ENVIRONMENTAL LAW
Environ 475, EAS 475, EHS 588

§001 Lecture Mon, Wed, 11:30-1:00 in 1040 Dana
§002 Discussion Fri, 1:00-2:00 in 1046 Dana
§003 Discussion Thurs, 4:00-5:00 in 1028 Dana
§004 Discussion Wed, 4:00-5:00 in 3230 USB

SYLLABUS

December 3, 2017

The website contains this syllabus, the schedule of assignments, resources such as the powerpoint slides, some assigned readings and other course materials. Check it regularly.

Registration:

Student must enroll in both the lecture (§001) and a discussion section (§002, §003, or §004). Each discussion section is limited to 25 students. You must attend the discussion section for which you are registered unless you receive advance permission from GSI Kyle Olsen to attend a different section due to a conflict that week.

Instructors:

Sally Churchill, Associate Adjunct Professor
Office Hours: Fridays 9:00-11:30 am or by appt.
Office location: 2014 Fleming Administration Bldg
Email: sjc@umich.edu
Phone: 734-255-0586

Kyle Olsen, Graduate Student Instructor (GSI)
Office Hours: Mondays 2:00-3:30 pm, Thursdays 10:30 am-12:00 pm or by appt.
Office location: Room 1538 Dana Building
Email: kols@umich.edu
Phone: 608-354-7855

Textbook and Course Materials:

The textbook is Environmental Law and Policy: Nature, Law and Society, 5th edition by Plater, et al., which is available at the local bookstores (Ulrich’s, Michigan Union) and online. Use only the 5th edition from 2016. We will put on reserve the textbook, a movie we will be watching, (A Civil Action) and a reference book called Law 101, which is a good resource book for basics about the law. These materials will be available at the Reserve Desk in the UGLI and at the Art, Architecture and Engineering Library on North Campus. We supplement the textbook with the
powerpoint slides and handouts (posted on the course website) so you may want to purchase a 3-ring binder for these additional materials.

Course Overview:

Environmental Law 475 is a survey of environmental law – both the common law (judge-made) and statutory/regulatory law. The class is divided into thirds that are separated by two mid-term exams. We begin with a discussion of what environmental law is, risk, and a brief overview of the legal system. We then turn to the main topic of this third of the course, environmental common law torts: nuisance, negligence, trespass, and strict liability and toxic torts. There is a special session on Friday, February 2nd (4:00-6:00 pm) to watch *A Civil Action*. You may watch the movie at a different time if you have a scheduling conflict, but it is more fun to watch it together and you will be tested on it. We also spend one lecture talking about defenses (how defendants try to avoid liability) and one on remedies (what relief plaintiffs seek in court). The first of two midterm exams is scheduled for Wednesday February 7th with a review session in advance.

The second third of the course starts with an overview of statutes and then lectures on administrative and constitutional law. This provides necessary background for the three major federal pollution statutes that we study – the Clean Water Act (CWA), the Clean Air Act (CAA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). Some guest lecturers may cover some of these topics. The second midterm exam will be held on Monday, March 19th.

In the last third of the course we look at resource protection, studying endangered species, climate change and the public trust in natural resources. We also discuss disclosure statutes, including the National Environmental Policy Act (NEPA) and the Freedom of Information Act (FOIA). The final two lectures look at private property rights and regulatory takings – how far a law or regulation can go before it violates the Constitutional requirement that your property cannot be “taken” without just compensation.

*The course has no prerequisites, and we assume students have no background in the law or environmental policy.* While some students may, in fact, have some prior understanding of the legal system and/or environmental law, this shouldn’t put them at an advantage over students who do not have this background. Everything that students are expected to know and demonstrate on the exams can be learned through the readings and the lectures/discussion sections.

Course Format:

The 80-minute lectures on Monday and Wednesday will involve student participation using a modified form of the Socratic method. This method of instruction depends upon students coming to class prepared to discuss the material. We often ask questions and then work with your answers to illuminate key points on the subject. The 50-minute discussion section provides an opportunity to explore the materials in greater depth, answer questions, review for exams, etc.
Grading:

Your grade will be based on the following criteria:

- Class Participation: 15%
- Reading Questions: 10%
- First Midterm Exam: 25%
- Second Midterm Exam: 25%
- Final Exam: 25%

Undergraduates and graduates are graded on separate curves.

**Class Participation**: This course is most interesting and fun when students participate in the discussions. Your grade for class participation (15% of the final grade) will be based on the quality and quantity of your contributions, which should be based on preparation and your attendance (which is expected in both lecture and discussion). When a student exhibits outstanding participation in the lecture and discussion section we may increase the grade by ½ a grade point regardless of the 15% weight given to participation; in extraordinary cases we increase the grade by one full grade.

**Reading Questions**: On certain days throughout the semester you will be asked to submit answers to a few questions about that day’s reading assignment. These short questions are easy if you have done the reading. There are 10 sets of reading questions in total. You must submit these before the beginning of lecture on the day they are due for credit. Reading questions frequently make a difference in a student’s grade so please don’t be lax about them.

**Midterm Exams**: The two midterm exams will be some combination of short answer questions, true/false, matching, multiple choice and one or more essay questions. The second exam is not cumulative. The exams are closed book. You will need to bring bluebooks or greenbooks and a pen to each exam.

**Final Exam**: Approximately half of the final exam will focus on the materials covered in the last third of the course and the rest is cumulative. The format for the final exam is similar to the first two midterm exams except it is a little longer. *The final exam will be given during exam week at the University-designated date and time (April 25, 4-6 pm) and not during the last lecture.*

**Special Needs**: If you need an accommodation for a disability please make an appointment with one of us or send us an email for a confidential discussion about how we can ensure you have an equitable opportunity in this course.
Caveats and Miscellaneous:

From time to time we revise the schedule based on our rate of progress or to accommodate guest speakers. We will announce any changes to the schedule as soon as practical and will revise the schedule of assignments whenever this occurs. You should check the course website regularly for new resources that have been posted and changes to the schedule/assignments.

We look forward to a fun semester and hope you enjoy studying environmental law.