ENVIRONMENTAL LAW (EVGL)

EVGL 0206. ENERGY & THE ENVIRONMENT. (2 Credits)

Energy production and use are linked to economic growth and are necessary for a State's economic growth and development. Fossil fuel extraction and use, however, pose serious threats to both the local and global environment. This course introduces students to the legal, economic, and structural issues that have and continue to shape our energy practices yet also provide opportunities to overcome critical environmental problems. The course focuses primarily on the regulation and design of American electricity systems and markets. Many of our energy choices— including oil for transportation and heating, natural gas, nuclear power, energy conservation and, increasingly, solar and wind— are related to how we deliver electricity. In addition, the electric sector is a large contributor to both air pollution and greenhouse gas emissions, effecting the health and welfare of current and future generations. <p>

The course examines the evolution of American electric regulation and exposes students to how the U.S. system plans for the use of energy resources, the regulation of wholesale and retail electricity markets and the integration of clean and renewable energy. Further, this course will address current developments in grid modernization and economic development, including lessons learned from other countries, and concepts of environmental and climate justice. The course provides an introduction to administrative law and to practice issues in the field.

Attributes: INLJ, JD, LLM.

EVGL 0230. RENEWABLE ENERGY, BUSINESS CONSIDERATIONS, AND LITIGATIONS. (3 Credits)

This course will address key issues impacting both new utility-scale project development in the renewable energy sector as well as the growth of the domestic renewable energy industry. Some of the topics we will explore include the current domestic transmission infrastructure, the implications of the existing electric grid for future interconnection access, curtailment risks, and how these factors are shaping the future of certain renewable energy sectors; whether a property right to unobstructed wind flowing across one's property exists and in which countries or states such right may be recognized; how certain animal species, weather conditions, and military interests may impact project siting; and how municipal tax assessments and federal tax credits respectively may result in forum shopping among the counties and states regarding where a solar project should be sited. We will also compare European case law to U.S. case law for purposes of examining how the interplay of science and public policy factors into the formation of laws, legal decisions, business decisions, and the evolution of domestic policy guidelines. During each class, we examine whether innovations exist or creative solutions can be devised that can serve as either a temporary bridge or more permanent solution to the issues raised. <p>

Grades will be based on class participation and a final paper each student will author.

Attribute: LLM.

EVGL 0233. CONSERVATION LAW & POLICY. (2-3 Credits)

Climate change, loss of biodiversity, natural habitat destruction, and the contamination of air, land, and water affect every person on earth today as well as future generations. For lawyers to be effective in the conservation arena, they need more than an understanding of traditional legal tools and approaches to conservation of biodiversity. Lawyers also need to understand the historical and existing legal, political, and regulatory framework in which conservation issues exist. After closely examining the historical context of conservation law and policy in the U.S., this course will examine a wide range of laws, policies, regulations, treaties, and institutions designed to address local, national, and global conservation problems. Topics to be covered include protection of biodiversity, regulatory approaches to pollution, natural resource management, and international conservation law. Grades will be based on class participation and two papers: a legal analysis and a policy analysis.

Attributes: INLJ, JD, LLM.

EVGL 0290. LAW & POLICY OF CLIMATE CHANGE. (2 Credits)

The overwhelming consensus among climate change scientists is that (i) unchecked climate change will cause sea level rise and major disruptions in agriculture and other essential global systems; (ii) it is primarily the result of human activities; (iii) we must substantially reduce global emissions of greenhouse gases ("GHGs") as quickly as possible; and (iv) regardless of reductions, we face considerable climate change adaptation challenges due to the GHGs already in the atmosphere. <p>

In this course, we will review the underlying science of climate change and the policy issues it raises. We will explore legal issues associated with ways to address climate change and its effects, ranging from increased use of renewable energy and energy conservation, various forms of carbon-use fees and emissions trading to highly controversial "geo-engineering" approaches, along with their implications for both existing law and the need for additional legislation. The course will examine the evolution and current state of U.S. common law, legislation and regulations at the federal, regional, state and local level, including the federal Clean Power Plan; the Regional Greenhouse Gas Initiative; New York State's plan to reduce GHG emissions and increase resiliency; and New York City's plan entitled, "One New York: The Plan for a Strong and Just City." <p>

