

A watercolor illustration of a Vermont landscape. The top portion shows a sky with horizontal bands of blue, orange, and white. Below the sky are rolling green mountains. In the foreground, there are dark green evergreen trees. The overall style is soft and painterly.

Summer in Vermont.

VERMONT LAW SCHOOL

Environmental Law Center

Summer Session 2012

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The mission of the Environmental Law Center is to educate for stewardship, to teach an awareness of underlying environmental issues and values, to provide a solid knowledge of environmental law, and to develop skills to administer and improve environmental policy.

Cover image:

Summer Solstice at Camel's Hump
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Summer Session 2012

Grow professionally and personally this summer at the nation's preeminent program for environmental law and policy studies. From two weeks to two months, you can choose from the broadest and deepest range of courses anywhere.

The Environmental Law Center

The Environmental Law Center at Vermont Law School has led the nation in environmental law and policy education since our founding in 1978. Our multidisciplinary program is not only the largest; it also consistently ranks among the best. At its heart is a mission to develop environmental leaders who are committed to stewardship of natural systems and adept at working at the intersection of law, policy, science, economics, and ethics. We offer a Master of Environmental Law and Policy (MELP) degree, a joint JD/MELP degree, and an LLM in Environmental Law.

For more information about applying to Vermont Law School's degree programs, contact the Admissions Office at 888-277-5985, admiss@vermontlaw.edu, or visit our website at www.vermontlaw.edu.

The Faculty

Summer Session faculty include Vermont Law School professors and leaders in specialized fields. Visiting faculty come from national and international nonprofit organizations, environmental groups and research centers, consulting firms, federal and state government agencies, academic programs at other law schools, and private practice.

The Student Body

Students attending Summer Session include Vermont Law School JD, MELP, and LLM candidates, JD candidates from other law schools, teachers, citizen advocates, practicing attorneys, planners, and state and federal agency personnel.

Distinguished Environmental Scholars

Each summer, the Environmental Law Center hosts scholars who present lectures and participate in colloquia and informal gatherings of students and faculty. This summer's Environmental Scholar will be **Michael Gerrard**, Professor and Director of the Center for Climate Change Law at Columbia Law School. Our Sustainable Food Systems Scholar will be **Stephanie Tai**, Assistant Professor of Law at the University of Wisconsin Law School. Our International Environmental Scholar will be **Edith Brown Weiss**, Francis Cabell Brown Professor of International Law at Georgetown University Law Center. Our Energy Scholar will be **David Goldstein**, Energy Program Director for the Natural Resources Defense Council.

Hot Topics in Environmental Law Lecture Series

A midday lecture series on a wide range of current issues in environmental law runs throughout the summer. This free series is open to the public. The lectures are each worth one Continuing Legal Education (CLE) credit.

Summer Housing

Apartments and homes in South Royalton and in surrounding towns are available for sublet from Vermont Law School students.

The Area

The White River, which borders the campus, offers swimming, canoeing, tubing, and fishing. Scenic back roads are favored by cyclists and runners. Hikers enjoy the local hills as well as the Appalachian and Long trails nearby. South Royalton is a three-hour drive from Boston or Montreal.

Continuing Legal Education

Practicing attorneys may take summer courses for Continuing Legal Education (CLE) credits. Vermont Law School is an accredited provider of CLE credits for Vermont, New York, and Pennsylvania; residents of other states should check with their state bar association for CLE credit guidelines.

Course Descriptions

MELP distributional requirements are listed in italics at the end of course descriptions.

Term One: Three-Week, Three-Credit Courses

Term One courses meet Tuesday, May 29 through Friday, June 1 and for the two weeks following, Monday through Thursday, June 4–7 and 11–14

Exams: Saturday, June 16

Advanced Environmental Legal Research A (1 credit)

WRI7380.A

Tuesday–Friday, May 29–June 1, 9–11 A.M.
Monday and Wednesday, June 4 and 6, and
June 11 and 13, 9–10 A.M.

Christine Ryan

This seminar provides in-depth exposure to the most useful, efficient strategies and resources for environmental law research, including highly specialized information databases, advanced administrative law research, legislative history, and environmental news/updates services. The course goes well beyond the basics taught in introductory legal research classes and is designed to prepare students to research all types of environmental legal materials for use while in law school as well as in practice. Students will be evaluated on the quality of a research project focused on an environmental issue of their choosing, as well as class participation. This is a limited enrollment course. Choose Section A or Section B—not both.

Environmental Dispute Resolution

ADR6415

9 A.M.—NOON

Philip J. Harter

This course explores the characteristics of environmental disputes, examines alternative dispute resolution processes (including mediation, arbitration, negotiated rule-making, and facilitation), and assesses relevant policy and practical considerations in selecting the most effective method of resolving environmental disputes. A major theme of this course will be to compare the advantages and disadvantages of adversarial and collaborative approaches in environmental conflicts, including ones involving environmental regulation and compliance, remediation of contaminated property, land use, and climate change. This course will use simulations to explore a range of dispute resolution processes, and the role of impartial third parties and lawyers in these processes. The instructor will use numerous case studies and their extensive experience as environmental mediators and facilitators. Students should be prepared to actively engage in each class session. Environmental Law and Administrative Law are recommended, but not required.

Dispute Resolution

Environmental Law ENV5115

9 A.M.—NOON

Kevin Foy

This introductory course covers the history of environmental values and policies, including a discussion of economics and the environment, common law roots, approaches to federalism, and environmental justice. It compares and contrasts the major environmental statutes, such as the Clean Water Act, Clean Air Act, Toxic Substances Control Act, and other federal statutes. It considers the goals and objectives of environmental laws, and the choices that are made both implicitly and explicitly in effecting the means of environmental protection. In addition, the course explores state roles in biodiversity protection and land use regulation. A thread throughout the course asks questions about how environmental justice issues have or have not been taken into account.

Ocean and Coastal Law ENV5423

9 A.M.—NOON

*Don Baur, Tim Eichenberg,
and Michael Sutton*

Long neglected by lawmakers despite its essential ecological functions, the marine environment has increasingly been the focal point of conservation and natural resource management efforts. As a foundation for studying the laws that govern the marine environment, the course considers the natural components of estuarine, coastal, and marine ecosystems and the current conservation issues confronting them. We will review domestic and international laws and treaties relating to coastal management, pollution, protected areas, endangered species, fisheries, marine mammals, wetlands, marine spatial planning, and offshore energy resources, and examine alternative approaches to ensure the conservation and sustainable use

of marine resources. The course considers the effectiveness of these legal regimes in providing rational and comprehensive management and protection of marine resources in the face of emerging threats from climate change, crashing fish stocks, and energy shortages, focusing on current events such as the Gulf of Mexico oil spill, the International Whaling Commission debate over commercial whaling, and climate change threats to the Arctic.

Ecology A ENV5430.A

Monday–Thursday, June 4–7 and 11–14
Mondays and Wednesdays, 9 A.M.—NOON
Tuesdays and Thursdays, 9 A.M.—3 P.M.
Walter Poleman and Tom Lautzenheiser

Ecology is an integrative science that can provide insight into many contemporary environmental problems. Through visits to a variety of field sites in central Vermont, readings, and lectures, this course will explore the principles of ecology using a hands-on, interdisciplinary approach. Course work stresses the inventorying of biotic and physical components of a landscape (pieces), examining how these pieces are distributed (patterns), and determining what forces drive these patterns (processes). Topics will include interpreting the natural and cultural histories of a landscape, biodiversity conservation, and the scientific method, among others. This course requires minimal previous scientific understanding. This is a limited-enrollment course. Choose Ecology A or Ecology B (Term Two)—not both.

Required for MELP and LLM

Advanced Environmental Legal Research B (1 credit) WRI7380.B

Tuesday–Friday, May 29–June 1, 1–3 P.M.
Monday and Wednesday, June 4 and 6, and
June 11 and 13, 1–2 P.M.

Christine Ryan

See course description for WRI403.A, above.
Choose Section A or Section B—not both.

Environmental Writing and Advocacy ENV5120

1–4 P.M.

Laurie Beyranevand '03

A successful environmental professional needs to possess the ability to advocate, counsel, investigate, persuade, research, and educate. This course will develop those skills through various writing and oral advocacy projects. In addition to more discrete research and writing projects, students will practice drafting legislation, compose a Freedom of Information Act request, draft a public comment letter, write a grant proposal letter of inquiry, and create an environmental communication campaign. Different skills are emphasized through the exploration of these diverse types of writing. The class will focus extensively on the craft of writing well and communicating to different types of audiences.

Three Essentials of the Electric Grid

1–4 P.M.

*Kevin Jones, Seth Blumsack, and
Javier Garcia-Lomas Gago '10*

This course sets out, in three one-week modules, the fundamental knowledge that professionals should have for working in the closely intertwined fields of energy and the environment. Students may take one, two, or three modules for one credit each.

