ENVIRONMENTAL LAW PROGRAM  
COURSE OFFERINGS

SUMMER 2005

Evening
Environmental Law Seminar: Pollution of the Chesapeake Bay  
Professor Gerald Winegrad  
Monday and Wednesday 7:10-9:30 pm, Room 310  
This seminar will thoroughly discuss and examine the public policy and legal dynamics behind decision making in the restoration of the Chesapeake Bay Agreements and the legislature, administrative, and budgetary initiatives to restore the Bay will be examined. Laws to be reviewed include the Maryland Critical Area Law, Nontidal Wetlands Act, the Growth Act of 1992, Forest Conservation Act, nutrient management legislation, phosphate-in-detergents ban, and fisheries management legislation. The structure and effectiveness of Bay clean-up plans will be scrutinized.

FALL 2005

Day/Evening
Environmental Law (3)  
Professor Robert Percival  
Monday and Wednesday, 5:00 – 6:15 pm, Room 205  
This is the basic survey course that provides a comprehensive introduction to the field of environmental law. After examining why we have environmental law, the course traces the evolution of environmental law from common law doctrines to the rise of the modern regulatory state. The course reviews the principal federal laws that govern regulation of waste management, toxic substances, and air and water pollution. It explores the operation of the federal regulatory process and the role of government agencies and citizen groups in the development and enforcement of environmental regulations. Laws protecting public resources and the rise of international environmental law also are introduced. Credit/no credit option is available.

Day
Environmental Law Seminar: Natural Resources Law (3)  
Professor Mike Walker  
Monday, 1:10 – 3:00 pm, Room 473  
This course examines the concepts, history, cases, and statutes concerning natural resources law on the federal and state (Maryland) level, with emphasis on public lands, minerals, forests, wildlife resources, and water resources, including the Chesapeake Bay. Overview of substantive and administrative law practice governing the application of these laws to potential clients in the public and private sectors. Credit/no credit option is available.

Day
Environmental Law/Health Care Law Seminar: Tobacco Control Seminar: Legal Theory and Practice
Professor Kathleen Dachille
Monday, 1:10 – 3:00 p and Tuesday, 3:10 – 5:00 pm, Room 402
This seminar focuses on the history of efforts to protect public health and the environment from harm caused by tobacco use. The seminar begins with a review of the history of tobacco use and the development of epidemiological evidence revealing the enormous health risks caused by smoking. It examines how the tobacco industry fought to conceal evidence of harm and to resist efforts to regulate the sale and promotion of its deadly products. Among the issues that will be explored are: federal and state efforts to regulate tobacco advertising, tobacco products liability litigation, federal preemption of state regulation, control of environmental tobacco smoke, regulatory policy toward “reduced risk” tobacco products, international trade disputes involving tobacco products, and the World Health Organization’s Framework Convention on Tobacco Control. Students in the seminar will prepare a paper on a topic related to tobacco control. Credit/no credit option is available.

Day
Environmental Law Seminar: Regulatory Risk Assessment
Professor Katherine Baer and Dr. Kathy Squibb
Thursday, 11:10 – 1:00 pm, Room 405
This course is designed to teach the basic scientific principles at stake in assessing risks to human health and the environment in a context informed by legal and policy issues, providing broadly applicable insights into the role science plays in developing statutes, regulations, litigation, and settlements. Increased dependence on risk assessment and risk management should motivate anyone involved in the resolution of environmental disputes to understand the scientific principles that underlie these often complex modes of analysis. The goal of this curriculum is not to make lay professionals into rough approximations of scientists, but rather to teach them how to listen and to understand what the scientists are telling them. The course consists of lectures and class exercises that require students to apply what they have learned to a scenario modeled on real disputes. Covered topics include: the nature and scope of chemicals in the environment; assessing chemical releases; chemical fate and transport; toxicology; epidemiology; ecotoxicology; risk assessment; and the technical aspects of pollution control. Certification of seminar papers available. Credit/no credit option is not available.

