Classroom – MAF Seminar Room, Rosenstiel Campus - RSMAS

Class Meeting Times – TTh 3:00 – 4:15 p.m.

The syllabus indicates only CLASS NUMBERS (28 class periods of 75 minutes), rather than DATES. Due to some travel, there may be minor shifts in the class dates.

Professor - Daniel Suman

Phones - 305-421-4685 (RSMAS); 305-742-8762 (cel)

E-Mail - dsuman@rsmas.miami.edu; danielosuman@yahoo.com

Office Hours - TTh after class in South Grosvenor 126, RSMAS; MW 12:30-1:30 at the Coral Gables Campus [Marine Science] or by appointment

Course Description - This course will expose you to some interesting and controversial issues in environmental law and give you a feeling for the operation of the legal system in the United States. Another key theme of the course is how administrative agencies translate environmental statutes into regulations and actual policies. After this training, you will hopefully be more effective environmental professionals. During the later half of the course we will focus on environmental themes that are of particular importance to marine professionals, such as marine mammal protection, marine protected areas, coastal wetland regulation, oil spill litigation, and environmental justice.

Grading -

Four Short Exercises - 60%
Homework Exercises – 25%
Class Participation - 15%

Required Course Materials

Green Justice: The Environment and the Courts (Hoban & Brooks) (2nd Edition) [GJ]
Other required materials will be posted on Blackboard [B]. [I found this book today on www.amazon.com for $1.37 + shipping.]

Recommended Course Materials
1. Environmental Law (Kubasek) (5th Edition) [K]
[blackboard]
2. Environmental Law and Policy (Salzman & Thompson) (S&T) (blackboard)
Syllabus - This tentative schedule is subject to change. You should complete the assigned readings in preparation for the class for which they are listed. This is important because we will discuss the cases at the indicated date.

Class 1 (Th) - COURSE INTRODUCTION
Declaration of Interdependence (Cullis & Suzuki)
Platter, Environmental Perspective & The Commons [B]
S&T, Chapters 1 & 2 (B)
Lazarus, The Greening of America and the Graying of U.S. Environmental Law (B)

Videos – The Supreme Court, Volumes 3 (A Nation of Liberties) & 4 (The Rehnquist Revolution) – Please view these videos during the first 2 weeks of the semester.

Class 2 (T) - Kubasek [K], Chapt. 1, The American Legal System, pp. 3-38
Lazarus, Restoring What’s Environmental about Environmental Law in the Supreme Court [B]

Class 3 (Th) - Kubasek [K], Chapt. 2, The Litigation Process and Other Tools for Resolving Environmental Disputes, pp. 43-70.
S&T, Chapter 3, pp. 66-86

Classes 4 & 5 – Platter, Common Law in Modern Environmental Law [B]
Boomer v. Atlantic Cement, GJ 37-47
Tanner v. Armco Steel, GJ 49-59

Class 6 & 7 – TAKINGS ISSUES
Just, GJ 19-35

Exercise #1 – Thursday, 22 SEPTEMBER

Class 8 - ADMINISTRATIVE LAW
S&T, Chapter 3, pp. 58-66
Sierra Club v. Lyng, GJ 61-71
Rasband et al., pp. 609-618 (B)


Classes 10 & 11 – CLEAN AIR ACT
Ethyl Corp. v. USEPA, GJ 73-92
Classes 12 & 13 – ENDANGERED SPECIES ACT
Palila v. Hawaii, GJ 93-103
Defenders of Wildlife v. Bernal, 204 F. 3d 920 (2000) [B]
K, pp. 307-314 (B)
S&T, pp. 281-301 (B)

Class 14 – CLEAN WATER ACT
du Pont v. Train, GJ 109-118
K, Chapt. 6, Water Quality Control, pp. 175-198.
S&T, Chapter 6, pp. 146-174

Class 15 - Guo Chun Di v. Carroll, GJ 119-131

TOXIC TORTS
Dow Chemical v. Alfaro, GJ 133-141
In re “Agent Orange” Product Liability Litigation, 611 F. Supp. 1223 (1985) [B]

Videos - “The Beloved Community” & “Bhopal: Search for Justice”

Exercise #2 – Tuesday, 18 OCTOBER

Class 16 - Nicolle-Wagner v. Deukmejian, GJ 143-152

STANDING
Sierra Club v. Morton, GJ 189-201

Class 17 – PUBLIC TRUST DOCTRINE
Mono Lake case, GJ 169-187
Defenders of Florissant [B]
S&T, pp. 266-269 (B)

Class 18 - Intermountain Forest Industry Assn., GJ 203-219
K, pp. 292-295

Classes 19 & 20 - MARINE MAMMAL PROTECTION ACT
Earth Island Institute v. Mosbacher, 929 F.2d 1449 (1991)
Exercise #3 – Tuesday, 15 NOVEMBER

Classes 21, 22 & 23 - DEFINITION OF WETLANDS & THE CLEAN WATER ACT
K, pp. 298-302
S&T, pp. 269-281
Clean Water Act, sec. 404
Deltona Corp. v. United States, 657 F.2d 1184 (1981)
Florida Rock Industry v. United States, 21 Cl. Ct. 161, 20 ELR 21201 (1990)

Classes 24 & 25 - ENVIRONMENTAL JUSTICE
K, pp. 33-35
El Pueblo para el Aire y Agua Limpio v. County of Kings, (no. 366045, Superior Court, Sacramento County, CA) (1991)
East Bigg Twiggs, GJ 157-168

Video – “Brooklyn Matters”

Class 26 - OIL SPILL LIABILITY
Oil Pollution Act

Classes 27 & 28 - MARINE PROTECTED AREAS
K, pp. 293-298; 302-307
Executive Order 13158 (2000)

Exercise #4 will be a take-home exercise distributed on Thursday, 1 December, the final day of class.