

# Inventory of Sustainability Courses

## School of Law

### Tulane University

“Sustainability education” engages students in the work of building healthy, lasting communities. In sustainability courses, students develop the capacity to critically theorize, analyze and communicate about interconnected social, economic and environmental issues. Students learn to work in collaboration with members of the larger community and to help create solutions in the long-term public interest.

This list of sustainability courses in the School of Law is based on a document titled “Tulane Law School, Curriculum in Environmental and Energy Law, 2014-2015,” with additional suggestions from Professor Oliver Houck. The [Course Descriptions](#) pages of the Law School’s website were also consulted. The list was reviewed by Dean Meyer in July 2014.

All courses offered by the Law School are graduate-level courses.

Courses that include sustainability:

#### **Administrative Law**

The course explores the history, present status and nature of administrative agencies. The main emphasis is placed on administrative procedure, contrasting it with the judicial process, as well as constitutional limits on administrative action and the due process rights of persons who are adversely affected by agency action. Topics covered include: delegation of powers, the law of judicial review of agency actions, and procedural requirements of administrative rulemaking and adjudication. (3 credits)

#### **Comparative Environmental Law**

This course treats the rising evolution of environmental law around the world. It is not a class in international treaties or the management of transboundary resources, which are treated in international environmental law. Rather, it is a comparative look at the constitutional bases, institutions, and policy approaches of selected countries in coming to grips with pollution control and resource development, including impact assessment, judicial review, pollution control, resource management, land use and wildlife species. The class will be graded on the basis of a mid-term examination, and on student research presentations and papers towards the end of the course. (3 credits)

#### **Complex Litigation Seminar**

This is an advanced civil procedure course focusing on a number of important aspects of civil procedure which are only superficially considered in the first year. It is useful for anyone interested in litigation or practice involving multi-party transactions such as involved commercial dealings, antitrust, securities, product liability, mass torts, consumer litigation and civil rights. The procedures considered include: joinder of parties and structure of law suits in complicated multi-party suits; duplicative litigation and use of stay orders, injunctions, consolidation, transfer to a more convenient forum, and transfer to the

Multi District Panel; class actions; discovery and trial in complex cases; and res judicata and collateral estoppel. (2 credits)

### **Energy & Environment LLM Seminar**

This seminar explores current issues in Environmental and Energy law through faculty and LLM candidate presentations and discussion. This seminar is open to graduate Energy & Environment students only. (1 credit)

### **Energy Regulation & the Environment**

This course lies at the crossroads of energy and environmental law. It exposes students to the legal, economic, structural, and environmental issues involved in energy regulation, focusing primarily on electricity, and to a lesser degree, transportation. The course will cover legal concepts important to an understanding of energy law, including both the traditional monopoly model of cost of service regulation and evolving competitive alternatives for electricity. The primary focus of this course is on the environmental impacts and legal challenges associated with different sources of energy (coal, natural gas, nuclear, renewables, oil and alternative fuels). This course examines common policy tools used to advance clean energy sources, including feed-in-tariffs, tax credits, and renewable portfolio standards. This course also exposes students to the latest approaches to managing the electric grid, including energy efficiency, demand side management, and smart grid technologies. This course does not cover traditional oil and gas law. (3 credits)

### **Energy Regulation Seminar**

This course will review, in depth, several significant transactions of electric public utilities, the treatment of those transactions by public utility regulators and the potential impacts on ratepayers and shareholders. Transactions examined will include; 1) mergers and acquisitions; 2) construction of a generating unit from planning through rate recovery, and 3) storm damage, repair, restoration of service, reconstruction and financing via securitization. Grade will be based upon a paper. Students will, time permitting, be asked to make presentations of their papers. There will be guest lecturers for each topic covered. (2 credits)

### **Environmental Criminal Law**

No course description available

### **Environmental Enforcement**

This course is a theory of everything environmental. That is, it cuts across the body of the environmental media statutes and goes to the heart of the law -- enforcement. Permits and rules are mainly technical, and (except for rule-making litigation and legal transactions) enforcement is mostly where the lawyer reigns. So we will not focus so much on details of the media programs other than what happens after a violation. We'll cover such topics as EPA priorities, enforcement theories, overfiling, reporting, investigations, civil penalties, injunctions, citizen suits, audits, remediation and NRD remedies (optional), and even aspects of LEED litigation, qui tam, EJ, and white collar criminal prosecution. Classes will be lecture, case discussions, and problem solving from a text. (2 credits)

### **Environmental Law Clinic**

The Tulane Environmental Law Clinic's (TELC's) purpose is to train law students in the practical aspects of representing clients in highly regulated fields, with an emphasis on strategic thinking, thorough investigation and research, and persuasive writing and oral communication. TELC student attorneys are responsible for advancing client interests in disputes across a wide range of environmental issues. They typically research and draft pleadings or administrative comments, argue motions, negotiate settlements, and/or present evidence at hearings. TELC is open to 3Ls, 2Ls (during the spring semester only), and LLMs with JD degrees from U.S. law schools. We encourage - but do not require - JD students who receive a "B-" or above during their first semester to continue for a second semester. LLMs are limited to one semester in TELC. Under student-practice rules, 3Ls and LLMs may sign pleadings and appear in court under the guidance of TELC's supervising attorneys. 3 credits each semester.