Evening
Environmental Law Seminar: Animal Law (3)
Professor Valerie Stanley
Wednesday, 7:25-9:15 pm, Room 473
This seminar will examine the federal and state laws governing, and purporting to protect, animals used for experimentation, food, entertainment and sport. The seminar will consider the realities of life and death for such animals. It will examine whether the laws that seek to protect them accomplish their purposes through a review of relevant case law and other materials. The seminar will address the societal, legislative, and judicial mechanisms operating to maintain animals as property. A significant portion of the course will address and discuss standing, a potential problem facing those who seek to litigate on behalf of animals and to protect them. The seminar will discuss the concept of legal rights for animals and it will review proposals for a re-examination of their status as property under law.

Students will write a paper examining in depth one of the ways in which animals are used and the
relevant laws aimed at protecting them in that area, or developing a litigation strategy to remedy a particular problem facing companion animals, wildlife, animals used in experimentation or raised for food. Credit/no credit option is available.

**Evening**

*Environmental Law Seminar: Environmental Issues in Business Transactions (3)*  
*Professor Keith Holman*  
*Thursday, 7:25 – 9:15pm, Room 473*

This course is designed to give students a practical understanding of, and hands on experience with, the environmental issues that typically confront practicing lawyers in the context of business transactions. The course will review the environmental aspects of the most frequently encountered business transactions, including those involving the purchase and sale of goods, real estate, and corporate assets. Environmental issues affecting all aspects of transactions, including those related to (i) parent company, subsidiary and successor company liability in corporate mergers and acquisitions (including appropriate deal documentation such as indemnities, releases, representations/warranties); (ii) lender and borrower liability; (iii) facility leasing, operation, development and closure; and (iv) bankruptcy, will be discussed. Additionally, current corporate strategies for mitigating environmental risk will be addressed, including obtaining environmental insurance, negotiating prospective purchaser/no-further action agreements, and implementing environmental management systems. Analysis of current regulatory initiatives with particular impact on business transactions, such as Brownfields programs, environmental auditing, and property transfer laws also will be covered. Students will participate in simulated transactions, playing various roles, drafting environmental documents, and researching environmental issues assigned to them in those roles. Grading will be based on participation in the simulation exercises (30%), class participation, (20%), and a paper (50%). Prior completion of Environmental Law is recommended for students in this course.

**SPRING 2006**

**Day**  
*Introduction to Regulatory Reform (3) – Open to First Year and Upper Class*  
*Professor Rena Steinzor*  
*Tuesday, 1:10-3:00 pm, Room 405*

This course will provide an overview of fundamental, cross-cutting issues that affect public policy in the administrative arena, with an emphasis on controversies that have arisen at the federal and state levels in recent years. These issues include (1) basics of the rulemaking process; (2) strategies employed by advocates before administrative agencies; (3) decision-making criteria, such as cost-benefit analysis and the consideration of “sound” science; (4) the regulatory toolbox available to agencies (e.g., technology-based requirements, registration of new products; liability, market-based mechanisms, and disclosure requirements); (5) judicial review of final agency decisions; (6) congressional oversight of agency performance; and (7) the media’s role in affecting regulatory outcomes. The course will use examples drawn from public health, safety, and environmental law. The course in no way substitutes for upper class courses in administrative and environmental law, but is designed to give students a head start on understanding the concepts presented in those courses. It will also provide students who choose not to take those courses an introduction to how the administrative system operates. Upper class students may satisfy the Advanced Writing Requirement by taking this course.
Environmental Law Seminar: Biodiversity Protection (3)
Professor Joanna Goger
Thursday, 9:10 – 11:00 pm, Room 473
This seminar provides a comprehensive introduction to how the legal system seeks to preserve biodiversity. After considering why it is important to preserve biodiversity, the course reviews the historical development of federal wildlife law and the numerous statutes that now seek to protect wildlife and marine species and their habitats. The seminar focuses in particular on the federal Endangered Species Act and other laws and treaties that seek to preserve biodiversity. Credit/no credit option is available.

