

**SCIENCE AND ENVIRONMENTAL LAW**  
**SCHOOL OF ENVIRONMENT AND NATURAL RESOURCES**

**SENR 7520**

**COURSE SYLLABUS 2017**

Professor: Julianna Bull  
Class Hours: 4:00 to 5:20

359 Kottman Hall (614) 395-4341  
333 Kottman Hall

**COURSE DESCRIPTION**

This course explores how the legal process confronts issues associated with environmental disruption. It is for students in environmental resources, biological and physical sciences, agriculture, engineering and social sciences who want an introduction to the processes and principles of environmental law with a special emphasis on the role of science and technology. The organizing focus is the legal process, its principles and practices, and the application of those principles and practices to modern environmental problems. How social and property history, policy, economics, science and technology and risk management contribute to both problem and solution and to the specific uses of the legal system are important parts of the course. Law is seen as something with which people achieve goals.

The course has two parts. The first assumes that students lack formal training in the legal process. Therefore, it introduces components, functions, limits and processes associated with the Anglo-American legal system. The role of science and technology in the legal process is introduced early in the course and is a recurring theme throughout. This first part considers social, historical, and economic developments that inform the way that the legal process is used in the management of environmental issues.

The second part of the course applies the legal process' principles and practices to specific problems. Private litigation, legislation and administration are considered. Specific case law is also considered.

This part of the course begins with consideration of the common law of personal injury and continues with a discussion of public law regulatory schemes. Emphasis is on legal process and the application of principles to the development of general mechanisms rather than a serial review of physical categories such as air, water, solid waste, etc. Science and technology in both private litigation and public statutes and administrative activity are considered. Law is treated as a body of techniques and principles rather than an accumulation of specific environmental regulations and policy.

Legal issues such as fault and responsibility, legal and equitable remedies, procedural requirements, burdens of proof, institutional history, litigation details, administrative process, and the role of science and technology are not often considered by people other than law students. A consistent perspective is developed and used in the course to integrate what appears to be unconnected material. The judicial concept of balancing tests is also considered.

## **COURSE OBJECTIVES**

The overall goal is to provide an understanding of the principles, structure, process, approaches and techniques of the legal system as it responds to the challenges of environmental disruption. Special attention will be devoted to perspectives on environmental science and technology, land tenure history and economics. A growing knowledge of the following in regard to management of environmental issues is provided:

- Related legal, economic and social perspectives
- Private litigation (common law)
- Statutes and administration thereof
- Application of statutes and common law to specific cases
- Legal process incentives and barriers to the use of science and technology in environmental management

## **COURSE METHODS**

Articles and cases provide the basis for discussions. Selected cases are used to describe the development of a common law of environmental disruption and for interpretation of legislation and administrative management and major federal legislation and cases are emphasized.

## **ASSIGNMENTS AND SCHEDULE**

There will be three short answer tests during the course. Each will carry equal weight and will comprise the majority of a student's grade.

There will also be group presentations (to be decided) on:

1. A discussion on the distinction between causes, manifestations, and mechanisms for resolution of some sort of environmental disruption in which the role of the legal process is considered, or
2. A discussion of a public law of student's choice. The paper or presentation should focus on a legal issue associated with the topic and not to advocate for a particular environmental policy position.
3. A topic of the student's choice.

Approximate test dates:

First test: September 27

Second test: October 30

Third test: December 6

## **GRADING**

Presentation 10%

Tests 90%

Extra credit: Attendance 2%

Participation 2%