

FOR 487/687: ENVIRONMENTAL LAW AND POLICY SYLLABUS – FALL 2011

PROFESSOR: Dr. Robert Malmshheimer

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CLASS TIMES: 11:00 to 12:20 Tuesdays and Thursdays (148 Baker Hall)

OFFICE HOURS: Professor: 12:30 to 2:00 Tuesdays and Thursdays, and by appointment

Ms. Peters: To be announced, and by appointment

INTRODUCTION: This course uses a conceptual approach to teach U.S. environmental law. It focuses on the core concepts imbedded in U.S. environmental law, rather than individual statutes, although by the end of the course students will have a thorough understanding of major environmental laws, such as the Clean Air Act; Clean Water Act; Resource Conservation and Recovery Act; and Comprehensive Environmental Response, Compensation, and Liability Act.

The course identifies key concepts surrounding environmental goals and the means to achieve those goals and provides students with the knowledge to understand any statutory scheme by:

- Exposing the key policy and practical questions that confront those active in the field on a daily basis,
- Facilitating a concrete understanding of the field and the overarching framework that aids students in making sense of the details of environmental law, and
- Providing knowledge of the basic policy choices available to those practicing in the field and explaining the practical difficulties regulators and courts face in implementing the law.

It also helps students understand the policy tools used to achieve the goals of U.S. environmental law, such as: 1) traditional regulation, 2) economic incentives, 3) information-based approaches, 4) pollution prevention mechanisms, and 5) private party liability. The end of the course examines the U.S. environmental law enforcement mechanisms.

COURSE OUTLINE: The course is organized around four key questions:

- How do traditional common law remedies supplement statutory and regulatory environmental law?
- How do we establish environmental goals?
- What means do we use to achieve these goals?
- How can we enforce environmental laws?

COURSE OBJECTIVES: By the end of the course, students will be able to:

1. Read and understand legal opinions and analyze opinions to find legal principles,
2. Apply common law environmental remedies and explain how those remedies supplement environmental statutory law,
3. Describe different methods for setting environmental goals and the means to achieve those goals,
4. Explain when those means are appropriate and the advantages and disadvantages of those means,
5. Recognize statutory goal setting and means approaches, and
6. Apply major common law environmental causes of action and environmental law statutes to factual situations.

PREREQUISITES:

1. **Undergraduate Students:** Junior Standing and a course in American government or American history.
2. **Graduate Students:** A course in American government or American history.

An introductory law course and/or environmental economics course is helpful, but not required. If students have questions about their ability to successfully achieve the course goals and objectives, they should see Dr. Malmshheimer.

READINGS AND INTERNET RESOURCES: This course uses two books. Students can purchase copies of both books from the Orange Bookstore in Marshall Square Mall.

REQUIRED: Driesen, David M., Robert W. Alder, and Kirsten H. Engel. 2011. *Environmental Law: A Conceptual and Pragmatic Approach, Second Edition*. Aspen Publishers: Austin, TX (approximately \$165).

OPTIONAL: Nash. Jonathan R. 2010. *Environmental Law and Policy: The Essentials*. Aspen Publishers: Austin TX (approximately \$20).

E-MAIL REQUIREMENT: All students are required to have an **.syr.edu** e-mail account and to check that e-mail account *regularly* for class announcements.

GRADES:

Undergraduate Student Grades will be calculated based upon on the following:

1. Four examinations (250 or 300 total points)
2. Attendance (25 points).

Graduate Student Grades will be calculated based upon on:

1. Three examinations (250 or 300 total points).
2. A Graduate research paper (50 points).

Undergraduate and graduate students will receive a letter grade based on their percentage of the total possible points:

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|--------------------|--------------------|--------------------|-------------------|
| A = 93% or greater | B+ = 89.9% – 87.0% | C+ = 79.9% – 77.0% | D = 69.9% – 65.0% |
| A- = 92.9% – 90.0% | B = 86.9% – 83.0% | C = 76.9% – 73.0% | F = 64.9% or less |
| | B- = 82.9% – 80.0% | C- = 72.9% – 70.0% | |

I will not adjust grades; students will receive the grade they earn based on the course requirements set out above. I also will not provide students with “additional” assignments (so that they can raise their grades).

The Examinations (250 or 300 total points): There are four (4) examinations during the course of the semester. Each examination consists of short answer, multiple choice, and true/false questions. The first examination will be worth fifty (50) points. The second, third and fourth examinations will be worth one hundred (100) points. There is no final examination during Final Examination Week; the last examination is non-cumulative. Students’ final course grades will be based on the scores on their highest three (3) examinations (i.e., one examination grade may be dropped). Since the first examination is worth 50 points, students’ first examination scores will be multiplied by (2) for the purposes of determining student’s highest three examinations. Based on this determination, if the first examination is a student’s lowest examination grade, a student’s final grade will be based on 325 points (for undergraduate students) or 350 points (for graduate students). If a student has their lowest grade on another examination, their final grade will be calculated based on 275 points (for undergraduate students) and 300 points (for graduate students).