Environmental Law Seminar: Comparative Environmental Law and Politics (3)
Professor Robert Percival and Professor Miranda Schreurs
Tuesday, 1:10 – 3:00 pm, Room 473
This interdisciplinary seminar, which is being taught jointly by the Law School and the Department of Government and Politics at College Park, compares how legal systems in different countries are responding to environmental problems. The seminar, which will include both law students and graduate students from College Park participating by videoconferencing, will examine the legal and political factors that may explain differences in policy responses. The course will examine how the common law, civil law and socialist legal traditions have influenced the development of environmental law and policy. It will compare the different roles played by government agencies, the judiciary, and citizen groups in the development, implementation and enforcement of environmental policy. Issues of comparative environmental justice in the developed and developing worlds also will be considered. Each student will prepare a research paper on a topic selected in consultation with the professors. Credit/no credit option available.

Environmental Law Seminar: Critical Issues in Environmental Law and Science (3)
Professor Rena Steinzor and Dr. Katherine Squibb
Monday, 10:10 – 12:00 pm, Room 473
Critical Issues in Environmental Law and Science will introduce the student to the legal and scientific aspects of complex environmental problems that are on the forefront of national debate. The course format will include a combination of lectures, case studies, role plays and group discussion that challenge the student to deconstruct the fundamental issues underlying environmental problems, and develop an understanding of how effective solutions can be crafted. Among the topic to be discussed are how to ensure that we use truly “sound” and unbiased science in making decisions; the utility of the precautionary principle as a means of dealing with scientific uncertainty; the ethical implications of human testing of chemicals in the environment; the pitfalls of cost-benefit analysis as a decision-making tool, and manifestations and implications of environmental situations that flout environmental justice principles. Credit/no credit option is not available.

Environmental Law Seminar: International Environmental Law (3)
Professor Elissa Patterson
Monday, 4:10 – 6:00 pm, Room 405
This seminar provides a comprehensive introduction to the burgeoning field of international environmental law. It examines the various legal mechanisms that have been employed to protect the global commons and to redress transboundary pollution. Among the topics covered are the evolution of the Montreal Protocol for the Protection of the Ozone Layer, the Kyoto Protocol to the U.N. Framework Convention on Climate Change, and the legal regimes applicable to ocean pollution. A major focus will be to understand the factors leading to successful international agreements and the appropriateness of alternative strategies for protecting the global environment. **Credit/no credit option available.**

### Day

**Land Use Control (2)**
Professor Garrett Power
**Tuesday and Wednesday, 10:10 – 11:00 pm, Room 460**
This course examines the legal regulation of land and water resources. It does so by examining a number of cases where in the courts have considered the legitimacy of government regulation of private property. Among the types of governmental activities studied are: zoning, planning, exactions, development permits, special assessments, wetland protections, historic preservations and pollution controls. Among the legal doctrines considered are: the navigation servitude, the public trust, federalism, sovereign immunity, condemnation, takings, the impairment of the obligation of contracts and equal protection. **Credit/no credit option is available.**

### Evening

**Environmental Law Seminar: Clean Water Act (3)**
Professor Benjamin Fisherow
**Monday, 6:25 – 8:15pm, Room 473**
This course considers the implementation of the Clean Water Act, using water quality problems in the Chesapeake Bay as a case study. Among other topics, the course will explore the policy and legal issues affecting the development of water quality standards, the drafting and enforcement of permits for point sources, the preservation of wetlands, and the difficult challenges posed by controlling pollution in the form of contaminated run-off from “non-point” sources. **Credit/no credit option is not available.**

---

**ENVIRONMENTAL LAW CLINIC (4/4)**
Fall 2005-Spring 2006
Professor Rena Steinzor
The Environmental Clinic is part of the school's nationally acclaimed environmental law program and is a primary way of meeting the requirements for students to receive a certificate of specialization in that area. Students hoping to take the Clinic in order to satisfy certificate requirements should note that fact in their registration materials. However, the Clinic is also an appropriate choice for students interested in an administrative, legislative, and litigation practice involving health and safety regulation at both the federal and state levels.

