

**SUSTAINABLE *DEVELOPMENT*/REGIONAL GROWTH SEMINAR
REQUIREMENTS AND SYLLABUS
(LAW 457)
Spring 2010**

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Over the past ten years the environmental impacts of suburban sprawl and the promise of smart growth have become familiar topics among state and local policymakers and national/regional non-governmental organizations. Based on a set of 10 core principles, smart growth has increasingly gone mainstream with stories in the local and national media. With increasing concerns over carbon emissions reductions and the potential of renewable energy, smart growth policies now more closely intersect with the core principles of sustainable development. Even the federal government is now making sustainability a top policy priority with the recently announced sustainable communities' partnership between Housing and Urban Affairs (HUD), Department of Transportation (DOT) and the Environmental Protection Agency (EPA). While there is much discussion and analysis at the policy and program levels, the legal underpinnings do not receive the attention they demand. As policymakers and practitioners propose reforms and innovative approaches to sustainable development and regional growth they will need bold and creative legal rationales to support them.

This course offers you the unique opportunity to explore the intersections of law and policy through the dynamic lenses of land use planning, federalism, state and local government law, and environmental law and policy.

Set forth below are the course requirements, general topics to be covered and key deadlines.¹ As the schedule reveals, the first EIGHT class sessions include discussion of the readings and course material. We also hope to have a few guest speakers from time to time. The final FOUR class sessions will be devoted to presentation and discussion of student papers.

All assigned readings will be available on the GW Law portal (under this particular course) at least five days prior to the class to which they are assigned. There are readings assigned for the first class session on the portal.

Readings will be drawn from a variety of sources, including some drawn from recent months. Given the interdisciplinary and cutting-edge nature of this course, there are no single textbooks that adequately cover the material. It is suggested that you create a notebook of the readings to serve as an ongoing reference for the course.

¹ This class was originally designed by former GW law professor Jonathan Weiss who oversaw the Sustainable Regional Growth initiative at the law school from 1999-2002. Since then Professor Schilling and Weiss have team taught the course every other year (2008, 2006, and 2005).

Grading:

The final grade for the seminar will be based on three components:

- Attendance and participation in class – 25%
- Requirements leading up to the final paper (topic statement/outline) – 25%
- Final Paper – 50%

The final research paper is to be of at least 5000 words (25 pages or more) excluding footnotes and other source material. Quality, however, is more important than length. Students are to aim for papers of publishable quality, paying special heed to rules about plagiarism. The final paper should include a bibliography divided into two parts – legal sources (cases, law reviews, and treatises) and non-legal sources. We will hand out a more detailed paper guide about what we are looking for later in the semester.

COURSE OVERVIEW

The focus of the course is the crosscutting area of sustainable development, regional growth, "smart growth" and climate change. This can be described as regional (urban/suburban) development and planning for the future that takes into account economic, environmental and social considerations. In a broad sense, smart growth takes the high-minded concept of "sustainable development" and brings it down to where people live. The continued outward sprawl of cities and its impacts on quality of life – as well as the increasing recognition of the links between growth patterns and climate change -- have made this an increasingly important issue. Smart growth policies and programs are now part of the broader conversation on climate change as reductions of carbon emissions will inevitably require changes to our existing development patterns and transportation systems.

The course will start off with a general discussion of these issues. It will then focus on how US urban-regions have increasingly sprawled outward and the causes for such sprawl. From there, it will move to how the smart growth movement has begun to challenge conventional development patterns and encourage reinvestment in existing communities. Within smart growth, some illustrative topics will be explored, such as sustainable transportation, green buildings, shrinking cities, community energy planning, and reform of comprehensive planning and zoning codes. Finally, we will glimpse into the future, exploring new trends and approaches in the US and abroad. Presentation of student papers in the last few weeks will allow further discussion and explore these and topics of particular interest.

Class 1 - 1/4 Course Overview and Introduction to Sustainable Growth

Class 2 - 1/11 Regional Growth in the US and the Legal/Jurisdictional Framework

1/18 No class for MLK Holiday

Class 3 – 1/25	The Smart Growth Movement
Class 4 – 2/8	The Smart Growth Movement
2/15	<i>No class for Presidents Holiday</i>
Class 5 - 2/22	The Smart Growth Movement
3/1	<i>No class Spring Break</i>
3/8	<i>No class so students can complete draft paper</i>
Class 6 – 3/15	Shrinking Cities, Sustainability, and Urban Greening
Class 7 – 3/22	Climate Change and Community Energy Planning
Class 8 - 3/29	Case Studies in Sustainability
Class 9 - 4/5	Student Presentations on Paper Topics
Class 10 - 4/12	Student Presentations on Paper Topics
Class 11 4/13 Tuesday (constructive Monday)	Student Presentations on Paper Topics

IMPORTANT DATES FOR THE SEMINAR

- Feb 8 Topic Statement and General Research Plan Due
- Feb 20 Feedback from Instructor
- Mar 15 Draft Paper Due
- Mar 31st Feedback from Instructor
- May 1st Final Paper Due

PLEASE SUBMIT ALL WRITTEN MATERIAL BY EMAIL.

