

**Conservation Law Clinic
Fall 2009 Syllabus**

1. Introduction – August 27

Reading

- Practice Manual

Topics

- Introduction to Conservation Law Clinic
- Clients and projects for the semester
- Introduction to conservation easement defense project
- Semester reading materials will be delivered to interns

Clinical Student Gathering 6-7pm, Lewis Building 3rd Floor (food and beverages provided)

2. Negotiations – September 3

Reading

- Getting to Yes, Fisher and Ury (Part II, sub-parts 2 and 3) (1993)

3. Conservation Easement Defense Project – September 10

- Group presentations
- Written assignment due

4. Drafting Rules and Legislation – September 17

Reading:

- *IDEM v Chemical Waste Mgmt, Inc.*, 643 N.E.2d 331 (Ind. 1994) - for wide range of challenges to the “good character” statute

Discussion in class:

- 326 IAC 1-4-1; 326 IAC 2-3-2
- Ballast water provision
- Phosphorus exercise

5. Statutory Interpretation - September 24

Reading:

- *Koons v. Nigh*, 125 S.Ct. 460 (2004)

Discussion in class:

- IC § 4-22-2-21

6. No Lecture or Guest Lecture– October 1

7. Mid-Term Meeting: Interns will share information and experiences- October 8

During this week:

- Students prepare mid-term self-evaluations to review with supervising attorney

8. No Lecture – October 15

9. Fall Break-October 22

10. Conservation Litigation, Part 1-October 29

Reading:

- J.B. Ruhl, Reconstructing the Wall of Virtue: Maxims for the Co-evolution of Environmental Law and Environmental Science, Symposium. Law, Science, and the Environment Forum: A Meeting of the Minds, 37 Env'tl. L. 1063 (2007)
- GAO (2008) U.S. Fish and Wildlife Service: Endangered Species Act Decision Making, Testimony before the Committee on Natural Resources, House of Representatives, GAO-08-688T
- U.S. Department of Interior Office of Inspector General, The Endangered Species Act and the Conflict between Science and Policy (December 10, 2008) (results in brief) http://wyden.senate.gov/newsroom/interior_ig_report.pdf

11. Conservation Litigation, Part 2 – November 5

Reading:

- W.F. Funk & R.H. Seamon, Administrative Law: Examples and Explanations, Chapter 2, Aspen Pub. (2006)
- Table of judicial review and citizen suit provisions
- List of issues for litigation
- 16 U.S.C. § 1540(g)
- 5 U.S.C. §§ 701-706

12. No Lecture or Guest Lecture -November 12

13. Peter King, guest, Practice in the Private Sector – November 19

14. Thanksgiving- November 26

15. Conservation Now and in the Future – December 3

Reading:

- “The Death of Environmentalism”, Shellenberger and Nordhaus (2004)

CLASS EVALUATION