MODULE A:

Engineering Essentials ENV5510

The engineering realities of electric power grids and natural gas pipelines greatly constrain the choices that lawyers and policy analysts might otherwise make. This module will cover the engineering fundamentals inherent in the current and expected energy infrastructure.

MODULE B:

Business Essentials ENV5511

The energy and electric power industries in the U.S. are facing unprecedented challenges in meeting our society's demands for low-cost, high-reliability energy and electricity with lower environmental impacts. This module will introduce the major financial and economic factors that energy companies use in making production and investment decisions, and how emerging environmental regulations might affect these decisions. The module will also cover deregulated market structures in the petroleum, natural gas and electric power industries.

MODULE C:

Legal Essentials ENV5512

This module will provide an overview of the fundamentals of energy law in both the US and the European Union. It will focus on what financiers, engineers, and economists need to know about energy law in order to work together and with lawyers in the energy world. The course will address some of the most important problems faced by energy project development, including facility siting, environmental issues, and authority fragmentation. In every issue a comparative perspective will be adopted.

Term Two: Two-Week, Two-Credit Courses

Monday through Thursday, June 18–28

Exams: Saturday, June 30

Arbitration

ADR6405

9 A.M.—NOON

Curtis Pew

The arbitration process can be an efficient and expeditious alternative to litigation that has traditionally been used where the parties have a continuing relationship, for example, commercial, construction, and labor contract disputes. More recently it has been institutionalized in court systems, as a settlement device in the litigation process, and in federal and state regulatory schemes. This course will also explore the controversial issues of requiring arbitration where corporations have incorporated arbitration clauses in employment and consumer contracts without the kind of bargaining that usually occurs in continuing commercial and labor relationships. The course examines the nature of the arbitration process, rules governing hearings, and the relationship between arbitration and the court system, for example, the enforceability of agreements to arbitrate and judicial review of arbitration award, in a practical setting. This course does not satisfy the DR distributional requirement for the MELP program. It is not recommended for non-JD students.

Biodiversity Protection

ENV5412

9 A.M.—NOON

Patrick A. Parenteau

Across the globe, wildlife and its habitat are increasingly threatened by human-caused habitat destruction, exploitation, poaching, illegal trade, invasive species, disease, and

climate change. This course examines what biodiversity is, the growing threats to it, and U.S. and international laws to combat those threats. The course focuses on statutes, case law, environmental ethics, and current controversies to highlight legal, scientific, and political strategies for protecting biodiversity. Particular emphasis is placed on the U.S. Endangered Species Act.

Ethics/Philosophy

Environmental Enforcement and Compliance

ENV5561

9 A.M.—NOON

Randolph Hill

This course is an introduction to the theory and practice of enforcement of the federal pollution control laws. We will first discuss the basic regulatory structure of the pollution control laws and the administrative, civil judicial, and criminal enforcement tools available to federal and state regulators to ensure compliance with those laws. We will then delve into the practice of civil enforcement, including methods for investigating and establishing potential violations, selection of the appropriate enforcement response, calculation of penalties, use of supplemental environmental projects or other innovative remedies, and practical issues arising in citizen suit enforcement. We will also discuss key issues related to criminal enforcement, including establishment of the elements of the offense and considerations of mental state requirements and the burden of proof. Finally, we will discuss alternatives to traditional command-and-control regulation

and enforcement for gaining compliance with environmental standards. Prerequisite: Environmental Law.

Human Rights and the Environment ENV5442

9 A.M.—NOON

Dinah Shelton

This course will examine the links in theory and in law between the enjoyment of internationally recognized human rights and protection of the environment. It will assess the value and limits of procedural rights of access to information, public participation, and remedies in environmental law, as well as the case law of human rights bodies finding environmental degradation to constitute a breach of various human rights, such as life, health, home life, and privacy. It considers the value and implications of formulating a “right to a safe and healthy environment” and reviews the current status of this right in national and international law.

Ethics/Philosophy

Ecology B (3 credits) ENV5430.B

Monday–Thursday, June 18–21 and 25–28

Mondays and Wednesdays, 9 A.M.—NOON

Tuesdays and Thursdays, 9 A.M.—3 P.M.

Walter Poleman and Tom Lautzenheiser

Please see course description for Ecology A in Term One. This is a limited-enrollment course. Choose Ecology A (Term 1) or Ecology B—not both.

Required for MELP and LLM

Agricultural Policy and the Environment ENV5403

1–4 P.M.

Neil Hamilton

In the past several years, the American public has renewed its interest in ensuring that the food it eats is healthy and is grown in ways that are environmentally and economically sustainable. This course will explore a range of issues related to both the regulatory and incentive-based federal programs that affect the crops we grow, the manner in which they are grown, and the human and environmental impacts of such programs. The course will begin with an overview of the environmental impacts of agriculture, including issues related to pesticides, fertilizers, irrigation, water quality, wetlands, and climate change. After providing an overview of U.S. agricultural policy and the major regulatory programs that address the environmental impacts of agriculture, the course will then turn to exploring the Farm Bill, as well as other programs that encourage certain forms of farming that contribute to environmental degradation. The course will also cover issues related to genetically modified crops, organic farming certification, and international trade and environmental agreements that influence agricultural practices in the U.S.

Environmental Justice and Sustainable Development

ENV5445

1–4 P.M.

Barry E. Hill

This course focuses on two interrelated but distinct concepts: environmental justice and sustainable development. With respect to environmental justice, the course examines the issue not only from an environmental law perspective but also from a civil rights law perspective. It explores how environmental justice issues are framed, addressed, and resolved through litigation and mediation in the U.S. With respect to sustainable development, the course examines how environmental law is an essential tool for a national government to achieve sustainable development. Environmental law provides the foundation for governmental policies and actions for the preservation and protection of the environment and human health, and for ensuring that the use of natural resources is both equitable and sustainable. The course examines how developing countries and countries with economies in transition face numerous challenges in their efforts to achieve sustainable development. The course involves discussion of environmental law, history, political science, policy studies, litigation vs. alternative dispute resolution, and urban planning and zoning, as well as reports by the UN and other international bodies. Detailed case studies will be used.

Ethics/Philosophy

Nuclear Power and Public Policy

ENV5476

1–4 P.M.

Peter Bradford

The U.S. and other countries are seeking to balance construction of more nuclear power plants with adapting to the impacts of the Fukushima disaster while the world grapples with overlap between civilian nuclear expansion and bomb making, and Vermont debates the future of the Vermont Yankee nuclear power plant. All of these issues are playing out against the backdrop of nuclear power's potential role in combating climate change. This course encompasses the regulation of nuclear safety, economics, and technology, as well as nuclear waste, nuclear proliferation, and nuclear energy policy. The primary focus is on nuclear energy in the U.S., but European and Asian nuclear programs are also considered.

Term Three: Two-Week, Two-Credit Courses

Monday through Thursday, July 9–19

Exams: Saturday, July 21

Environmental Protection and the Law of Armed Conflict

ENV5560

9 A.M.—NOON

Catherine MacKenzie

This course explores the intersection between international environmental law, the law of armed conflict, and international humanitarian law, and analyzes the role of environmental protection in postconflict reconstruction. It begins with an overview of relevant international law and then uses case studies to explore the role of international environmental norms in conflict and postconflict situations. They may include interstate and intrastate conflicts in the Middle East, Africa, and Asia. The roles of the United Nations, national and multinational defense and peace-keeping forces, and NGOs are also considered.

International Trade and the Environment

INT7446

9 A.M.—NOON

David Wirth

This course is an up-to-the-minute, in-depth treatment of the intersection and frequent clash between two areas of policy and law, both of which are intended to promote human welfare and sustainable development: trade liberalization and environmental protection. The course addresses cutting-edge questions in the field, including protection of natural resources through unilateral trade-based measures, the legality of multilateral environmental agreements employing trade

measures, utilization of science-based trade tests, and environmental impacts of foreign investment liberalization. The course analyzes all the major junctures in the evolution of this area of the law, including the tuna/dolphin, shrimp/turtle, asbestos, beef hormone, and genetically engineered food and crop cases, as well as investment disputes under NAFTA. Students will be exposed to the major international trade agreements and institutions, such as GATT, NAFTA, the World Trade Organization, and the draft Multilateral Agreement on Investment, in some detail. No prior familiarity with either trade law or environmental law is necessary or assumed.

Land Conservation Law

ENV5474

9 A.M.—NOON

Jessica Jay '97

Increasingly important in our efforts to preserve ecological diversity, working lands, scenic viewsheds, open space, historic places, and public uses of land are conservation tools and processes such as donation of conservation easements, purchase of sensitive lands, and private/public partnerships for land conservation. Students will research and review the swiftly developing body of law and legal issues accompanying the use of conservation easements and will gain a practical understanding of both the legal and nonlegal dimensions of land conservation transactions involving conservation easements. In addition, students will actively be engaged in a progressive conservation transaction, beginning with early negotiations, drafting,

and financial analysis, and proceeding along a spectrum to donation, amendment, violation, and enforcement of terms of a conservation easement. Each student will be responsible for role playing exercises throughout the conservation transaction and will assess various practical, financial, and legal scenarios, identify and resolve disputes related to the conservation transaction, and prepare, draft, and negotiate a conservation easement, the final draft of which shall serve as the final exam.