Attendance (Undergraduate Students ONLY – 25 Points): Students are expected to be in class everyday. Students who miss class for an approved reason may be excused from class. To be officially excused from class, students **must:** 1) miss class because of illness, attendance at a professional conference, death in their family, or a professor-approved reason, and 2) **email** Ms. Peters the reason for their excused absence within two (2) days of missing class. Attendance grades will be assigned as follows:

- Students who miss zero (0) or one (1) classes will receive twenty-five (25) attendance points;
- Students who miss two (2) classes will receive twenty (20) attendance points;
- Students who miss three (3) classes will receive fifteen (15) attendance points;
- Students who miss four (4) classes will receive ten (10) attendance points;
- Students who miss five (5) classes receive five (5) attendance points;
- Students who miss six (6) to nine (9) classes will receive zero (0) attendance points; and
- Students who miss ten (10) or more classes will receive no (0) attendance points **AND** lose twenty-five (25) points from their total course grade.

Graduate Student Research Paper (Graduate Students ONLY – 50 points): This assignment requires graduate students to propose and complete an independent research paper. The paper must critically analyze a proposed or existing environmental statute or regulation, focusing on the: 1) goals of the statute or regulation, and 2) means to achieve those goals.

Students must prepare a quarter (¼) page (single-space) proposal. After professor approval of the proposal, students must submit a single-spaced paper, consisting of a maximum of two thousand (2,000) words, including all titles, text, and literature cited (students should note the number of words at the end of the paper). MPS students are encouraged to complete an assignment related to their employment goals. MS and PhD students are encouraged to complete an assignment related to their research.

The paper should be **single**-spaced 12 point Times New Roman font with one (1) inch margins and must:

- Be handed in as hard (paper) copies on time. We will not accept email or late submissions.
- Meet minimum standards for graduate student assignments (see *The Chicago Manual of Style or Uniform Blue Book*).
- Use headings and subheadings, and include page numbers.
- Include students' names on the first page of all assignments; do **not** put cover sheets on assignments.
- Meet the maximum word count (2,000, inclusive of **all** parts (title, literature cited, etc.) parts of the paper.

Papers will be evaluated based on five criteria:

- Overall concision, clarity (including grammar and spelling), and correct format (10 points),
- Review of existing or proposed statute or regulation (10 points)
- Critical Analysis and use of statutory design and strategy information, theories, and literature we discussed in class (25 points), and
- Originality of thought (5 points).

ACADEMIC MISCONDUCT: I assume that as juniors, seniors, and graduate students, class members understand what plagiarism is and that it will not be an issue. Plagiarism will **not** be tolerated. All papers **must** contain original thoughts **or** contain complete **and** correct citations to other's work. Note: If you quote someone's work, you **must** provide the page number for the quotation.

Unless specifically authorized in the syllabus or by Dr. Malmshiemer, students **must** complete graded assignments without any assistance from classmates or others. In other words, students are **strictly prohibited** from substantively discussing graded assignments with classmates. Students **may** discuss the assignment's procedural aspects (e.g., due dates, assignment requirements, etc.) with classmates. Any students found to be interacting with classmates on assignments or plagiarizing will **automatically receive an "F"** for the final course grade and be reported to ESF student affairs. If you have questions about this policy please ask, because the student code of conduct will be **strictly** enforced.

CLASSROOM LEARNING ENVIRONMENT: To maintain the best possible environment for learning, all students in this class **will**:

- Be on time for class and not leave early,
- Not have conversations among themselves during class that distract other students or the instructor,
- Not read the newspaper or other non-classroom materials during class,
- Turn off all cell phones and pagers before entering the class, and
- Not taunt or belittle other students or use vulgarity or profanity in class.

Students who violate these standards will be given one warning. Another violation of these rules will result in the student being dropped from the class *and* being reported to the ESF or LAW Office of Student Affairs for disciplinary action.

CLASS TAPE RECORDING POLICY: Students are prohibited from recording classes.

INTERNET USE IN THE CLASSROOM POLICY: Students using personal computers during class are prohibited from accessing the internet during class.

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES: If you have an identified disability and will need accommodations, you should first contact either: the ESF Office of Student Life in 110 Bray Hall, or the appropriate administrator in your home college. They will discuss their disability policy with you and work with you to access supportive services. If you have a learning disability, they will require you to provide supportive documentation and will develop an approved accommodation sheet for you. I can not provide accommodations until you provide me with the accommodation sheet *and* we meet to discuss its applicability to this course. I will not provide accommodations retroactively. If you have any questions about disabilities, please contact me and/or your appropriate administrator as soon as possible. All conversations will be confidential.