Climate change is a global problem and requires a global solution. Accordingly, we will devote considerable attention to international efforts to address climate change, from the first World Climate Change Conference in 1979 to the 2015 Paris Agreement and beyond. In particular, we will focus on issues of equity and the balance which must be struck between the needs of developed and developing nations in this new and challenging world of limits. This course has a scheduled open book final exam.

Attributes: ABGS, JD, LAWJ, LLM.

EVGL 0299. ANIMAL LAW. (2 Credits)

This course explores the animal law movement from its inception to its current status. This course examines the development, scope and current application of anti-cruelty laws governing laboratory test animals, trapping, animal fighting, animals used in entertainment, animals used for religious purposes or for educational purposes, and humane slaughter. The relationship of humane animal laws to conservation oriented fish and game law is studied. Federal and selected state laws on transportation of animals and on zoological gardens are reviewed. The course studies law reform, resources, expanding the scope of animal law, and the connection between environmental issues and animal issues at both the local and global levels. Notes/Miscellaneous: Paper required.

Attributes: JD, LAWJ, LLM.
EVGL 0301. DISASTER LAW. (2 Credits)
Disaster Law offers a timely approach to examining the intersection of law and policy, the tension between public and private risk allocation, the role of government and issues of federalism, and provides a survey of law affecting households and communities in the recovery process. The class will examine emerging domestic and international law while also exploring the multiple roles that attorneys might play along the timeline of an emergency: as counselors, negotiators, evidence-gatherers, advocates, legislators, litigators, critics, and policymakers. More specifically, the course will include the definition of a disaster and their causes; individual, business, and government issues that predictably arise in disaster; the role of government, non profits, and the private sector during a disaster and recovery, especially when dealing with vulnerable populations; state, national, and international laws that govern recovery from disaster; and mechanisms for assessing accountability. The focus will be bilateral: on practical skills that lawyers can use to advise clients before and after a disaster and in affecting public policy. Students who are interested in participating in relevant fieldwork and who have identified an appropriate placement by the first week of the semester may be eligible for an additional one credit, upon the approval of the professor.

EVGL 0302. ENVIRON DEAL MAKING & STRATEGY. (2 Credits)
The private transactional marketplace, in which environmental outcomes – economic and behavioral – are negotiated and implemented, has matured rapidly in the past 30 years. This course will explore the increasingly sophisticated strategies and techniques used to create results in a variety of corporate transactions. Similarly, the disclosure marketplace, in which environmental information is transmitted to stakeholders, has grown well beyond the bounds of SEC reporting. The course will explore the contours and consequences of this disclosure revolution and its effect on global capital markets. Finally, dynamic new companies designed to address foundational environmental questions such as energy efficiency, greenhouse gas emissions, and waste disposal, have begun to disrupt and transform long-established industries to create more sustainable outcomes across the U.S. and the world. Through the insights of guest speakers - the founders of some of these companies - the course will explore the limits and possibilities of creating a new environmental future.
EVGL 0322. INTERDISCIP. URBAN LAB FLWDK. (1 Credit)

EVGL 0337. ENVIRONMENTAL LAW. (2-3 Credits)
This course surveys the statutes, regulations, common law principles, and policies that address a wide range of environmental problems. The course begins by providing an introduction to environmental problems, basic theoretical concepts, common law cases, and the administrative law background necessary to understand this field of law. The course then proceeds to examine the goals of pollution control statutes and the criteria guiding decisions about the stringency of regulation. We will study relevant portions of the major environmental law statutes as they relate to understanding the different regulatory criteria employed—e.g., effects-based standards, technology-based standards, and cost-benefit considerations. The statutes that we will study include the Clean Air Act (CAA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), the Resources Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The course will also compare the different means of meeting environmental goals, including traditional regulation, economic incentives, information-based approaches, pollution prevention, and ecological restoration. <p>Students will be assessed through a combination of classroom participation, written assignments, and a final take-home examination.