### **Environmental Law: Clean Air Act**

No course description available.

### **Environmental Law: Clean Water Seminar**

This class examines hot topics in clean water law and policy, some of long standing that are coming to a head, others new and challenging. Subjects include the Chesapeake Bay program, the Everglades, Thermal Power plants, Concentrated Animal Farms, Ocean acidification, and potential litigation by private and public parties against pollution impacts. Several of these we will treat preliminarily in class; others of any kind you may choose to investigate for your class projects. The class will be of two parts, selected readings that illustrate the Act's approach to key sectors, followed by classes based on student research, leading to a final paper. Grades will be determined on the basis of class and TWEN discussion, research presentations, and the ultimate paper. Because the Clean Water Act is also included this Spring in Pollution Control, the focus of this seminar will be more geographic and sectoral, how the law works with regard to a particular problem. While Pollution Control is not a prerequisite for this seminar, a student should either be taking it concurrently or have equivalent experience with the law or the research intended. (3 Credits)

### **Environmental Law: Coastal & Wetlands Law**

This course focuses on federal and state laws designed to manage coastal and wetland resources including the Coastal Zone Management Act, Section 404 of the Clean Water Act, and programs related to flood insurance, flood control, and fisheries. Independent research leading to a final presentation and paper will be required on topics of your choosing relating to the above programs or beyond, including but not limited to hurricane protection, private development, restoration, living marine resources, and impact of oil and gas activities. One weekend will be spent at a coastal research station in Terrebonne Parish. Grades will be based primarily on the research presentations and papers, with an up to two step adjustment for class and TWEN participation. Environmental Law: Natural Resources is recommended as a pre- or co-requisite. (3 credits)

### **Environmental Law: Endangered Species & Biodiversity Seminar**

This course examines the law and policy of endangered species and biodiversity protection in the United States, and at your option abroad. It begins with four classes in conservation biology which underpins

the law of this field every step of the way. We then turn to the Endangered Species Act, the “pit bull” of environmental law, with impacts on natural resources, land use and pollution control across the board, and then to emerging concepts in biodiversity conservation including indicator species, biological corridors, and ecosystem management, capped at mid-term by a one-hour exam. The second part of the course will be taught by students based on research projects, leading to final papers. Grades will be determined by class and TWEN discussion, the mid-term exam, and the research papers. No prerequisites, but Natural Resources law or equivalent is useful and recommended. (3 credits)

#### **Environmental Law: Hazardous Wastes & Substances**

No course description available.

#### **Environmental Law: Historic Preservation Seminar**

This seminar will present a national, state and local perspective on historic preservation in a broad sense, including protection of the urban environment and of archaeological, cultural and other historic resources. It will examine laws dealing directly and indirectly with preservation, and the institutions that implement them. The City of New Orleans provides rich material for this examination. Students will be required to research selected topics and to present their findings orally to the class and in a substantial final paper. Grade will be based on research paper, oral presentation of paper topic, class participation and attendance. (2 credits)

#### **Environmental Law: International**

This course examines the basic international legal setting for the protection and management of the environment. It discusses how international law is made and applied, the role of international environmental regimes or institutions, transboundary liability and compensation, enforcement strategies and compliance control mechanisms. Major themes of the course include human rights and the environment, free trade and environmental protection, the financing of global environmental protection measures, the protection of biodiversity, North-South issues generally, as well as various regulatory regimes for the protection of the global commons and internationally sensitive natural resources, including the Climate Change Convention. (3 credits)

#### **Environmental Law: Natural Resources**

This course is one of the two foundation courses in environmental law and presents a survey of programs that govern the use and protection of natural resource systems, including energy, mining, timber, grazing, transportation and water resource development. Special attention is given to the National Environmental Policy Act, and to management statutes for public lands, forests, parks, refuges, wilderness areas, and endangered species. (3 credits)

#### **Environmental Law: Pollution Control**

This course introduces the basic pollution control statutes, the Clean Water Act, the Clean Air Act and hazardous waste laws. It examines and contrasts their objectives, their regulatory schemes and their relative successes. Special emphasis is given to comparing and critiquing the major regulatory approaches to pollution control: command and control regulation according to health-based or

technology-based standards and economic incentive schemes, as well as statutory interpretation. (3 credits)

### **Environmental Law: Water Resources Law & Policy**

This course will cover the role and influence of the legal system on the use, allocation, and stewardship of water resources in the United States and Louisiana. Since the field of water resources management is rapidly evolving to accommodate storm protection, ecosystem restoration and sea level rise an understanding of the policies that underlay our current laws and the factors that are influencing current policy and law-making will be an important part of the course's focus. Course materials will include law cases and related materials which must be read before class. The course will be lecture oriented with occasional guest lecturers with specific experience in development of water resources law and policy. Students will be asked to participate in one group project in which they will be asked to develop, present and defend a position paper on some aspect of the water resources management challenges arising in coastal Louisiana. (2 credits)