Public Health Implications of U.S. Agriculture and Food Policy ENV5540

9 A.M.—NOON

William S. Eubanks II '08

It is often argued that individual food choice is the ultimate exercise of personal responsibility in our society. But what if that conventional wisdom was challenged, instead recognizing that a complex web of agricultural and food laws substantially influences what ends up on our plates and ultimately affects the health of individuals and communities? These policies, and the regulatory mechanisms supporting them, play a vital role in determining health outcomes for our nation, and accordingly will be explored in depth in this course. In the context of these policies, the course will cover diverse public health issues including Farm Bill and other federal nutrition assistance programs, food access, obesity and malnutrition, food safety and foodborne diseases, genetically engineered foods, organic and other certification schemes, and the debate about food systems and sustainability.

Earth Law ENV5521

1–4 P.M.

Linda Sheehan

Climate change and other escalating global threats increasingly demonstrate the limits of our existing environmental laws to slow the pace of ecological decline. This course posits that this decline will continue until we correct the fundamentally flawed assumption underlying our legal systems that humans are separate from, and more deserving of rights than, the natural world. The course will first critically examine the sources of this faulty assumption and its impacts on preventing us from achieving a healthy, thriving planet. It will then identify existing and proposed legal, governance, and economic systems that better recognize the inherent rights of all people and the natural world to exist, thrive, and evolve, and it will discuss how such systems can be implemented on the ground to advance true sustainability. Specific applications—including a waterway's rights to clean water, biodiversity, and adequate flow—will be highlighted and debated.

Ethics/Philosophy

Indian Tribes as Governmental Stewards of the Environment DIV7628

1–4 P.M.

Rebecca Tsosie

This course examines the unique body of law governing “Indian country,” the geographic areas recognized by the federal government as the homelands of sovereign American Indian tribes. Major topics include the history of federal-tribal relations, tribal property rights, tribal court systems, and the balance of governmental power between tribes, states, and the federal government. Particular attention will be devoted to understanding the legal framework that supports the tribes’

role as governmental steward of the natural world, including powers derived from the tribes' inherent sovereignty authority and rights stemming from treaties and federal statutes. The course will include a close examination of treaty-based fishing rights and federal environmental statutes that accord tribes a role as governmental partners in the implementation of federal environmental programs (for example, the Clean Water Act).
Ethics/Philosophy

Renewable Energy and Other Alternative Fuels ENV5490

1–4 P.M.

Benjamin K. Sovacool

Our world is fundamentally dependent on energy flows, yet the fuels and sources that have sustained us for the last century all seem to be showing tight limits or tragic flaws. This course explores the emerging field of renewable and alternative energy supplies. It first focuses on technology-specific evaluations of renewable resources in the electricity, transport, and heating and cooling sectors, and on assessing costs and benefits. It then reviews national and global laws and policies that promote (and impede) such sources, and concludes with successful global case studies of where these technologies have been rapidly commercialized.

Negotiation

ADR6420

Thursday, July 12 and Thursday, July 19, 8 A.M.–NOON and 1–5:30 P.M.
Friday, July 13 and Friday, July 20, 1–5:30 P.M.

L. Randolph Lowry

This interactive workshop examines the dynamics, constraints, and skills of the negotiation process. It focuses equally on the use of negotiation in planning and dispute resolution. Theories of negotiation are examined through current literature. Students learn specific techniques through simulation experiences, and issues related to the use of negotiation are addressed through classroom discussions. The content of the practice-oriented course is drawn from the fields of law, psychology, business, and communication. This is a limited-enrollment course.

Dispute Resolution

Term Four: Two-Week, Two-Credit Courses

Monday through Thursday, July 23–26 and July 30–August 2

Exams: Saturday, August 4

Animal Rights Jurisprudence

ENV5406

9 A.M.—NOON

Steven M. Wise

Nonhuman animals presently have no legal rights. We will discuss what legal rights are, what are the sources and characteristics of fundamental rights, why nonhuman animals are presently denied them, why all humans are presently entitled to them, whether they should be available for nonhumans under the common law and, if they should, which rights should nonhuman animals have, which animals should have them, and what strategies are available for obtaining them.

Ethics/Philosophy

Climate Change, Development, and America's Arctic

ENV5520

9 A.M.—NOON

Peter Van Tuyn '89

The Arctic generally is considered the least studied and most poorly understood area on Earth. At the same time, global warming has reduced ice cover and thus increased pressure to allow industrial activities such as oil and gas development in Arctic waters. This course explores the pressures to develop America's Arctic, the legal structures pursuant to which development decisions are and should be made, how the Deepwater Horizon disaster has influenced those decisions, and what development of the Arctic means for local

residents, the United States, and the world.

Throughout the course, the role in shaping the law of science, and impacts to Arctic indigenous peoples and the environment will be addressed.

Ethics/Philosophy

Strategic Planning for Sustainable Development

ENV5466

9 A.M.—NOON

Lea E. Swanson

Environmental and social issues have emerged as integral components of international business and government strategies, emphasizing the interdependent reality of economic, environmental, and social concerns. Using the case study method, this course simulates the decision environment facing a manager, including developing global business strategies in a changing regulatory environment; allocating corporate/public resources to meet environmental, social, and economic objectives; and managing risk and uncertainty. Focus is on the concepts of strategy and strategic management as they apply to the organization as a whole and on the integration of the concepts and practices of sustainable development into international business and government strategies.

Mediation

ADR6412

Monday, July 30 and Tuesday, July 31,
8 A.M.–NOON and 1–6:30 P.M.

Wednesday, August 1, 8 A.M.–NOON
and 1–4 P.M.

Cathy A. Costantino

This course examines the nature of mediation and explores theoretical and practical aspects of the process. It will analyze each component of the mediation process and provide students with the opportunity to apply theories and skills in simulation exercises. The course will also address ethical and practical issues.

Dispute Resolution

Comparative U.S.-China Environmental Law

INT7440

1–4 P.M.

Robert V. Percival

This course provides a comparative overview of how China and the United States are addressing significant environmental problems. After an introduction to the political and legal system of China, we will review how Chinese environmental law seeks to control pollution and to protect natural resources, enormous challenges in a rapidly developing country of 1.3 billion people. The course will compare and contrast the approaches to regulation used in China with those employed by the U.S. Among the other topics that we will consider are: environmental impact assessment, the process of adopting environmental legislation and the issuance of implementing regulations, public participation in environmental protection, environmental enforcement, and evolving approaches to combating climate change. Students may also participate in

an additional, optional, one-credit session in China immediately following the class. This will enable them to experience directly environmental conditions in China and to meet leading Chinese environmental scholars and activists.

European Community Environmental Law

INT7445

1–4 P.M.

Yvonne Scannell

This course examines the principles of European environmental law and techniques for environmental management with particular emphasis on substantive aspects of EU environmental law, including EU nature conservation law, environmental impact assessment, integrated pollution control, waste management, climate change, and the enforcement of environmental law at EU and Member State levels. Issues relating to problems of the judicial process and access to environmental information and environmental justice will be discussed. Students are expected to participate actively in class and may be invited to prepare short presentations. Students will gain a thorough knowledge of the underlying philosophies and requirements of EU environmental law and how it applies in practice throughout the Union.

Landscape Scale Conservation

ENV5222

1–4 P.M.

Philip Tabas

The scope and magnitude of today's conservation challenges mean that conservationists must conceive, design, and implement conservation projects at a landscape scale. Landscape scale conservation projects have recognizable unifying ecological features and include components that address issues of human well-being. Such projects must be large enough to maintain resilience and key ecological processes, allow for movement of organisms within and through such areas, and enable a matrix of working lands and waters surrounding core conservation areas. Successful landscape scale conservation projects employ a range of implementation strategies, including creative financing and fundraising, innovative legal arrangements, structuring actual transactions, and enacting policy solutions. This course will examine a sample of these projects largely drawn from the experience of The Nature Conservancy, and will explore the common issues involved in those projects.

Oil and Gas Production and the Environment

ENV5468

1–4 P.M.

Jacqueline L. Weaver

This course will review key aspects of the common law, contracts, and statutory framework used to explore for and produce oil and gas in the U.S. and internationally. It will cover the Rule of Capture, U.S. conservation laws, and the typical oil and gas lease on private lands. It also includes leasing practices on public lands in the U.S. offshore and in the Rocky Mountain West, and the acquisition of host government oil and gas development contracts from foreign

governments. The course will then look at how best practices, sustainable development, and social issues, including human rights, are treated, especially when operating abroad. The course will provide students with an understanding of the future of petroleum as a resource, the technology used to produce it, and the externalities of production with best practices to minimize pollution and other issues.