Attributes: INLJ, PIE.

EVGL 0521. ENVIRONMENTAL JUSTICE PRACTICUM. (2-3 Credits)
This course is a 3-credit class that will be a combination of a 2-hour weekly seminar and a fieldwork/practicum that will be done largely outside of the classroom. We will cover the history and evolution of the environmental justice movement specifically analyzing the legal and policy tools used by advocates to advance environmental justice. The course will also look to international environmental justice movements to compare and contrast the types of tools advocates use and to see what lessons can be learned. The second half of the course will focus on the legal tools used in environmental justice cases. Students will apply their legal skills and tools learned in the class to the practicum, which is based on a real-world case study. <p>Key topics to be covered are: the intersection between race and the environment, the use of civil rights law for environmental justice concerns, the relationship between traditional environmental movements and the environmental justice movements, the challenges facing international environmental justice movements and how they differ from domestic movements, the role of international law in environmental justice movement, and the legal precedent and tools used in environmental justice cases.

Attribute: PIS.

EVGL 0522. ENVIRONMENTAL JUSTICE FLWDK. (1 Credit)
Must coregister for Environmental Justice Seminar, #17100.
Prerequisite: EVGL 0521 (may be taken concurrently).

EVGL 0751. ENERGY LAW. (2-3 Credits)
Cutting-edge technologies, coupled with policy, legal, and business considerations, are currently transforming the energy world as we know it. Dynamic changes are impacting conventional and renewable energy operations alike, in ways that will make a meaningful difference in tomorrow’s energy future. This course will examine real-world approaches to issues that companies face with respect to energy projects and their related devices, ranging from the rationale behind certain strategic business decisions, to securing debt or equity financing for novel technologies, to determining appropriate litigation strategy based on existing laws, case precedent, and state-of-the-art scientific know-how. We will explore statutes, federal laws, case law, policy, and other factors influencing both traditional and renewable energy projects and resources, with a heavy focus on renewable energy technologies, from wind and solar projects, to more unconventional projects, such as those involving piezoelectric flooring and roads. Examples of issues we will explore include (i) how curtailment risk, interconnection access, and electric grid integration are shaping the future of the wind, solar, and battery storage sectors, (ii) whether a property right to unobstructed wind flow across one’s property exists, and in which countries or states such right may be recognized, (iii) how certain animal species, weather conditions, and military interests may impact project siting, (iv) how weather-related risks impact energy projects and how to hedge such risks through certain financial products, (v) how the confluence of scientific data and public perception influences whether a project will be built, and (vi) how consumer choice, social media, and direct interactions with certain innovations can be a driver of change, catalyzing the more rapid deployment of futuristic technologies and the evolution of smart cities. To foster an understanding of how developments in Europe and elsewhere are impacting the current domestic landscape, we will compare European case law to U.S. case law, examining how the interplay of science and public policy factors into legal decisions, as well as the formulation of business decisions, laws, and policy guidelines. During each class, we examine whether creative solutions can be devised that can serve as either a temporary bridge or more permanent solution to the issues raised. <p>This class will feature a number of in-class interactive simulations, during which students will role-play to gain experience presenting, confronting, and addressing issues. All simulations are based on products and companies that are currently in the marketplace, or that could come to market in the near future. In the past, such simulations have included pitching an investment bank to debt finance a company that installs LED lighting in commercial real estate buildings, competing in a “beauty contest” among start-ups and relatively new-to-market renewable energy companies for equity financing from funds, and arguing before a panel of judges the merits of whether a community wind project should be built.

Attribute: LLM.

EVGL 1301. DISASTER LAW FIELDWORK. (1 Credit)