Two Semester Commitment

Because the Clinic’s cases are typically large and complex, lasting for years, as opposed to weeks or months, students must take the Clinic over two semesters, for four credits per semester and a total of eight credits. Students will work under the supervision of Professor Rena Steinzor, who has directed the clinic since 1994.

Clinic Docket

The Clinic undertakes advocacy on behalf of its clients in virtually every legal context, including litigation, legislation, rulemaking, counseling, and negotiation. The Clinic’s caseload changes each year.

The Clinic also has provided legal counsel to Senator Brian Frosh, formerly Chairman of the state Senate Environment Subcommittee and now chair of the Judicial Proceedings Committee. In the fall of 2002, at Senator Frosh’s request, student attorneys completed a comprehensive and influential report on Maryland’s most pressing environmental problems entitled Keeping Pace: Maryland’s Most Important Environmental Problems and What We Can Do to Solve Them. The Environmental Law Program’s web page contains a link to the PDF version of this report, and prospective students are urged to review it before deciding whether to enroll in the Clinic.

Student attorneys represent the Potomac Riverkeeper, an organization of local citizens that is licensed by the national riverkeeper alliance, with respect to a broad array of water quality issues in and around the Chesapeake Bay. They provide legal counsel to the Aberdeen Proving Ground Superfund Citizens’ Coalition with respect to environmental problems at the 79,000-acre Army base and munitions testing facility in northeastern Maryland.

The Clinic represents the Natural Resources Defense Council in precedent setting litigation challenging EPA’s failure to consult with the Fish and Wildlife Service with respect to the threat posed by atrazine, a common herbicide, to endangered species across the country.

The Clinic’s caseload changes each year. For historical information about past projects, see the Environmental Law Program’s semi-annual newsletter.

Environmental Clinic Co/Pre-Requisite

Environmental Law (3)
Professor Robert Percival
This is the basic survey course that provides a comprehensive introduction to the field of environmental law. After examining why we have environmental law, the course traces the evolution of environmental law from common law doctrines to the rise of the modern regulatory state. The course reviews the principal federal laws that govern regulation of waste management, toxic substances, and air and water pollution. It explores the operation of the federal regulatory process and the role of government agencies and citizen groups in the development and enforcement of environmental regulations. Laws protecting public resources and the rise of international environmental law also are introduced. Credit/no credit option is available.

Clinic Orientation

Students will be expected to participate in a two-day Clinic Orientation session to be held during the week before classes start, and should make all summer plans accordingly.

Enrollment Criteria

Enrollment procedures approved by the Faculty Curriculum Committee as follows:

Enrollment Priorities

Priority One: Senior; Uses Wild Card; Needs to Satisfy Cardin; Interested in Receiving Certificate and has completed six credits toward Certificate by the end of second year and needs clinic to satisfy Certificate program requirements.

Priority Two: Senior; Uses Wild Card; Needs to Satisfy Cardin

Priority Three: Senior; Needs to Satisfy Cardin

Priority Four: Needs to Satisfy Cardin

Priority Five: Senior

Priority Six: Non-senior

Because of the nature of its docket, the Environmental Clinic cannot admit evening students.