Public Lands Management—Montana Field Study (3 credit)

ENV5462

Jack Tuholske

Missoula, Montana, in the heart of the Northern Rockies, provides an outstanding venue for a field seminar in public land management. The course provides a comparative approach to competing legal mandates and diverse philosophies that make federal land management a lively topic not only in the West, but throughout the country. Resource extraction, preservation, and sustainable/multiple-use concepts are addressed. With a special focus on salvage and restoration logging, the role of wildfire on public lands, and wilderness designation and management, this class provides a window into current debates affecting public lands. Agency officials, research scientists, and local attorneys compliment the field sessions. Most of the class is in the field. The course includes moderate overnight backpacking trips in wilderness areas in Western Montana, hence previous backcountry experience is required. This nontraditional course requires a greater level of time and commitment than typical classroom courses. Please contact the ELC for a course application; enrollment is limited.

Eight-Week Courses: Two-Credit Courses

Fridays June 8–August 3 (no class July 6)

Exams: Saturday, August 4

Advanced Dispute Resolution Writing Seminar

ADR6450

9 A.M.—NOON

Laurie Beyranevand

This course will reinforce the importance of persuasion in the context of dispute resolution. Students will first work on a variety of smaller writing assignments they might encounter when negotiating or mediating an issue, including letter briefs to opposing counsel and mediation briefs. In the second half of the course, students will focus on researching and writing a paper addressing an issue in the realm of dispute resolution, which will be presented during the final week of classes.

America's Energy Crisis

ENV5498

9 A.M.—NOON

Benjamin K. Sovacool

This class will address the fundamental crisis in which growing energy demands are threatening the capacity of our global atmosphere and eroding our energy security. It takes place at a time when increasing recognition of the problem is maturing into a struggle to identify and create the legal and policy elements necessary to promote and ensure solutions. Most classes will feature conversations with nationally recognized scholars and practitioners. Grading will be based upon a 10- page final paper that

compares and contrasts the solutions offered by each of the expert speakers and synthesizes those recommendations into a proposed comprehensive energy strategy for the United States.

Animal Welfare and Agricultural Trade

ENV5407

9 A.M.—NOON

Pamela Vesilind '08

Farmed animal welfare policies in the U.S. and E.U. have become increasingly disparate, in turn straining international trade relations. This course will compare and contrast U.S. and E.U. regulatory schemes implicated in farmed animal food production and animal welfare policies and regulations. Students will be introduced to international agreements that regulate the trade of foods from farmed animals (including GATT, SPS, and the Agreement on Agriculture) and the mechanisms used to resolve these differences (the WTO dispute settlement process). Discussions about WTO Appellate Body decisions will illustrate how the economic, political, and philosophical conflicts surrounding animal welfare and public health are analyzed.

International and Comparative Environmental Law

INT7444

9 A.M.—NOON

David B. Firestone

In the international arena, students study treaties that may provide remedies for harm caused to humans and to natural resources by activities such as transporting oil in tankers, burning fossil fuels, and exporting hazardous substances. They also study many efforts to prevent harm rather than to remedy it. Comparative law issues range from how similar, environmentally based disputes between private parties might be resolved in a wide variety of legal and social systems, to a detailed comparison of environmental legislation in two federal systems and their member states—the U.S. and the European Community.

Nonprofit Management BUS6350

9 A.M.—NOON

Caleb Rick '88

This course offers an overview of management subjects facing nonprofit organizations, including resource development, leadership and governance, staffing, planning and policy, resource management and reporting, communications, and stewardship. Combining lectures, readings, web research, and presentations by guest speakers, the course introduces students to key issues. They learn how to gather information and gain practical insights about running an organization. In addition to highlighting nonprofit management issues and challenges, the course enables students to meet a variety of nonprofit leaders and receive information and advice about exploring career opportunities in the nonprofit sector.

Four-Week Course: Four-Credit Course

Monday through Thursday, July 9–19 and July 23–August 2

Exam: Saturday, August 4

Evidence

LIT7210

9 A.M.—NOON

Deborah Young

This course considers the rules governing the admissibility of testimonial, physical, documentary, and demonstrative evidence in trials and other formal legal proceedings. Among important topics considered are

authentication, relevance, hearsay, opinion and expert testimony, impeachment, and privileges. The course utilizes discussion problems, traditional case materials, the Federal Rules of Evidence, and simulations to illustrate concepts being discussed. Students will participate through problems and simulations.

Summer Faculty

Don Baur

Partner, Perkins Coie

Mr. Baur's practice focuses on public lands, energy resources, marine resources, fish and wildlife, wetlands, endangered species, NEPA, and Indian law. He represents clients on offshore renewable and oil and gas energy, coastal and marine and spatial planning, and marine fisheries and wildlife conservation. He has published numerous articles and served as adjunct professor of wildlife law at Golden Gate Law School and instructor for the Environmental Law Institute and American Bar Association. He is coeditor of the American Bar Association's treatises on the Endangered Species Act and Ocean and Coastal Law. Prior to joining Perkins Coie, he was general counsel to the U.S. Marine Mammal Commission and attorney-advisor in the Solicitor's Office of the Department of the Interior. He served as an advisor to the Obama Transition Team on ocean issues. Mr. Baur received his BA degree, with highest honors, from Trinity College and his JD degree from the University of Pennsylvania.

Laurie Beyranevand '03

*Assistant Professor of Legal Writing,
Vermont Law School*

Before joining the faculty at VLS, Professor Beyranevand was a staff attorney with the Disability Law Project of Vermont Legal Aid, Inc. She has served as a judicial law clerk to the Honorable Marie E. Lihotz, PJFP, in New Jersey and in the Office of the Vermont Attorney General, Environmental Unit. She directs the MELP and LLM Internship

Program and teaches Environmental Research and Writing at VLS. She earned her BA degree from Rutgers College and her JD degree from Vermont Law School.

Seth Blumsack

*Assistant Professor, Department of Energy
and Mineral Engineering, The Pennsylvania
State University*

Dr. Blumsack is also an adjunct research professor with the Carnegie Mellon Electricity Industry Center. Prior to returning to academia, he worked for Economic Insight, Inc., in Portland, Oregon, where he served as a consultant and contributing editor for the Energy Market Report, a daily newsletter covering wholesale electricity and natural gas markets in North America. He was also the editor of *Pacific West Oil Data*, a monthly compendium of information on the west coast crude-oil and petroleum product industries. He earned his BA degree from Reed College and his MS and PhD degrees from Carnegie Mellon University.

Peter Bradford

*Former Member, U.S. Nuclear Regulatory
Commission; Former Chair, New York and
Maine Utility Regulatory Commissions*

Mr. Bradford is currently an adjunct professor at Vermont Law School and has taught at the Yale School of Forestry and Environmental Studies. He recently was chair of Vermont's Public Oversight Panel for the audit of the Vermont Yankee nuclear power plant and has served on several other state, federal, and international advisory panels pertaining to nuclear power, including a panel advising how best to replace the remaining Chernobyl

nuclear plants in Ukraine. He is a member of the Policy Advisory Council of the China Sustainable Energy Project. Mr. Bradford is vice-chair of the board of the Union of Concerned Scientists. He received his BA degree and his JD degree from Yale University.

Cathy A. Costantino

*Counsel, Federal Deposit
Insurance Corporation (FDIC)*

Ms. Costantino handles complex dispute resolution and litigation matters for the FDIC. She is an adjunct professor at Georgetown University Law School and George Washington University Law School and lectures regularly at Harvard Law School and Pepperdine University School of Law's Strauss Institute. She coauthored *Designing Conflict Management Systems: A Guide to Creating Productive and Healthy Organizations* (Jossey-Bass, 1996) and has published numerous articles. She was the sole U.S. delegate to the United Nations Tripartite Commission on the Social Effects of Structural Change in the Banking Industry in Geneva and was elected Chairperson. Prior to joining the FDIC, she was deputy assistant general counsel of litigation at the Federal Home Loan Bank Board/Federal Savings and Loan Insurance Corporation. Ms. Costantino received her MSW and BA degrees from the Catholic University of America and her JD degree from the University of California at Berkeley (Boalt Hall).

Tim Eichenberg

*Chief Counsel, San Francisco Bay
Conservation and Development Commission*

Mr. Eichenberg has served as legal counsel for the Ocean Conservancy, Oceana, the Marine Law Institute, the California Coastal Commission, and the Environmental Defense Center. He cochaired the Clean

Water Network in Washington, D.C., and cofounded the Casco Baykeeper Program in Maine. He has authored more than 30 environmental articles and reports, and edited *Ocean and Coastal Law*, published by the American Bar Association in 2008. He earned his BA degree from Earlham College, his JD degree from Washington University School of Law, and a post-doctoral fellowship in Marine Policy from the Woods Hole Oceanographic Institution.

