

Welcome to Environmental Law. My name is Paul Merwin. I am an Adjunct Professor. I presently work as a Senior Land Use Attorney for the League of Minnesota Cities. Prior to that I was an Assistant Attorney General in the Environmental Protection Division, representing the Minnesota Pollution Control Agency.

I do not have regular hours at the law school. My office is nearby at Rice and University in St. Paul. You may contact me at my office via telephone at 651-281-1278 or email at pmerwin@lmc.org.

The casebook for this class is Environmental Regulation: Law, Science, and Policy, 5th edition, Percival, Miller, Schroeder and Leape, Aspen Publishers. I will also assign cases and statutory or rule readings as appropriate and you will be responsible for obtaining these materials on your own.

As you will note from the syllabus, we will cover a wide range of topics. Environmental law covers a number of different regulatory programs. To the extent possible, we will identify central themes and examine how they play out in each program. I will use a number of real-world examples to examine important issues and how they have played out. We will also have a number of guest speakers who will provide cutting-edge information about the practice of environmental law.

Classroom discussion will provide a large part of the course material. I will not formally take attendance, but the material provided in class will go beyond that found in the readings or in commercial study aids or outlines. You will not be well served if you choose to forego class and attempt to rely on such materials. Come to class prepared and ready to debate. I reserve the right to adjust grades slightly based on classroom performance. My policy on laptops in class is that you can do whatever you like so long as you are prepared and not distracting anyone else.

Because I am a practitioner, I may have to miss or reschedule some classes. I will provide notice as best I can in these situations. I may also arrange to have outside speakers appear in class even if I am not available.

There will be a single final exam in this class, which will be three hours long. It will be designed to test your knowledge across a broad range of environmental issues. It will be open book. You may bring any materials with you to the exam.

DATE	TOPIC	ISSUES	ASSIGNMENT
August 20	Introduction	Overview Ethics and Ecology Oil Drilling in ANWR	1-14, 53-59
August 25	Environmental Values State of the Earth	Ethics, Economics and Ecology Tragedy of the Commons	26-38, 49-52 Penguin Handout
August 27	Common Law	Nuisance; Trespass Historical Cases Application today?	61-87 (make sure you read the cases in the notes at pp. 64-67)
Sept. 3	Development of Modern Law	The Actors The Laws Pre-emption	88-116, 128 <i>-Wis. Public Intervenor v. Mortier, 501 U.S. 597</i>
Sept. 8	Administrative Action	Rulemaking process Judicial Review	144-164;
Sept. 10	Administrative Action	Standing Risk Assessment Precautionary Principle	977-997, 165-177, 201-208