

Humanizing Legal Education

Washburn University School of Law

“Collaborative Course Design:

Not My course, Not Their course, But Our Course”

Gerry Hess

Gonzaga University School of Law

INTERNATIONAL ENVIRONMENTAL LAW
Professor Gerry Hess, Summer 2004
Syllabus Draft April 20

Materials

Book – Hunter, Saltzman, and Zaelke, International Environmental Law and Policy (2d ed. 2002)

Web Page – <http://www.wcl.american.edu/environment/IEL>

Content

The first part of the course deals with the creation and development of international environmental law. We will read the following:

- Chapter 1 The Wild Environmental Facts (1-31, 35-38)
- Chapter 2 The Root Causes (43-57, 62-95, 100-123)
- Chapter 3 Economics and Sustainable Development (125-143)
- Chapter 4 A Brief History from Stockholm to Rio (166-204)
- Chapter 5 Intl. Institutions and Non-State Actors (217-236, 254-270)
- Chapter 6 Intl. Environmental Lawmaking (272-275, 291-328, 336-358)
- Chapter 7 Principles and Concepts in Intl. Env. Law (371-438)
- Chapter 8 Making Intl. Env. Law Work: Improving Compliance and Resolving disputes (439-440, 448-452, 467-484)

The second part of the course explores many international environmental law issues. We will cover the topics you choose among the following:

1. Transboundary air pollution (504-526)
2. Ozone depletion (526-558)
3. Climate Change (588-649)
4. Law of the Sea – Jurisdiction; environmental protection (654-673)
5. Law of the Sea – Conservation of Fisheries (673-699)
6. Marine Pollution from Ships – MARPOL (707-747)
7. Land Based Marine Pollution and Deep Seabed Mining (747-767)
8. International Watercourses (774-809)
9. Transboundary Movement of Hazardous Waste (830-856, 863-865)
10. Chemical Manufacture and Exports (866-891)
11. International Regulation of Nuclear Activities (892-907)
12. Biodiversity (909-964)
13. Wildlife Conservation (whales and dolphins) (976-1005)
14. Trade in Endangered Species (1005-1027)
15. Wetlands (1028-1037)
16. Polar Regions (1044-1075)
17. Forests (1075-1090)
18. Desertification (1109-1124)
19. Trade and Environment, GATT, WTO (1125-1177)
20. NAFTA (1190-1220, 1225-1234, 1247-1252)
21. Human Rights and the Environment (1280-1326, 1337-1353, 1367-1373)
22. International Corporate Standards (1404-1426)
23. Extraterritorial Application of US Environmental Law (1434-1473)

Course Design

We will spend the first class session engaging in course design. We will make collaborative decisions regarding course goals, methods, roles, responsibilities, and evaluation. In particular, we will address the following design issues.

Goals (What do you hope to get out of the course? What content and skills do you hope to learn?)

Teaching and Learning Methods (What methods should we use to achieve the goals of the course?)

Student Role and Responsibility (What do you expect of yourself and your fellow students?)

Teacher Role and Responsibility (What do you expect of me?)

Evaluation

Principles. The evaluation scheme should have these characteristics:

- Multiple (more than one performance is graded)
- Varied (more than one kind of evaluation method is used)
- Fair (the directions and criteria are clear)
- Criteria-based (not graded on a curve).

Proposal. Here is one potential evaluation scheme. I welcome alternative proposals and refinements. Under this proposal, grades would be based on student performance in two areas.

1. Paper (70%). The paper would be based on your research on an issue of international environmental law (IEL) from the list for the second part of the course on page 2 of this Syllabus. The paper should be 15-20 pages, double spaced. Cites to authority should be in endnotes, which do not count in the 15-20 page limit.

2. Participation (30%). Successful completion of all of the following would earn an A for this portion of the grade. Successful completion of less than all of the following would earn a lower grade, based on my judgment.