All deadlines related to the paper are firm. Failure to meet deadlines will be reflected in your grade. Students are certainly welcome to submit their assignments prior to the deadlines.

Outlined below the expectations with respect to the various components of the Seminar: (1) Attendance and Participation; (2) Topic Statement and Outline; (3) Draft; and (4) Seminar Presentation. More information about recommended topics will be provided in separate documents and classes.

1. Attendance and Participation

You are fully expected to attend every class and to have read the material. Class participation will be evaluated both on the assigned participation roles (i.e., Paper Presentation and Lead Commentator, discussed below) and your participation throughout the seminar. As to your general participation in class, we value a lively and open forum to discuss the relevant topics of the seminar and welcome all perspectives on these issues and thus to that end we encourage active participation from all.

2. Topic Statement, General Outline, and Research Plan

Once you have identified a topic, please draft a two-page statement describing the precise topic of your research, a general outline of how your paper would cover that topic, and your research plan. This includes a clear thesis statement(s) that identify the theory or hypothesis that forms the basis for your paper's analysis. Your statement should also include a brief background of the topic and a description of how your paper falls within and contributes to the emerging field of sustainable regional growth.

You should also propose how you would structure the paper (list the major headings and perhaps a few subheadings) and identify possible research sources and avenues. This should be as detailed as possible, specifying particular works and arguments that serve as the basic foundations of the thesis and starting points for additional research. Some research is therefore required for this assignment. Your outline and plan may change, of course, as your research progresses and more ideas develop, but it is critical to have a good road map. We will provide comments on your topic statement and suggestions for your research where applicable.

*******Topic Statements and Outline Plans are Due February 8*******

3. Draft

The draft should be a carefully considered and well-written version of the paper, encompassing all major research materials and presenting a coherent thesis. There will be the inevitable loose ends, organization problems, and logical gaps, but major structural and theoretical problems should be avoided. You can also include "comments" with questions for us to review and to respond.

The value of a good draft cannot be overstated. Our comments and the suggestions of other seminar participants are useful only if the draft upon which we comment is at a sufficient stage of completion so that its strengths and weaknesses are evident.

*******Drafts are Due March 13*******

4. Presentation

Each participant will give an oral presentation of his or her draft to the seminar. The presentation serves two important purposes. First, it provides an opportunity for you to receive comments on your work in progress, thereby improving the final paper. Second, the presentation imparts to the instructors and your classmates information on your research. Each paper reflects careful research and in-depth analysis of a topic relevant to the seminar; exploring the presenter's treatment of the topic is an integral component of the seminar. Paper drafts will be provided on the GW Law portal.

Presentations will be for 10 to 15 minutes (with the exact amount of time dependent on the number of students in the course.) Obviously, this is inadequate time to recite a full 25-page draft, and the presenter must exercise judgment regarding how best to approach the presentation. One approach is to give a general, less detailed talk about the entire draft -- doing so has the advantage of giving the audience a big picture view of the work in progress and eliciting comments on the soundness of the paper's theme, structure, and organization. Another approach is to introduce the topic, outline the general organization of the paper, and then focus on one particular section or argument. Such a presentation will elicit more specific discussions about the particular argument, and will serve to address any flaws in logic or analytical weak spots. The choice among these types of approaches depends on the presenter's style, the subject of the paper, what you perceive the weakness of the paper to be, and what you expect to gain from the ensuing discussion.

Before you present please send us an e-mail with your general approach to your presentation and also if you will be delivering a power point so we can make the appropriate audio-visual reservations.

10 minutes will be reserved after each presentation for participants to ask questions of the presenter and to discuss the paper presented. To ensure that the presenter will have the benefit of thoughtful, considered comments, we will assign two participants primary responsibility for commenting on each presentation (the "Lead Commentators"). Persons so assigned are expected to read the draft carefully prior to the presentation, consider the arguments presented, and prepare questions and analysis for the discussion following the presentation. Others in the class should read the drafts and are also expected to participate in the discussion.

We look forward to a great semester!