William S. Eubanks II '08

*Associate Attorney,
Meyer Glitzenstein & Crystal*

Mr. Eubanks litigates precedent-setting impact cases in federal appellate and trial courts, specializing in environmental and natural resource conservation, endangered species and wildlife protection, federal lands preservation, and open government laws. His notable cases include successfully challenging oil spill response strategies in the Gulf of Mexico after Deepwater Horizon as harmful to marine wildlife, prevailing in the nation's first federal lawsuit challenging an industrial wind energy project on environmental grounds, and coauthoring briefs in three recent U.S. Supreme Court cases involving climate change, genetically modified crops, and naval sonar use. He has published numerous pieces on diverse environmental legal topics, including several law review articles and textbook chapters that focus on the ecological and public health impacts of industrial agriculture. Mr. Eubanks received his BA degree from the University of North Carolina at Chapel Hill, his JD degree from North Carolina Central University School of Law, and his LLM degree from Vermont Law School.

David B. Firestone

Professor of Law, Vermont Law School

Professor Firestone has been a member of the Vermont Law School faculty since 1973. He is admitted to practice in Massachusetts and Vermont. He has been an engineer in the automotive and aerospace industries; an attorney with the Office of Regional Counsel (Boston), U.S. Department of Housing and Urban Development; a visiting fellow in the Faculty of Laws, King's College, London; a lecturer and seminar leader in Eastern Europe, Austria, Micronesia, Madagascar, and Russia; a consultant to the World Bank; a counsel to practicing lawyers; and a member of the Fulbright Senior Specialist Roster. Professor Firestone is the author of *Environmental Law for Nonlawyers*. He received his BSME degree from Wayne State University and JD degree from Harvard University.

Kevin Foy

Assistant Professor, North Carolina Central University School of Law

Professor Foy teaches courses in environmental law, business associations, and torts. Prior to joining the faculty at NCCU, he practiced law, and before that he served as editor of *Forest & Conservation History*, a refereed multidisciplinary academic journal that focused on the history of human interaction with the environment (Duke University Press). From 2001 to 2009, he served as Mayor of Chapel Hill, North Carolina. During his time in office, he focused on building a sustainable, environmentally sound community, leading the U.S. Conference of Mayors to name Chapel Hill America's Most Livable City. Land use is the focus of his research and writing, including his recent publication, *Complexities of Urban Sustainability: Using Local Land Use Authority to Achieve Environmental Goals*, 3 *Charlotte Law Review*

23 (Spring 2011). Professor Foy earned his BA degree from Kenyon College and his JD degree from NCCU.

Javier Garcia-Lomas Gago '10

Attorney at Law, Perez Moreno LLP; Adjunct Professor of Law, University of Seville

Mr. Garcia-Lomas specializes in renewable energy law at one of Spain's most important environmental law firms, where he manages their energy related litigation. The firm represents developers, utilities, and environmental organizations. He is an associate professor at the University of Seville, where he teaches Administrative Law, Land Use, and Environmental Law. He is also currently pursuing his PhD in Comparative Energy Law. He earned his BA and JD degrees from the University of Seville and his LLM degree from Vermont Law School, where he served as a research associate for the Institute for Energy and the Environment.

Neil Hamilton

Dwight D. Opperman Professor of Law and Director, Agricultural Law Center, Drake University Law School

Professor Hamilton has taught at Drake since 1983. He previously served as an assistant attorney general in the Iowa Department of Justice and as an assistant professor at the University of Arkansas. His areas of expertise include agricultural law, food and the law, the environmental regulation of agriculture, and wind law. He is a past president of the American Agricultural Law Association and has been the chair of the Iowa Food Policy Council and served on the advisory board of the Leopold Center for Sustainable Agriculture. Professor Hamilton earned his BS degree from Iowa State University and his JD degree from the University of Iowa, where he was elected to the Order of the Coif.

Philip J. Harter

*Earl F. Nelson Professor Emeritus
of the University of Missouri*

Formerly director of the Program on Consensus, Democracy, and Governance, and visiting associate professor of law at Vermont Law School, Professor Harter has been a pioneer in both the theory and practice of the use of consensus and other forms of dispute resolution involving government agencies. He was a principal draftsman of the Negotiated Rulemaking Act and of the Administrative Dispute Resolution Act. As a long time private practitioner in Washington, he has been the mediator for many complex, multiparty negotiations involving public policy. He served as the chair of the ABA's Section of Administrative Law, as co-chair of the ABA's Task Force on Regulatory Reform, and as the representative of the AdLaw Section to the drafting of the Uniform Mediation Act. He was recently appointed to the Administrative Conference of the United States.

Barry E. Hill

*Senior Counsel for Environmental
Governance, Office of International and
Tribal Affairs, U.S. EPA*

Previously, Mr. Hill was the director of the Office of Environmental Justice at EPA. He has also served as the associate solicitor of the Division of Conservation and Wildlife and director of the Office of Hearings and Appeals of the Department of the Interior. Prior to that, he was counsel to the international law firm of Dickstein, Shapiro & Morin, project manager in the Superfund Business Unit of ICF Inc., special counsel to the attorney general of the District of Columbia, legal counsel to the inspector general of the U.S. EPA, law secretary to the deputy administrative judge of New York

City (Criminal Division), and an assistant district attorney in Brooklyn. He has taught at Antioch School of Law and American University's Washington College of Law. He is the author of the *Environmental Justice: Legal Theory and Practice*, and he has published several articles. Mr. Hill received his BA degree in political science from Brooklyn College, MA degree in political science from Howard University, and JD degree from Cornell Law School.

Randolph Hill

*Deputy Director, Office of Wastewater
Management, U.S. EPA*

Mr. Hill has served in his current position at EPA since 2009, where he helps to oversee the management of EPA's clean water permitting and wastewater infrastructure assistance programs. Prior to that, he spent 6 years managing EPA's civil enforcement of the major environmental statutes, and over 15 years in EPA's Office of General Counsel and served as the agency's national legal expert for many Clean Water Act issues. He has taught environmental law as a visiting professor at Tulane University, and public administration at the University of Maryland, University College, where he was a finalist for the Excellence in Teaching Award in 1998. Mr. Hill earned his JD and Master of Public Policy degrees from the University of California, Berkeley, where he was elected to the Order of the Coif.

Jessica Jay '97

Founding Partner, Conservation Law, P.C.

Ms. Jay's firm is devoted to ensuring the permanence of land conservation through sound land conservation transactions and the defense and enforcement of perpetual conservation easements. She represents and partners with land trusts, government

entities, and landowners to conserve working landscapes and environmentally significant properties in the Rocky Mountain West. She actively engages conservation professionals, land trusts, and landowners in conservation workshops and discussions, and she teaches Land Conservation Law at University of Denver's Sturm College of Law. She collaborates with the land trust community to develop and implement legal defense and enforcement mechanisms for easement holders, to design and protect conservation easement incentives, and to create enforceable perpetual conservation easements that anticipate changing conditions, climate, and public interests. Ms. Jay received her BA degree from Bowdoin College and her JD and MSEL degrees from Vermont Law School.

Kevin Jones, PhD

Smart Grid Project Leader, Institute for Energy and the Environment, Vermont Law School

Dr. Jones has been the director of Power Market Policy for the Long Island Power Authority and the director of Energy Policy for the City of New York. He has also consulted on energy issues as an associate director with Navigant Consulting and Resource Management International. He taught in the Environmental Management and Policy Program at Rensselaer Polytechnic Institute (RPI), where his doctoral research compared the market-based approach to regulating acid rain in the U.S. to the command and control approach of the European Union. Dr. Jones earned his BS degree from the University of Vermont, his Masters degree from the LBJ School of Public Affairs at the University of Texas at Austin, and his PhD from RPI's Lally School of Management and Technology.

Tom Lautzenheiser

Central/Western Regional Scientist, Massachusetts Audubon Society

Mr. Lautzenheiser is an expert field naturalist concentrating on plants, reptiles, amphibians, butterflies, and landscape interpretation. He is also a skilled community ecologist with particular interest in wetlands and rich northern hardwood forests. Mr. Lautzenheiser is responsible for guiding ecological management planning for Massachusetts Audubon's 33,000-acre sanctuary network, and works with his land protection, science, and property management colleagues to ensure that Massachusetts Audubon's activities consistently achieve their conservation goals. He received his BS degrees in biology and environmental studies from Tufts University and his MS degree in natural resource planning/ecological planning from the University of Vermont.

L. Randolph Lowry

President and Professor of Management, Lipscomb University, Nashville

Formerly professor of law and director of the Straus Institute for Dispute Resolution at Pepperdine University School of Law, Professor Lowry is a lawyer, mediator, and teacher-professor. He is also the author of several books including West's *Negotiation and Settlement Advocacy*. In addition to his work in law schools, he has trained more than 30,000 lawyers and managers in negotiation skills for organizations such as Nike, Pacific Gas and Electric, and State Farm Insurance and for bar associations across the country. Professor Lowry received his BA and MPA degrees from Pepperdine University and his JD degree from Hamline University School of Law.