- Prepare for, attend, and be actively involved in all class sessions
- Facilitate an interactive class session dealing with one issue of IEL from the list for the second part of the course (30 minutes if alone; 60 minutes with a partner)
- Review a website of an IGO, NGO, or corporation dealing with IEL. Describe the site and how it would be useful in IEL in real life. 1 page, single space.
- Review a news story dealing with IEL from 2003 or 2004. Describe the story and what you learned about IEL. 1 page, single space.
- Critique one issue of IEL (not an issue on which you are writing your paper or facilitating a class). Identify strengths, weaknesses, and ideas for reform. 1 page, single space.

Environmental Law – Fall 2007 – Syllabus (August 13 draft)

I. GENERAL INFORMATION

Office: Faculty Suite 427

Phone: (509) 323-3779

Office Hours:

Tuesday 10:00-11:00, 3:00-5:00

Thursday 10:00-11:00, 3:00-5:00

Friday 10:00-11:00

Anytime by appointment

Email: gness@lawschool.gonzaga.edu

Faculty Assistant

Pam Pschirrer

Faculty Suite

(509) 323-3742

ppschirrer@lawschool.gonzaga.edu

II. MATERIALS

A. Course Books

1. Percival, Schroeder, Miller, Leape, ENVIRONMENTAL REGULATION: LAW, SCIENCE, AND POLICY (5th. ed. 2006)
2. ENVIRONMENTAL LAW STATUTORY AND CASE SUPPLEMENT WITH INTERNET GUIDE (Aspen, 2007-2008)
3. Hess, ENVIRONMENTAL LAW – FALL 2007 SUPPLEMENT (available on TWEN)

B. Mass Media

C. Documents

D. TWEN

F. Internet

G. Video

H. CALI

III. GOALS

- A. Teacher and students will have an enjoyable and challenging learning experience.
- B. Content. Students will learn the overview and most important details of the following:
 - 1. Environmental Law Perspectives (personal, ecological, economic, philosophical, historical, risk)
 - 2. Administrative agency actions and judicial review
 - 3. National Environmental Policy Act
 - 4. Clean Water Act
 - 5. Endangered Species Act
 - 6. Clean Air Act
- C. Skills. Students will:
 - 1. Refine statutory analysis skills through standard of review, statutory language, statutory purpose and policy, overall statutory scheme, legislative history, regulations applying the statute, cases interpreting the statute.
 - 2. Analyze problems involving environmental law in real life.
 - 3. Develop presentation skills relevant to working with environmental law issues in real life.

IV. COURSE DESIGN

We will spend part of the first class session engaging in course design. We will make collaborative decisions regarding course goals, methods, roles, responsibilities, and evaluation. In particular, we will address the following design issues.

Goals (What do you hope to get out of the course? What content and skills do you hope to learn?)

Teaching and Learning Methods (What methods should we use to achieve the goals of the course?)

Student Role and Responsibility (What do you expect of yourself and your fellow students?)

Teacher Role and Responsibility (What do you expect of me?)

Evaluation. (See the next page for a proposed evaluation system. Do you have suggestions for changes in the proposal?)

V. EVALUATION

A. Principles

1. Multiple
2. Varied
3. Fair (clear directions and criteria)

B. Methods. Your grade will be based on your performance in the following areas:

1. Paper (40%). The purpose of the paper is to assess your ability to critically analyze a real-world situation based on the content and skills you learned in this course. You must choose a subject related to the coverage of this course. The paper cannot exceed 10 pages, double spaced.
2. Exam (40%). The purpose of the exam is to assess your knowledge of the course content and statutory analysis skills. The final will be a three-hour open book exam. The format will be part essay and part multiple-choice.
3. Participation (20%) Successful completion of all of the following would the full 20% for this portion of the grade. Successful completion of less than all of the following would earn a lower percentage, based on my judgment.
 - Prepare for, attend, and be actively involved in all class sessions
 - Complete five short writing/research/presentation assignments. Each project is limited to one page, single-spaced. Brief descriptions of these projects follows:

Web site review. The purpose is to locate and review a Web site related to environmental law covered in this course. For example, there are applicable Web sites maintained by federal and state agencies, public interest groups, and industries. The paper should give the site’s URL, describe the site, explain its usefulness, and include your reflection on what you learned from the site.

Public comment. The purpose is to make public comment in a proceeding relating to a portion of environmental law covered in this course; for example, a proposed rule, a permit application, or an EIS. The paper should contain the text of your written or oral comment and your reflection on what you learned from the comment process.