ENVIRONMENTAL EXTERNSHIPS

The Environmental Law Program encourages students to participate in our externship program to
gain hands-on experience in the environmental field. We offer many externships. Some students prefer to take a full semester externship and work full-time for 13 credits. Others may want to take a class or two and enroll for fewer credits. Externships are offered for fall, spring and summer. First year students may not take an externship during the first year of school, but are eligible for an externship in the summer following their first year. During the externship, you will be required to write a semi-monthly report, read the book “Learning from Practice: A Professional Development Text for Legal Externs,” and meet periodically with your supervising professor. At the conclusion of your externship, you are required to write a memo about your experience. If you are interested in an externship other than those listed below, we will be happy to establish one for you if it meets our criteria. The externships offered through our program are as follows:

American Chemistry Council

Center for International Environmental Law (CIEL)

Chesapeake Bay Foundation (CBF)

Cleanup Coalition

Coalition to End Childhood Lead Poisoning

Council on Environmental Quality

Department of Natural Resources (DNR)

Environmental Law Institute (ELI)

Fund for Animals

Human Society of U.S.

National Wildlife Federation (NWF)

Environmental Protection Agency Office of Enforcement (EPA)

Environmental Protection Agency Office of Administrative Law Judges

Maryland Department of the Environment (MDE)

National Oceanic & Atmospheric Administration (NOAA)

National Trust for Historic Preservation
Nature Conservancy

Natural Resource Defense Council (NRDC)

U.S. DOJ, Environmental Crimes Section, Natural Resources Division

COMPETITIONS

The Robert R. Merhige, Jr., National Environmental Negotiations, University of Richmond

The Roscoe Hogan Environmental Law Essay Contest

Stetson International Environmental Moot Court Competition

JOINT PROGRAMS

The Environmental Program offers two four-year joint degree programs awarding a JD/Masters in Toxicology or a JD/Master in Public Health.

STUDENT ORGANIZATION

The Maryland Environmental Law Society (MELS). MELS provides a network for all students interested in environmental law and offers a full program of speakers and activities. MELS has gained national recognition for its pioneering role in purchasing and retiring emission rights of sulfur dioxide (SO2). Since 1994, MELS has purchased 76 tons of SO2 allowances at auctions conducted annually by the Environmental Protection Agency pursuant to the Clean Air Act. Maryland hosted the annual conference of the National Association of Environmental Law Societies (NAELS) in 2003.

For more information about the program, please feel free to contact Laura Mrozek, Room 494 or call 410-706-8157 or email to lmrozek@law.umaryland.edu.
To qualify for a certificate of Concentration in Environmental Law, students will be required to complete 17 credits of courses related to environmental law, including the following:

**CLASSROOM COMPONENT**

1. Required core course: Environmental Law (3); and
2. Elective Courses: the remaining credits necessary to qualify for the 17 credits of courses related to environmental law may be obtained in the following courses:


   (b) No more than a total of 8 credits from experiential environmental courses: Environmental Law Clinic (8), Environmental Externship (4 to 13), Asper Fellowship with environmental agency (2 or 3)

   (c) Administrative Law (3); Land Use Controls (2);

   (d) Independent Study in Environmental law (1 or 2)

**EXPERIENTIAL LEARNING COMPONENT** - completion of one of the following, but no more than 8 credits accepted towards the environmental concentration from this category:

   (a) Environmental Law Clinic (8)

   (b) Tobacco Control Clinic (SEE PROFESSOR KATHY DACHILLE’S, ROOM 491)

   (c) Environmental Externship (4-13)

   (d) With special permission from the director of the Environmental Law Program, students who are unable to participate in either the clinic or externship program may be able to satisfy the required experiential learning component through alternative means, including successful completion of an Asper Fellowship (2 or 3) with an environmental agency, participation in the National Environmental Moot Court Competition or National Environmental Negotiation Competition.

**RESEARCH AND WRITING COMPONENT** - Completion of a successful research paper on a topic related to environmental law. This requirement normally will be satisfied by a research paper prepared for an Environmental Law Seminar. It may also be satisfied by papers prepared for the Roscoe Hogan Competition, or papers prepared for writing certification on a topic related to environmental law.

* Evening students may be able to substitute environmental work related to their full-time job for this component. Please speak with Laura Mrozek about this option.