Catherine MacKenzie

*University Lecturer in Environmental Law,
University of Cambridge*

Dr. MacKenzie is also a research associate at the University of Oxford and an academic fellow of Inner Temple (one of the English Inns of Court). She coordinates International Environmental Law for the LLM program at Cambridge and also lectures at Oxford. Her research focuses on international law and international environmental law. A member of the Bar of England and Wales and the High Court of Australia, she was previously employed by Allen & Overy, the World Bank, and the Asian Development Bank. She has served as a rule of law monitor with the United Nations Mission in Liberia and now advises on women's legal education in Saudi Arabia. Dr. MacKenzie has earned degrees from Oxford, the Inns of Court School of Law, the University of Sydney, and the Australian National University.

Patrick A. Parenteau

*Professor of Law and Senior Counsel,
Environmental and Natural Resources
Law Clinic, Vermont Law School*

Professor Parenteau has served as the director of the Environmental Law Center and handled a number of key cases under the ESA and other environmental statutes, and served as special counsel to the U.S. Fish and Wildlife Service in the northern spotted owl exemption proceeding. He has also served as commissioner of the Vermont Department of Environmental Conservation, general counsel for the New England Regional Office of U.S. EPA, vice president for conservation of the National Wildlife Federation, and environmental counsel with the Perkins Coie law firm in Portland, Oregon. Professor Parenteau received his BS degree from Regis College, JD degree from

Creighton University, and LLM degree in environmental law from George Washington University Law School.

Robert V. Percival

*Robert F. Stanton Professor of Law,
Director of the Environmental Law Program,
University of Maryland Francis King Carey
School of Law*

Professor Percival served as a law clerk for Judge Shirley M. Hufstедler of the Ninth Circuit and for Supreme Court Justice Byron R. White, and spent six years as an attorney for the Environmental Defense Fund. He has served as a visiting professor at Harvard Law School and Georgetown University Law Center. He is the principal author of the most widely used environmental law casebook. He was a J. William Fulbright Scholar at the China University of Political Science and Law in Beijing in 2008 and has worked with the China Council on International Cooperation for Environment and Development, the National People's Congress, and the Chinese Ministry of Environmental Protection. He has lectured at more than 20 Chinese universities and in 2009 he represented the U.S. State Department on a lecture tour of China. Professor Percival earned his BA degree from Macalester College and his MA and JD degrees from Stanford University.

Curtis Pew

*Associate Clinical Professor and
Attorney-in-Charge, Securities Arbitration
Clinic, Hostra University School of Law*

Professor Pew supervises law students in representing securities investors, subject to certain income, residency and size-of-claim restrictions, who pursue claims arising from retail securities investments. He has worked as a lawyer specializing in arbitral

matters arising in maritime law, and then in arbitration of international commercial and securities-related domestic disputes. Previously, he was an adjunct professor at Cardozo Law School where he taught International Commercial Arbitration as well as coached the school's Willem C. Vis International Commercial Arbitration Moot team. He received his BA degree from Tulane University, his MPPA degree from the University of Wisconsin, and his JD degree from George Washington University.

Walter Poleman

Senior Lecturer, Rubenstein School of Environment and Natural Resources, University of Vermont

Professor Poleman teaches courses in integrated field science, landscape ecology, and measurements and mapping of natural resources. He also serves as the director of the Place-based Landscape Analysis and Community Engagement (PLACE) Program, a partnership of University of Vermont and Shelburne Farms, which provides local residents with a forum for exploring and understanding the natural and cultural history of their town landscape. He received his BS degree in biology from Cornell University, and his MS and PhD degrees from the University of Vermont.

Caleb Rick '88

Cofounder and Managing Director, North Common Associates

Mr. Rick has counseled hundreds of charity leaders and is a highly regarded speaker on legacy giving, endowments, resource development, and nonprofit management. Prior to forming his firm, he served as the national director of planned giving and charitable gift counsel for the Sierra Club. Previously, he directed the planned giving

programs for the University of California–San Francisco and UC Medical Center, and the annual giving programs for Dartmouth Medical School and Dartmouth Hitchcock Medical Center. Before he began his career in the nonprofit sector, he served on the staff of the New York State Lieutenant Governor and the New York Attorney General. Mr. Rick earned his AB degree from Middlebury College, his JD degree from Vermont Law School, and a certificate from the Coro Foundation's City Focus Program.

Christine Ryan

Environmental Law Librarian, Vermont Law School

Ms. Ryan is an experienced legal research instructor at Vermont Law School where she teaches legal research courses as well as environmental law research classes and workshops. She has created and continues to expand the VLS Environmental Law Research Guide, which links to carefully selected Internet resources that support the practice of environmental law. She develops the environmental law collection of electronic resources and books for VLS, and provides information services to the VLS community. She serves as research consultant to the *Vermont Journal of Environmental Law*. Prior to joining the staff at Vermont Law School, she was a reference librarian at Dartmouth College and at Yale University, where she also taught research classes. Ms. Ryan received her BA degree from the University of Connecticut, her MA degree from Dartmouth College, and her MS degree in library science from Simmons College.

Yvonne Scannell

*Associate Professor of Law and Director,
Centre for Environmental Law and Policy,
Trinity College, Dublin*

Professor Scannell teaches Irish and European Environmental Law, Planning Law, and Legal Systems and Methods at Trinity College, Dublin. She has written six books and numerous articles on environmental and planning law and some on constitutional law. She has been consistently nominated as one of Ireland's leading environmental lawyers in professional surveys. She has served on the boards of Forfas, An Foras Forbartha, Habitat for Humanity, the Irish National Petroleum Corporation, and on the advisory board of the EPA. She has worked for UNDP and the EU in Eastern Europe and she is on the Environmental Panel of the International Court of Arbitration. She also practices as a consultant on environmental and planning law with Arthur Cox, Solicitors. She is a graduate of Trinity College, Dublin and Cambridge University.

Linda Sheehan

Executive Director, Earth Law Center

Ms. Sheehan works to develop and implement new legal models that acknowledge the natural world's inherent rights to exist, thrive, and evolve. Prior to Earth Law Center, she was executive director of the California Coastkeeper Alliance and Pacific Region director for the Ocean Conservancy. She has successfully advanced legislation, policy, and litigation initiatives to improve waterway health, provide monitoring data to the public, designate marine parks, and create new environmental funding. Ms. Sheehan earned her BS degree from MIT, and her MPP and JD degrees from the University of California, Berkeley.

Dinah Shelton

*Manatt/Abm Professor of International Law,
George Washington University Law School*

Professor Shelton has taught at George Washington since 2004. She previously taught international law and was director of the doctoral program in international human rights law at the University of Notre Dame Law School. She has also lectured at the University of California (Davis), Santa Clara University, Stanford University, University of California (Berkeley), the University of Paris, and the University of Strasbourg, France. She is the author of three prize-winning books, *Protecting Human Rights in the Americas* (coauthored with Thomas Buergenthal), *Remedies in International Human Rights Law*, and the three-volume *Encyclopedia of Genocide and Crimes against Humanity*. In 2006, she was awarded the Elisabeth Haub Prize for Environmental Law. In 2009, the General Assembly of the Organization of American States elected her to a four-year term as a member of the Inter-American Human Rights Commission. She received her BA and JD degrees from the University of California at Berkeley.

Benjamin K. Sovacool

*Visiting Associate Professor, Energy Security
and Justice Program, Vermont Law School*

Professor Sovacool served most recently as an assistant professor and researcher at the Le Kuan Yew School of Public Policy at the National University of Singapore. He has consulted for the Asian Development Bank, United Nations Development Program, and United Nations Economic and Social Commission for Asia and the Pacific. He is the author or editor of eight books and more than 130 peer reviewed academic articles on various aspects of energy and climate change. His research interests include the barriers

to alternative sources of energy supply, the politics of large-scale energy infrastructure, designing public policy to improve energy security and access to electricity, and building adaptive capacity and resilience to climate change in least developed Asian countries. He earned his BA from John Carroll University, his MA from Wayne State University, and his PhD degree from Virginia Polytechnic Institute & State University; MA, Communication Studies, Wayne State University; BA, John Carroll University.

Michael Sutton

*Vice President and Director,
Center for the Future of the Oceans,
Monterey Bay Aquarium*

Previously, Mr. Sutton headed the Marine Fisheries Program at the David & Lucile Packard Foundation, the largest private funder of ocean conservation efforts in North America. He founded and directed World Wildlife Fund's Endangered Seas Campaign, a global effort to promote the conservation and sustainable use of marine fisheries. He has served as a senior advisor to the secretary of commerce and the secretary of state on marine fishery issues, sitting on two federal advisory committees. He received his BS degree from Utah State University and his JD degree from George Washington University.