One of these:

NEPA document. The purpose is to locate and describe an environmental assessment, environmental impact statement, finding of no significant impact, or other NEPA document. The paper should describe the document, explain its usefulness or applicability, and include your reflection on what you learned from the document.

ESA recovery plan or guidance. The purpose is to locate and describe a recovery plan, listing decision, USF&WS guidance document, or other comparable ESA document. The paper should describe the document, explain its usefulness or applicability, and include your reflection on what you learned from the document.

One of these:

CAA emission limit, permit, or guidance. The purpose is to locate and describe an emission limit for an industry, a permit for an industry, an EPA guidance document related to the CAA, or a comparable CAA document. The paper should describe the document, explain its applicability or usefulness, and include your reflection on what you learned from the document.

CWA effluent limit, water quality standard, NPDES permit, or guidance. The purpose is to locate and describe an effluent limit for an industry, an NPDES permit for an industry or municipality, a state water quality standard, an EPA guidance document related to the CWA, or other comparable CWA document. The paper should describe the document, explain its applicability or usefulness, and include your reflection on what you learned from the document.

One of these:

Interview. The purpose is to report on an interview with a person involved with some portion of the environmental law covered in this course. For example, the interview could feature an environmental lawyer, a regulator, or a person subject to regulation. The paper should describe the person’s views of environmental law in practice and include your reflections on what you learned from the interview.

Field trip. The purpose is to see an industry, business, governmental facility, or site affected by environmental law covered in this course; for example, a wastewater treatment facility, industrial facility, or a farm. The paper should describe how the site or facility is governed by some aspect of the law we covered in this course and your reflection of what you learned from the trip.

Environmental Law – Syllabus Additions – Fall 2007

GOALS (in addition to goals on page 2 of draft syllabus)

- How various environmental acts work together
- Different actions available for each act
- Environmental law coverage (big picture)
- Social Policy (how/who makes decisions; influence/process of input)
- Evaluation (shortcomings, scientific assumptions built into underlying policies)
- Informed perspective
- Learn what environmental law applies & when

METHODS

- Discussion
- Case Studies (actions being brought; actual projects)
- Guest Speakers
- Field Trips
- Documentaries/films
- Bring real life into class
- Variety

EXPECTATIONS (Student Role)

- Attend class
- Prepare for class
- Participate in and out of class
- Respect
- Challenge
- Disagree
- Feedback to students and teacher

EXPECTATIONS (Teacher Role)

- Same as Student Expectations List
- Organization
- Keep class on track
- Assignments (clarity; fairness)
- Feedback (in a timely fashion)
- Honesty
- Perspectives (different from class discussion)
- Availability
- Teach (facilitator; leader; mediator/referee)

EVALUATION – same as draft except each student allocates 30%-50% to the paper and 30%-50% to the exam (participation counts for 20%).

International Environmental Law – Summer 2004 – Syllabus Revisions

Goals

Explore current issue in IEL from a variety of perspectives:

How does international law and policy develop?

How is IEL implemented in real life?

What are the socioeconomic effects of IEL?

What are possible solutions to international environmental problems?

How can we make international law and policy?

What treaties apply to international environmental problems?

How does environmental law apply in Italy?

How can lawyers effectively teach international environmental law and policy to decision-makers and the public?

Teaching and Learning Methods

Use a variety of active and passive learning methods:

Listen

Discuss

Research

Writing

Collaborative projects

Field trip

Speaker

Lecture

Visuals

Student Role and Responsibility

Prepare for and attend all classes

Keep an open mind

Be respectful and tolerant

Share expertise and ideas

Be honest

Work hard to achieve course goals

Teacher Role and Responsibility

Same as students. In addition:

Provide clarity in assignments and expectations

Provide guidance and leadership

Help students find resources

Grade

Evaluation

Paper(s) (60%). The papers will be based on your research on an issue of international environmental law (IEL) from the list for the second part of the course. Students can complete one paper of 15-20 pages, double spaced or two papers of 7-10 pages double-spaced. Cites to authority should be in endnotes, which do not count in the page limit.

Participation (40%).