ENVIRONMENTAL LAW
Environ 475, NRE 475, EHS 588

§001 Lecture Mon, Wed, 11:30-1:00 in 1040 Dana
§002 Discussion Fri, 1:00-2:00 in 4153 USB
§003 Discussion Thurs, 4:00-5:00 in 1028 Dana
§004 Discussion Wed, 4:00-5:00 in 2244 USB

SYLLABUS
12/8/2014
The course website has an electronic version of this syllabus, the course schedule, slides, and other course information. Please check it regularly for updates.

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 and you are expected to attend the discussion section for which you are registered.

Instructors:

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

Jessica Wall, Graduate Student Instructor (GSI)
Office Hours: Wednesdays 5:00-6:30 pm; Thursdays 5:00-6:00 pm; or by appt.
Office location: Room 1538 Dana Building
Email: walljess@umich.edu
Phone: 424-229-2460

Textbook and Course Materials:

The textbook is *Environmental Law and Policy: Nature, Law and Society, 4th edition* (Aspen Publishing 2010) by Plater, et al., which is available at the local bookstores (Ulrich’s, Michigan Union) and on-line. Make sure to get the latest edition (2010). We will put on reserve the textbook, a movie we will be watching, *A Civil Action*, and a reference book, *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. We supplement the textbook with PowerPoint presentations and handouts (posted on the course website), so you may also 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, 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 primary subject 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 6th from 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. 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 11th.

We start the middle third of the course with lectures on constitutional law and administrative law, which provide background for the four major federal pollution statutes that we study – the Clean Water Act (CWA), the Clean Air Act (CAA), the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). A few guest lecturers have been invited to cover some of these topics. The second midterm exam will be held on Monday, March 23rd.

In the last third of the course we focus on resource protection – wetlands, endangered species, global climate (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 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 should not put them at an advantage over students who do not have this background. All of the knowledge that students are expected to acquire and demonstrate on the exams can be learned from the readings, lectures and discussion sections.

Course Format:

The 80-minute lectures on Monday and Wednesday will involve student participation using a light form of the Socratic method. This method of instruction depends upon students coming to class prepared to discuss the material. I will 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: 10%
- Reading Questions: 15%
- 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 fun and effective when every student is willing to jump into the discussions. Your grade for class participation (10% of the final grade) is based on the quality and quantity of your contributions, which should be based on preparation, and on 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 10% weight given to participation; in extraordinary cases, we may increase the grade by one full grade.

Reading Questions: On certain days throughout the semester you will be asked to submit electronic answers to a few questions about that day’s reading assignment on CTools. These short questions should not be difficult 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 via the Assignments tab on the CTools site (i.e. 11:40 am). You will not receive full credit if they are late. Reading questions frequently make a difference in a student’s grade.

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 writing utensils 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 of the final exam is cumulative. The final exam will be similar in format to the first two midterm exams, except it is a little longer. The final exam will be given during exam week at the University-designed date and time and not at 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:

We frequently 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 at least weekly for new resources that have been posted and changes to the schedule/assignments.

In addition, you should consult the course website for the section syllabus, which contains section-specific information.

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