Lea E. Swanson

*Director, Office of Stabilization, U.S. Agency
for International Development/Afghanistan*

Ms. Swanson has been based in Kabul, Afghanistan, since January 2010. She has worked in international development for the past 19 years. She spent 5 years based in the former Soviet Union with USAID and 2 years in Europe, where she served as executive director of the International Institute for Energy Conservation-Europe. She also has

worked in Africa, the Asia/Pacific region, and Latin America. Prior to her international posts, she served as a special assistant for policy, planning, and evaluation in the Office of the Assistant Administrator at U.S. EPA. Ms. Swanson earned her MBA degree at Monash University, Australia and her MPA degree at Harvard University.

Philip Tabas

General Counsel, The Nature Conservancy

As the chief legal officer, Mr. Tabas oversees the work of the Conservancy's worldwide legal department, which provides a full range of legal services in support of the Conservancy's global conservation mission. He has been with the Conservancy for 31 years and has held a range of positions in the organization in the areas of legal services, land protection, government relations, compatible economic development, and conservation planning. He has been directly involved in numerous private land conservation and compatible development projects. He has also worked to secure changes in federal, state, and international tax legislation and policy to encourage conservation activities. Mr. Tabas received his BA degree from Pennsylvania State University, his JD from the George Washington University, a Master of Land Use Planning from the University of Pennsylvania, and his LLM in tax law from Boston University Law School.

Rebecca Tsosie

*Professor of Law, Executive Director,
Indian Legal Program, Sandra Day O'Connor
College of Law, Arizona State University*

Professor Tsosie has written and published widely on doctrinal and theoretical issues related to tribal sovereignty, environmental policy, and cultural rights. Professor Tsosie, who is of Yaqui descent, has also worked

extensively with tribal governments and organizations. She serves as a Supreme Court justice for the Fort McDowell Yavapai Nation. She teaches in the areas of Indian law, property, bioethics, and critical race theory. She is the coauthor with Robert Clinton and Carole Goldberg of the federal Indian law casebook *American Indian Law: Native Nations and the Federal System*. She was awarded a Woodrow Wilson Fellowship and received the American Bar Association's 2002 Spirit of Excellence Award. She is the 2006 recipient of the Judge Learned Hand Award for Public Service. Professor Tsosie received her BA and JD degrees from the University of California, Los Angeles.

Jack Tuholske

Private Practitioner, Missoula, Montana, and Adjunct Professor, University of Montana Law School

Mr. Tuholske specializes in public interest environmental litigation throughout the West. He has been lead counsel for over 45 published decisions, including seminal decisions in Montana environmental, land use, and constitutional law, as well as cases under the federal Endangered Species, Clean Water, and National Environmental Policy Acts. In recognition of his work on behalf of public interest groups, he was awarded the William O. Douglas Award by the Sierra Club in 2002 and the Kerry Rydberg Award in 2010 by the University of Oregon Public Interest Environmental Law Conference. He has been a visiting professor at the University of Montana and Vermont Law School. As a Fulbright Scholar in 2009, he taught courses in climate change and comparative environmental law at the University of Ljubljana in Slovenia. Mr. Tuholske earned his JD degree from the University of Montana.

Peter Van Tuyn '89

Partner, Bessenyey & Van Tuyn, L.L.C., Anchorage, Alaska

Mr. Van Tuyn counsels and represents conservation groups, Alaska Native tribes, villages and corporations, and community groups concerning the full spectrum of environmental issues in Alaska, and in the Arctic and Pacific Oceans, including marine conservation, fisheries, global warming, clean air and water, marine mammals and endangered species, and public lands. He works extensively on oil and gas planning, leasing exploration, and development activities impacting America's Arctic and its seas. He earned his JD and MSL degrees from Vermont Law School.

Pamela Vesilind '08

Assistant Professor of Law, Vermont Law School

Professor Vesilind is an expert in animal law and food law; her focus has been on animals in agriculture, conflicts between animal rights and the First and Fourth Amendments, the public trust doctrine, and food labeling law. She joined the VLS faculty in 2009 as the assistant director of the Academic Success Program, where she taught Legal Methods and developed a program to accelerate first-year mastery of basic legal analysis, writing, and study skills. Professor Vesilind earned her BA degree from Guilford College and her JD degree from Vermont Law School.

Jacqueline L. Weaver

A.A. White Professor of Law, University of Houston Law Center

Professor Weaver is a coauthor of the three-volume treatise *Texas Law of Oil and Gas*, the nationally-used casebook *Energy, Economics and the Environment*, and the

treatise *International Petroleum Exploration and Exploitation Agreements*. She has written articles on energy markets, sustainable development in the international energy industry, comparative unitization laws in energy-producing nations, energy policy, and traditional oil and gas law topics. She has lectured on international petroleum transactions in Beijing, Lisbon, Bangkok and Uganda. Professor Weaver received her BA degree from Harvard University and her JD degree from the University of Houston.

David A. Wirth

Professor of Law, Boston College Law School

Professor Wirth teaches environmental, administrative, public international, and foreign relations law. Previously, he was senior attorney and codirector of international programs for the Natural Resources Defense Council and attorney-advisor for Oceans and International Environmental and Scientific Affairs for the U.S. Department of State. He is the author of more than five dozen books, articles, and reports on international environmental law and policy for both legal and popular audiences. A graduate of Yale Law School, he holds undergraduate and graduate degrees in chemistry from Princeton and Harvard, respectively.

Steven M. Wise

President, Center for the Expansion of Fundamental Rights, Inc.

The long-term “Nonhuman Rights Project” of the Center for the Expansion of Fundamental Rights, Inc., is preparing to file the first landmark cases that demand such basic common law rights as bodily integrity and bodily liberty for at least some nonhuman animals. Mr. Wise is the author of *Rattling the Cage: Toward Legal Rights for Animals* (2002), *Drawing the Line: Science and the Case for*

Animal Rights (2002), *Though the Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery* (2005), *An American Trilogy: Death, Slavery, and Dominion along the Banks of the Cape Fear River* (2009), and numerous law review articles. He has taught at the Harvard, University of Miami, Lewis and Clark, John Marshall, and St. Thomas law schools, regularly lectures around the world on animal rights jurisprudence, and has practiced animal protection law throughout the United States for 30 years.

Deborah Young

Professor of Law and Director, Center for Advocacy and Clinical Education, Cumberland School of Law, Samford University

Professor Young has taught at Cumberland School of Law since 1997. Previously, she taught at Emory University School of Law, served as an assistant U.S. attorney for the District of Columbia, and was a clerk to Judge Thomas A. Clark of the U.S. Court of Appeals for the Eleventh Circuit. She is coauthor of *Federal Sentencing Law and Practice* (West Publishing) and an expert on Federal Rules of Evidence, criminal procedure, and trial advocacy. Professor Young earned her BA degree from the University of Kentucky and her JD degree from the University of Michigan Law School.

Registration Information

Please visit www.vermontlaw.edu/summer to apply and register for Summer Session classes. You must apply and submit the required supporting documents (listed below) by April 15, 2012. Registration for non-Vermont Law School students opens on May 2, 2012. Registrations will be accepted on a space-available basis. **A nonrefundable \$60 application fee is required of all non-Vermont Law School students and must be paid at the time of application.** These are graduate-level courses; normally, only those with undergraduate degrees will be considered for registration. However, undergraduate students may enroll with the Environmental Law Center director's permission.

Non-Vermont Law School Students

If you are taking courses for nonlaw, graduate, or JD credit to transfer to another institution, please submit:

- a résumé including education, name of degree and date earned, and job history
- official transcripts from your most recent degree program
- a letter of good academic standing that gives written permission from your home institution to transfer credits there
- \$60 nonrefundable application fee (payable to Vermont Law School)

If you are auditing courses, please submit:

- a résumé including education, name of degree and date earned, and job history
- \$60 nonrefundable application fee (payable to Vermont Law School)

Please note: Summer Session registration is not an application to the MELP or LLM degree programs. If you wish to apply to either of those programs, please contact the Admissions Office at admiss@vermontlaw.edu for information. No supporting documents or deposits are required of Vermont Law School students.

Tuition

Tuition must be paid prior to the first day of class. No payment plans are offered during Summer Session. Students should inform the registrar immediately of a decision to withdraw prior to the start of a class. Interest on unpaid balances will accrue at 12% per annum. Registration and transcript holds may also occur.

