used in your organization*

Outplacement issue of the week

Reading:

- **Learning from Practice**, Chapter 12
- **Paddock**, *Green Governance: Building the Competencies Necessary for Effective Environmental Management*, 38 ELR News & Analysis 10609-10642 (Sep't. 2008).

Class 4 Jan. 25—Administrative Law Primer

Discussion of the basics of administrative law with exercise

Writing Assignment: *Research paper abstract*

Outplacement issue of the week

Readings

- 5 U.S.C. § 553
- **Learning from Practice**, Chapter 9
- **Norton v. Southern Utah Wilderness Alliance**

Class 5 Feb. 2—Emerging Issues

Discussion of front page environmental law issues—climate, urban ozone, mercury, non-point source water pollution, toxics regulation, products regulation

Exercise on what should be done to address mercury, NOx, SO2; exercise related to products legislation

Readings: Gerrard, *The Law of Climate Change*, Chapter 1.

Outplacement Issue of the week

Class 6 Feb. 9—Equity Issues

Discussion of environmental justice and climate equity issues

Readings

- ABA Environmental Justice Chapter 1

Writing Assignment: *Journal entry #3 on environmental justice or climate equity issues within your organization*

Outplacement Issue of the week

Class 7 Feb. 16—Interviewing and Listening Skills

Discussion of interviewing and client counseling, listening exercises

Readings

Working with Your Client: Interviewing, Counseling, and Representing (Ch. 5 in *Negotiation: Processes for Problem Solving*).

Fisheries Negotiation (for next week)

Outplacement Issue of the week

Class 8 Feb. 23—Negotiation Skills

Discussion of negotiations, negotiations simulation

Readings

Integrative Negotiation: Expanding the Pie and Solving the Problem (Ch. 3 in *Negotiation: Processes for Problem Solving*).

Distributive Bargaining: Dividing the Pie and Mixed Models (Ch. 4 in *Negotiation: Processes for Problem Solving*).

Writing Assignment: *Journal entry # 4 on the role of negotiations, collaborative decisionmaking in your organization*

Outplacement Issue of the week

Class 9 March 9—Public Engagement

Discussion of public involvement and public access to information in the environmental law context, public involvement exercise

Readings

- LeRoy Paddock, *Environmental Accountability and Public Involvement*, 21 Pace Env. L. Rev. 243 (2004)

- *Public Access to Environmental Dispute Resolution Processes*

Writing assignment: *Journal entry #5 on the role of public participation in the your organization*

Outplacement Issue of the week

Class 10 March 16—International and Transactional Practice Issues

Discussion of working with clients on international and transactional issues

Readings

- *The Kyoto Protocol*
- *Summary of REACH*
- **Learning from Practice**, Chapter 10

Outplacement Issue of the week

Class 11 March 23—Putting it all Together

Discussion of environmental and public health approaches to dealing with toxics and nanotechnology (class interaction)

- **Learning from practice**, Chapter 19

Class 12 March 30—Class Presentations I

Paper presentations

Writing assignment: *Journal entry #8 evaluating your outplacement experience*

Class 13 April 6—Class Presentations II

Paper Presentations cont.

Papers due

Class Evaluation