Federal Environmental Litigation Seminar – LLM
CRN 29128 Course / LAWG 3007
Tuesdays 3:30 pm – 5:30 pm
September 1, 2015 – December 19, 2015
Hotung International Building – H1008

Class 1 – Sept 1  Environmental Litigation
Substantive Statutes – Introduction to enforcement and judicial review provisions of the following environmental statues:
- Toxic Substances Control Act
- Clean Water Act
- Clean Air Act
- Resource Conservation and Recovery Act
- Endangered Species Act and Historic Preservation Act
- National Environmental Policy Act

Class 2 – Sept 8  Environmental Litigation
Procedure and Players:
- Role of Regulatory Agencies
- Role of Department of Justice
- Role of States v. Federal v. the Public
  (Commenters and Citizen Suits)
- Civil v. Criminal Enforcement

Class 3 – Sept 15  Challenging Agency Rulemaking
Lecture and review of model “Petition for Review”

Class 4 – Sept 22  Challenging Agency Rulemaking
Class Exercise – Drafting a Petition for Review – outline to be submitted before next class.

Class 5 – Sept 29  Permit Hearings and Appeals:
Lecture and review of model appeal from denial of a permit.

Class 6 – Oct 6*  Civil Enforcement
*To be rescheduled for week of Oct. 13.
Timeline for enforcement activities – from the pollution release or pollution event, inspection, notice of violation, enforcement proceeding.

Oct 13
Monday classes scheduled to meet this week BUT Class 6 will meet this week at the U.S. Court of Federal Claims with a tour of the U.S. Court of Appeals for the Federal Circuit.

Class 7 – Oct 20  Civil Enforcement
Class Exercise – Negotiating Civil Penalties --mock exercise using EPA’s Civil Penalty Policies.

Class 8 – Oct 27  Citizen Suits
Lecture and class exercise preparing a motion for preliminary injunction. Written outline to be submitted prior to oral argument the following week.

Class 9 – Nov 3  Citizen Suits
Mock Oral Argument on the Preliminary Injunction outline.

Class 10 – Nov 10  Criminal Enforcement:
Lecture – Guest Lecturer – understanding the process from indictment to sentencing.

Class 11 – Nov 17  Superfund Litigation
Lecture

Class 12 – Nov 24  Superfund Litigation –
Class exercise how to prepare or defend a motion for summary judgment on liability.
Outlines will be required before the Class 13 Mock Oral Argument.

Class 13 – Dec 1  Superfund Litigation –

December 18, 2015  Final Summary Judgment Brief Due – this will serve as your Class ‘final” and must be submitted to both professors and GULC.

Grading Policy:  50% Class Participation and Oral Arguments
50% Writing Assignments; outlines and final brief

Oral Arguments will take place at:
United States Court of Federal Claims
717 Madison Place, N.W., Washington, DC

Please allow enough time to pass through security. Directions to the court can be found on www.uscfc.uscourts.gov