### **Environmental Litigation**

This course offers a trial practice workshop in environmental litigation. Its classes follow the progress of a typical case from client interviews to complaint and answer, discovery, expert testimony (direct and cross), motions and oral argument. Grading will be based on written and oral exercises; no examination. This course was previously taught as Toxic Tort Litigation Practice. (1 credit)

### **Health Care Law & Regulation**

The course begins with an overview of the U.S. health care industry and then addresses the law that affects major portions of that industry and those it serves. Relationships among individual health care providers (e.g., physicians), institutional providers (e.g., hospitals, nursing homes, clinics), and patients of those providers are explored, as are various statutory entitlements (e.g., Medicare, Medicaid, EMTALA), medical malpractice concepts, preemption effects of ERISA, patient privacy/consent issues including HIPAA mandates, and the policing of fraud and abuse. The class will examine the health law that resulted from the health reform legislation signed by the president in March, 2010. Finally, the course will review how the antitrust laws impact the structure and conduct of health care providers. (3 credits)

### **International Human Rights**

In this course we will explore the place of human rights in United States and international law. More broadly, we will closely examine and evaluate the entire human rights "regime," that is to say the norms, principles, rules, and decision-making institutions that occupy and organize this issue area within the broad sphere of international relations. The course is designed to provide students with a confident grasp of: the substantive norms of human rights; the philosophic basis for the concept of rights and the leading points of controversy about the existence or character of certain rights that appear in conventional enumerations; the diverse procedures available at the global, regional, and national level for defense and promotion of human rights; the subtle and not-so-subtle ways in which ideological and material interests influence the definition and enforcement of rights; the ways in which policy makers

attempt to reconcile the demand for human rights enforcement with more traditional foreign policy objectives. (3 credits)

### **Land Use Planning**

No course description available.

### **Law of the Sea**

This course reviews the public order of the oceans, i.e., the basic principles of international law, both customary and treaty-based, that apply to maritime spaces, such as the territorial sea, the high seas, continental shelf, seabed, and ocean floor. The course analyzes the allocation of jurisdictional powers among individual states and the international community at large over the various maritime zones involved; the use and management of ocean resources, such as regional and global fisheries regimes and seabed mining; marine environmental protection and pollution control; military uses of the ocean; and freedom of navigation. Special consideration will be given to enforcement issues related to drug trafficking and violations of marine environmental protection or fisheries regulations. (3 credits)

### **Law, Sustainability & Development**

This course will be jointly offered to students in the School of Law and International Development graduate students enrolled in Payson Center degree programs. The course will ask students to explore three central questions: (1) how can and do law and regulation promote -- or hinder -- sustainable development; (2) to what extent are national development goals at odds with sustainability goals and (3) can sustainable development law and regulation promote a more just, equitable society? Students will consider the meaning and interpretation of the term "sustainable development" through various lenses – e.g., trade and the environment, human rights, property rights. The materials and assignments will be organized around a case study involving articulation of a protected area and biodiversity regulation in a rapidly urbanizing area in a less-developed country in the Americas. This course is not graded anonymously. The grade in this course will be based 80% on written work and 20% on an oral presentation. Of the 80% written work, 60% will be done as part of a team. (3 credits)

### **Legislative & Administrative Advocacy**

Legislative and Administrative Advocacy examines how bills become law and how agency rules are promulgated. Each student will research and draft a proposed bill or agency regulation on behalf of a client group, present it in a mock hearing, and write a research paper. Grades are based in equal proportions on the draft of an instrument, mock hearing, and research paper; there is no examination. Class meetings will cover legislative and administrative enactment and promulgation procedures, research methodologies, drafting techniques, constitutional restrictions, and public access to information. This clinical course is open for enrollment by second and third year students. Students will register via the normal registration procedure; no application process is required. Interested students are encouraged to get on the waitlist and attend the first class, when decisions will be made about enrollment in the course.

### **Marine Pollution**

This course will cover U.S. legislation, administrative regulations, state legislation, and case law in the

area of marine pollution. This course counts as credit for both the Environmental and Maritime certificates. (2 credits)

**Sustainable Energy Law & Policy**

This course is an introduction to basic issues in Energy Policy and Law, to include utility regulation, new carbon-based sources via oil shale and fracking, fast-rising renewable sources such as wind and solar, and regulatory responses to climate change. Students will survey the impact of energy production, transmission, and consumption on human health and the environment, and examine how the law is evolving to manage that impact through more sustainable paradigms – including policies to limit fossil fuel externalities, expand renewable and clean energy alternatives, and promote consumer conservation and efficiency. (2 Credits)

**Tax: Natural Resources Tax**

No course description available.

**Toxic Tort Theory & Practice**

This course will study the characteristic features of toxic tort litigation, such as the temporal separation between wrongful conduct and the appearance of injury, novel issues of medical causation, property valuation, environmental restoration and hazard assessment, and the difficulty of fashioning remedies. The impact of these core problems on doctrinal, procedural and evidentiary matters will be explored. Special attention will be given to the resolution of practical problems in the face of developing science, and unsettled law. (2 credits)