I. Course Description

What legal principles protect us from pollution? Several difficult legal questions arise when pollution protection law conflicts with policy encouraging use of natural resources. Conflict also arises when the government restricts the use of property without compensating its owner. We will also consider the increasing authority of government agencies to audit businesses to assure compliance with law.

II. Learning Objectives

At the end of this course, students will be able to:

Discuss how the interests of stakeholders are balanced in legal decision making

Describe contradictions in the law between protecting the environment, and protecting individual property rights

Discuss the evolving authority of government to protect the environment

Discuss legal issues underlying several environmental public policies

Demonstrate techniques of persuasive legal research, writing and oral presentation
III. Methods of Instruction and Work Expectations

Students are encouraged to introduce issues of current interest from the media or from their workplace for discussion. These issues will be incorporated into the curriculum when appropriate.

Through lecture and discussion, we will focus on legal principles underlying law that protects our natural environment from pollution. Especially important will be a review of the increasing authority of government agencies to audit businesses to assure compliance with law.

Underlying pollution protection law is contradictory law related to encouraging resource utilization, Constitutional protection against the uncompensated public taking of private property, and traditional tort rights.

Each week students will write a short paragraph or one page outline that answers a question based on the reading assignment.

Each student will conduct legal research and write five pages on the legal aspects of an environmental or public health problem. A rough draft must be submitted for review with the instructor before a final draft is submitted. The paper must advocate a public policy that might solve the problem, and include at least 10 primary references.

Each student will prepare and present a 6-8 minute persuasive speech in class based on the legal research and writing project. Students will critique each other.
IV. Evaluation and Grading

Students will be evaluated as follows:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
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<tbody>
<tr>
<td>Weekly assignments</td>
<td>30</td>
</tr>
<tr>
<td>Legal research and writing exercise</td>
<td>40</td>
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<tr>
<td>Oral persuasive exercise</td>
<td>30</td>
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</tbody>
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1. Grading Criteria –
   A/N option must complete all assignments to a C- level (70%) and letter grade will be determined by total effort as follows:

   - **A** = 95 -100 points (4.0) Represents achievement that is outstanding relative to the level necessary to meet course requirements.
   - **A-** = 90-94
   - **B+** = 87-89
   - **B** = 83-86 points (3.0) Represents achievement that is significantly above the level necessary to meet course requirements
   - **B-** = 80-82
   - **C+** = 77-79
   - **C** = 73-76 points (2.0) Represents achievement that meets the minimum course requirements
   - **C-** = 70-72

   - **S -** Achievement that is satisfactory will be expected to complete all assignments and receive a minimum of 70% to receive a passing score (achievement required for an S is at the discretion of the instructor but may be no lower than a 70%).

   - **F (or N)** -- Represents failure (or no credit) and signifies that the work was either (1) completed but at a level of achievement that is not worthy of credit or (2) was not completed and there was no agreement between the instructor and the student that the student would be awarded an I

   - **I - (Incomplete)** Assigned at the discretion of the instructor when, due to extraordinary circumstances, e.g., hospitalization, a student is prevented from completing the work of the course on time. Requires a written agreement between instructor and student. Extension for completion of the work will not exceed one year, after which time the “I” converts to an “F” or “N”.
2. **Grading Option** – Students may change the grading option without permission and as specified by the University without penalty during the initial registration period or during the first two weeks of the term. **The grading option may not be changed after the second week of the term.**

3. **Course Withdrawal** – Students may withdraw from the course through the second week of the term without permission. After the second week, students will be required to obtain permission from their advisor and course instructor (via e-mail to the SPH Student Services Center) and a “W” will remain on their transcript.

4. **Course Incomplete** – An incomplete grade is permitted only in cases of exceptional circumstances and following consultation with the instructor. In such cases an “I” grade will require a specific contract with the instructor for timely completion of remaining assignments. Extension for completion of the work will not exceed one year, after which time the “I” converts to an “F” or “N”.

5. **Scholastic Dishonesty** – Scholastic dishonesty is a violation of the student conduct code broadly defined as “any act that violates the rights of another student in academic work or that involves misrepresentation of your own work. Scholastic dishonesty includes, but is not limited to: cheating on assignments or examinations; plagiarizing – which means misrepresenting as your own work any part of work done by another; submitting the same paper – or substantially similar papers – to meet the requirements of more than one course without the approval and consent of all instructors involved; depriving another student of necessary course materials; or interfering with another student’s work.” Scholastic dishonesty in any portion of the academic work for a course shall be grounds for awarding a grade of “F” or “N” for the entire course.

V. **Course Text and Readings**

Burnaham, William *Introduction to the Law and Legal System of the United States*

VI. **Weekly Schedule**

A) Environmental Torts
   - History of common law
   - What is a tort
   - Role of courts in equity
B) Property law
   Defining real property
   Ownership interesting property
   Government taking of private property
   Land use and planning

C) Pollution law
   Common law and statutory environmental rights
   Encouragement of use and development
   Water rights
   Mineral rights
   Grazing rights
   Conservation ethic and pollution prevention

D) Real estate transactions
   Commercial property transactions
   Lender liability for pollution

E) Environmental law and regulation
   Environmental statutes
   National Environmental Policy Act
   Toxic Substances Control Act
   Resource Conservation and Recovery Act
   Comprehensive Environmental Response, Compensation, and Liability Act
   Clean Water Act
   Clean Air Act

It is University policy to provide, on a flexible and individualized basis, reasonable accommodations to students who have documented disability conditions (e.g., physical, learning, psychiatric, vision, hearing, or systemic) that may affect their ability to participate in course activities or to meet course requirements. Students with disabilities are encouraged to contact Disability Services for a confidential discussion of their individual needs for accommodations. Disability Services is located in Suite 180 McNamara Alumni Center, 200 Oak Street. Staff can be reached by calling 612/626-1333 voice or TTY. The website is http://disserv3.stu.umn.edu/index2.html.