



SYLLABUS

ENR 4400

Law and Legal Process, 3.0
Spring 2020

COURSE OVERVIEW

Instructor

Instructor: Ellie Ewing

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Course description

The course presents an introduction to U.S. law and legal process. It is for undergraduate students interested in law, science, and the administrative process, with special emphasis on planning and management of land and the environment.

It assumes that students have not seriously considered the American legal system beyond the generalities presented in modern secondary school civics and political science courses on government. The course will be an excellent preparation for SENR courses “Science and Environmental Law” (SENR 7520) and “Water Law” (SENR 5451).

The course begins with a description of the concepts of law developed in the western world and uses cases to illustrate these concepts. The concepts include the functions and limits of law and legal process in the modern U.S. follows as well as specific topics in legal history.

Next, the course considers the function of the legal process; including specific details to illustrate categories of law, agencies of law, influences on the law and the role of citizens in the process.

Throughout the course, cases, statutes, rules, permits etc. related to land natural resources and the environment will be used to illustrate the concepts and process material. The course will also provide an overview of specific environmental statutes.

Course learning outcomes

By the end of this course, students should successfully be able to identify and analyze:

- Western concepts of law and U.S. legal history,
- Functions and limits of law and the legal system,
- Categories and agencies of law,
- Influences on the legal process,
- Structure and process for a complaint about a legal injury,
- Role and process for statutes, administrative agencies, and courts,
- Application of law to specific actions that affect land and its resources, and
- Incentives and barriers to use of science and technology in the legal process.

COURSE MATERIALS AND TECHNOLOGIES

Textbooks

Textbooks are not required or recommended for this course. If you feel you must read something, you can buy any of the following from which course materials will be drawn:

J.C. Smith & D.N. Weisstub, *The Western Idea of Law*; London, Butterworths

S. Mermin, *Law and the Legal System*; 2nd Ed., Boston, Little Brown and Co.

L.M. Friedman, *A History of American Law*; New York, Simon and Shuster

D.J. Fiorino, *Making Environmental Policy*; Berkeley, Univ. of CA Press

R. Coase, "The Problem of Social Cost."

Course technology

For help with your password, university e-mail, Carmen, or any other technology issues, questions, or requests, contact the OSU IT Service Desk. Standard support hours are available at <https://ocio.osu.edu/help/hours>, and support for urgent issues is available 24x7.

- **Self-Service and Chat support:** <http://ocio.osu.edu/selfservice>

- **Phone:** 614-688-HELP (4357)
- **Email:** 8help@osu.edu
- **TDD:** 614-688-8743

REQUIRED SOFTWARE

Microsoft Office 365: All Ohio State students are now eligible for free Microsoft Office 365 ProPlus through Microsoft's Student Advantage program. Full instructions for downloading and installation can be found <http://office365.osu.edu/>.

GRADING AND FACULTY RESPONSE

How your grade is calculated

ASSIGNMENT CATEGORY	POINTS
Test 1	100
Test 2	100
Test 3	100
Extra Credit (optional)	[10]
Total	300

See course schedule, below, for test dates and extra credit due dates.

Late assignments

Late submissions will not be accepted. Please refer to Carmen for due dates.

Grading scale

93–100: A
90–92.9: A-

87–89.9: B+
 83–86.9: B
 80–82.9: B-
 77–79.9: C+
 73–76.9: C
 70–72.9: C-
 67–69.9: D+
 60–66.9: D
 Below 60: E

Faculty feedback and response time

I am providing the following list to give you an idea of my intended availability throughout the course. (Remember that you can call **614-688-HELP** at any time if you have a technical problem.)

- **Grading and feedback:** For tests, you can generally expect grades within 21 days (unless required sooner by school policy).
- **E-mail:** I will reply to e-mails within **24 hours during the school week**. On weekends, I cannot guarantee I will have internet access, but may possibly check in.

PARTICIPATION AND ATTENDANCE

Student participation requirements

Attendance and participation are very important for your success in this course. If you have a situation that might cause you to miss class, discuss it with me *as soon as possible*. The following is a summary of everyone's expected participation:

- **Classroom attendance: 2 TIMES PER WEEK**
 Complete all required readings and assignments before coming to class (this will be easy—there won't be many). Attendance will be taken at a minimum once per week.
- **Classroom participation: EVERY CLASS SESSION**
 In class, we have frequent opportunities to discuss course topics. Let's maintain a supportive learning community where everyone feels safe and where people can disagree amicably. But please do disagree. No one wants an echo chamber.
- **Logging in: AT LEAST ONCE PER WEEK**
 Be sure you are logging in to the course in Carmen each week, including weeks with holidays or weeks with minimal course activity. (During most weeks you will probably log in many times.)

OTHER COURSE POLICIES

Academic integrity policy

POLICIES FOR THIS COURSE

- **Exams:** You must complete all exams yourself, without any external help or communication.
- **Written assignments:** Your written assignments, including discussion posts, should be your own original work.
- **Reusing past work:** In general, you are prohibited in university courses from turning in work from a past class to your current class, even if you modify it. If you want to build on past research or revisit a topic you've explored in previous courses, please discuss the situation with me.