Tuition Rates per Credit (classes are 1, 2, 3, or 4 credits)

\$1,268.00	For-credit rate for VLS JD, MELP, or LLM credits
\$1,268.00	For-credit rate for law and graduate transfer credits
\$200.00	Audit rate for VLS alumni/ae
\$400.00	Audit rate for all others
\$13,312.00	VLS JD/MELP bulk fee for Summer Session 2012

Refunds

Summer tuition charges will be adjusted according to the following schedule. If the official withdrawal date is prior to the first day of classes, 100 percent of the tuition charge will be removed. Otherwise, the percent of the semester's tuition to be retained will be on a daily pro rata basis beginning with the first day of classes until the date of withdrawal. After 60 percent of the term has been completed (after the fifth class in a two-week term), there will be no adjustments to tuition charges or refunds. The daily pro rata calculation follows the guidelines set forth in the Federal Return to the Title IV Funds Regulations. An example of this calculation is available in the Financial Aid Office. Students who withdraw prior to the 60 percent point in the semester and who received Federal Title IV Aid will owe a prorated repayment of these funds. Vermont Law School will calculate and return money owed to Title IV programs as part of the refund process. Repayments due the Federal loan program are first allocated to Federal Stafford unsubsidized loan, then the Stafford subsidized loan, then the Perkins loan, and then the Graduate Plus loan. Any unused portion of Vermont Law School scholarships and grants will be subject to the semester pro-ration calculation. You should be aware that if you withdraw, you could potentially owe money to Vermont Law School. After payments to Vermont Law School scholarships and grants have been satisfied, remaining funds (if any) will be used to repay outside scholarship sources and finally to reimburse personal payments (unless otherwise dictated by prior arrangements with an outside funding program).

Joint Degree Students

Summer courses may be taken for MELP or JD credit but may not be shared without prior approval from the registrar. If courses are shared, there is additional cost involved. Students are encouraged to meet with Emily Parker (eparker@vermontlaw.edu) in the Business Office to review how sharing summer courses affects their tuition accounts. Vermont Law School bills the total cost of the joint-degree program in two bulk installments (in May of the first year and May of the second year). The bulk fee for 2012 is \$13,312.00, due before classes start on May 29.

Course Load

A maximum of 11 credits is allowed. Exceptions to this rule must be approved by the ELC director or associate director. Students enrolled in a full course load of 11 credits are advised not to take more than one two-week course per two-week term, unless enrolled for only one two-week term. A standard schedule for full-time students is one two-week course per term plus one eight-week course.

Internships and Independent Research Projects

Summer internships and independent research projects require signed contracts from all Vermont Law School summer students. There is a tuition charge for internships and independent research projects. More information is available at the Environmental Law Center.

Questions?

Please contact us at 800-227-1395, summer@vermontlaw.edu, or visit us on the web at www.vermontlaw.edu/summer.

Financial Aid

A student's enrollment status helps us to determine what financial aid resources are available. Listed below are some general requirements and guidelines for applicants. For more information, visit www.vermontlaw.edu for a Vermont Law School Financial Aid Application and detailed information, or contact us at 800-227-1395 ext. 1235 or finaid@vermontlaw.edu.

Vermont Law School Joint Degree Candidates

Vermont Law School's Financial Aid Office will automatically determine eligibility for summer financial aid for Vermont Law School students enrolled in the JD/MELP joint degree program upon receipt of a completed financial aid application. For priority processing, applications should be filed by February 15, 2012. Applicants should complete the Free Application for Federal Student Aid (FAFSA) online at www.fafsa.ed.gov.

Vermont Law School MELP and LLM Candidates

Financial aid for MELP and LLM students is determined upon receipt of a completed FAFSA. Awards are made on an annual basis and include funding possibilities for fall, spring, and summer terms. For priority processing, MELP and LLM candidates seeking financial aid should submit completed application materials online at www.fafsa.ed.gov by March 1, 2012.

Summers-Only MELP Candidates

Students enrolled for summer semesters only may be eligible for financial aid. Awards for the summer semester will be made after receipt of a completed Vermont Law School Financial Aid Application and FAFSA. Candidates seeking financial aid should submit completed application materials online at www.fafsa.ed.gov by March 1, 2012. A financial aid applicant must be enrolled at least half-time (three credits in the MELP program) to be considered for any funding. Applicants must be registered for classes at Vermont Law School prior to determination of costs and financial aid.

JD or Graduate Candidates from Other Schools

Financial aid is available to students who are transferring credits to degree programs at other institutions and who are enrolled at least half-time in the MELP program (three credits). To determine costs and financial aid, applicants must register for classes before an award can be determined. Your home institution will require that a consortium agreement be completed to confirm enrollment status, tuition, fees, and related costs. The financial aid received by the students is certified and disbursed by the home institution.

Summer Session 2012 Schedule

Term 1: May 29–June 1, June 4–7 and 11–14

WRI7380.A	Advanced Environmental Legal Research A (A.M.) 1 cr
ADR6415	Environmental Dispute Resolution (A.M.) 3 cr
ENV5115	Environmental Law (A.M.) 3 cr
ENV5423	Ocean and Coastal Law (A.M.) 3 cr
ENV5430.A	Ecology A (MON/WED A.M.; TUES/THURS A.M.–P.M.) 3 cr
WRI7380.B	Advanced Environmental Legal Research B (P.M.) 1 cr
ENV5120	Environmental Writing and Advocacy (P.M.) 3 cr
ENV5510	Three Essentials of the Electric Grid (P.M.) 3 cr

Term 2: June 18–21 and 25–28

ADR6405	Arbitration (A.M.) 2 cr
ENV5412	Biodiversity Protection (A.M.) 2 cr
ENV5561	Environmental Enforcement and Compliance (A.M.) 2 cr
ENV5442	Human Rights and the Environment (A.M.) 2 cr
ENV5430.B	Ecology B (MON/WED A.M.; TUES/THURS A.M.–P.M.) 3 cr
ENV5403	Agricultural Policy and the Environment (P.M.) 2 cr
ENV5445	Environmental Justice and Sustainable Development (P.M.) 2 cr
ENV5476	Nuclear Power and Public Policy (P.M.) 2 cr

Term 3: July 9–12 and 16–19

ENV5560	Environmental Protection and the Law of Armed Conflict (A.M.) 2 cr
INT7446	International Trade and the Environment (A.M.) 2 cr
ENV5474	Land Conservation Law (A.M.) 2 cr
ENV5540	Public Health Implications of US Agriculture and Food Policy (A.M.) 2 cr
ENV5521	Earth Law (P.M.) 2 cr
DIV7628	Indian Tribes as Governmental Stewards of the Environment (P.M.) 2 cr
ENV5490	Renewable Energy and Other Alternative Fuels (P.M.) 2 cr
ADR6420	Negotiation (THURS A.M.–P.M.; FRI P.M.) 2 cr

Term 4: July 23–26 and July 30–August 2

ENV5406	Animal Rights Jurisprudence (A.M.) 2 cr
ENV5520	Climate Change, Development, and America's Arctic (A.M.) 2 cr
ENV5466	Strategic Planning for Sustainable Development (A.M.) 2 cr
ADR6412	Mediation (JULY 30–AUG 1, A.M.–P.M.) 2 cr
INT7440	Comparative US-China Environmental Law (P.M.) 2 cr
INT7445	European Community Environmental Law (P.M.) 2 cr
ENV5222	Landscape Scale Conservation (P.M.) 2 cr
ENV5468	Oil and Gas Production and the Environment (P.M.) 2 cr
ENV5462	Public Lands Management: Montana Field Study /3 cr

Summer Session 2012 Schedule continued on following page.

Summer Session 2012 Schedule continued.

8 Week Courses: Fridays, June 8–August 3 (no class July 6)

ADR6450	Advanced Dispute Resolution Writing Seminar (A.M.) 2 cr
ENV5498	America's Energy Crisis (A.M.) 2 cr
ENV5407	Animal Welfare and Agricultural Trade (A.M.) 2 cr
INT7444	International and Comparative Environmental Law (A.M.) 2 cr
BUS6350	Nonprofit Management (A.M.) 2 cr

4 Week Course: July 7–12, 16–19, 23–26 and July 30–August 2

LIT7210	Evidence (A.M.) 4 cr
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Morning classes meet from 9:00 A.M.–NOON. Afternoon classes meet from 1:00 P.M.–4:00 P.M.
In-class exams are scheduled for the Saturday following the last class of each term.



Vermont Law School prohibits discrimination based on age, gender, race, sex/gender (including gender identity/expression) sexual orientation, national origin, ethnicity, disability (including duty of reasonable accommodations), HIV positive status, place of birth, religion, or veteran status as defined by applicable law. This Policy Against Sexual Harassment and Discrimination applies to all law school employees, officers, trustees, and students, with regard to their action in connection with the application or admission process, educational activities, career services, employment, or other law school related activities when those actions occur on VLS property or in the use of VLS facilities (including the computer network, and telephone, and e-mail system). Inquiries regarding this Policy Against Sexual Harassment and Discrimination may be directed to the Vermont Law School Associate Dean for Student Affairs and Diversity, or to Regional Director, Office of Civil Rights, U.S. Department of Education, Region One, 707 Post Office Square, Boston, MA 02109-4557, (617) 233-9662.

This publication was prepared in January 2012 and is intended to serve as a general source of information about Vermont Law School. Provisions in the catalog are not to be regarded as an agreement between the student and Vermont Law School. The law school reserves the right to change courses, programs, schedules, requirements, regulations, policies, procedures, and tuition and fees, or to make other changes that the law school considers necessary or desirable.

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Environmental Law Center

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