SCIENCE AND ENVIRONMENTAL LAW
SCHOOL OF ENVIRONMENT AND NATURAL RESOURCES
SENR 7520
COURSE SYLLABUS 2019

LECTURER: Julianna Bull
Office: 359 Kottman Hall (614) 395-4341
Class Hours: 9:35-10:55
Enarson Classroom Building, Room 314

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 problems and solutions 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 a recurring theme throughout the semester. 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 nuisance, 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. Major environmental regulatory laws and rules (Clean Water Act, Clean Air Act, etc.) are examined. 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.

Approximate test dates:
   First test: February 6
   Second test: March 6
   Third test: April 22

GRADING
   Tests 100%
   Extra credit: Attendance 2%
   Participation 2%

RECOMMENDED TEXT

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