OHIO STATE'S ACADEMIC INTEGRITY POLICY

Academic integrity is essential to maintaining an environment that fosters excellence in teaching, research, and other educational and scholarly activities. Thus, The Ohio State University and the Committee on Academic Misconduct (COAM) expect that all students have read and understand the University's *Code of Student Conduct*, and that all students will complete all academic and scholarly assignments with fairness and honesty. Students must recognize that failure to follow the rules and guidelines established in the University's *Code of Student Conduct* and this syllabus may constitute "Academic Misconduct."

The Ohio State University's *Code of Student Conduct* (Section 3335-23-04) defines academic misconduct as: "Any activity that tends to compromise the academic integrity of the University, or subvert the educational process." Examples of academic misconduct include (but are not limited to) plagiarism, collusion (unauthorized collaboration), copying the work of another student, and possession of unauthorized materials during an examination. Ignorance of the University's *Code of Student Conduct* is never considered an "excuse" for academic misconduct, so I recommend that you review the *Code of Student Conduct* and, specifically, the sections dealing with academic misconduct.

If I suspect that a student has committed academic misconduct in this course, I am obligated by University Rules to report my suspicions to the Committee on Academic Misconduct. If COAM determines that you have violated the University's *Code of Student Conduct* (i.e., committed academic misconduct), the sanctions for the misconduct could include a failing grade in this course and suspension or dismissal from the University.

If you have any questions about the above policy or what constitutes academic misconduct in this course, please contact me.

Other sources of information on academic misconduct (integrity) to which you can refer include:

- The Committee on Academic Misconduct web pages ([COAM Home](#))
- *Ten Suggestions for Preserving Academic Integrity* ([Ten Suggestions](#))
- *Eight Cardinal Rules of Academic Integrity* (www.northwestern.edu/uacc/8cards.htm)

Copyright disclaimer

The materials used in connection with this course may be subject to copyright protection and are only for the use of students officially enrolled in the course for the educational purposes associated with the course. Copyright law must be considered before copying, retaining, or disseminating materials outside of the course.

Statement on title IX

Title IX makes it clear that violence and harassment based on sex and gender are Civil Rights offenses subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories (e.g., race). If you or someone you know has been sexually harassed or assaulted, you may find the appropriate resources at <http://titleix.osu.edu> or by contacting the Ohio State Title IX Coordinator, Kellie Brennan, at titleix@osu.edu

Your mental health

A recent American College Health Survey found stress, sleep problems, anxiety, depression, interpersonal concerns, death of a significant other and alcohol use among the top ten health impediments to academic performance. Students experiencing personal problems or situational crises during the quarter are encouraged to contact the College of Pharmacy Office of Student Services in room 150 Parks Hall (614-292-5001) OR OSU Counseling and Consultation Services (614-292-5766) for assistance, support and advocacy. This service is free and confidential.

ACCESSIBILITY ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Requesting accommodations

The University strives to make all learning experiences as accessible as possible. If you anticipate or experience academic barriers based on your disability (including mental health,

chronic or temporary medical conditions), please let me know immediately so that we can privately discuss options. To establish reasonable accommodations, I may request that you register with Student Life Disability Services. After registration, make arrangements with me as soon as possible to discuss your accommodations so that they may be implemented in a timely fashion.

SLDS contact information: slds@osu.edu; 614-292-3307; slds.osu.edu; 098 Baker Hall, 113 W. 12th Avenue.

COURSE SCHEDULE

THE NATURE OF LEGAL SYSTEMS

January 6	Introduction, Syllabus Review
January 8	Legal Concepts
January 13	History of Land and Property Rights

MACHINERY OF LAW: How U.S. law is created

January 15	Foundation: Constitution
January 20	Martin Luther King Jr. Day NO CLASS
January 22	Agencies of Law: Legislature
January 27	Agencies of Law: Administrative Agencies
January 29	Agencies of Law: Courts and Common Law
February 3	Guest Speaker: VW cheating scandal
February 5	Review
February 10	Test One
February 12	Documentary, <i>Chasing Ice</i>

CATEGORIES OF LAW: What the machinery created

February 17	Property, Contract, Torts, Tax, Civil/Criminal
February 19	Specialized courts: bankruptcy, tax, probate, domestic, small claims
February 24	Public Law and Citizens' Suits
February 26	Environmental Statute overview: CAA, CWA, CERCLA, NEPA
March 2	Review
March 4	Test Two
March 9	Spring Break No Class
March 11	Spring Break No Class

LEGAL PROCESS: How the law is implemented

March 16	Common Law as Demonstrated through the Common Law of Piggeries (Nuisance)
March 18	Judicial Review
March 23	Standing, Ripeness, Jurisdiction and Statutory Interpretation

March 25	Guest Speaker: View from the bench
March 30	Rights of the Accused
April 1	Science in the Courtroom
April 6	Guest Speaker: Being an Expert Witness
April 8	Professional Practice: Legal Ethics and Professionalism
April 13	Case study
April 15	Review
April 20	Test 3: Last Day of Class