



2018

**SUMMER**

**IN VERMONT**

**VL**  
VERMONT  
LAW SCHOOL

ENVIRONMENTAL LAW AT VERMONT LAW SCHOOL | SUMMER SESSION

**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.**

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**COVER IMAGE:**

“The Arc of History,” pastel,  
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# SUMMER SESSION 2018

## 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 three master's degrees: the Master of Environmental Law and Policy, the Master of Energy Regulation and Law, and the Master of Food and Agriculture Law and Policy; LLM degrees in Environmental Law, Energy Law, and Food and Agriculture Law; and joint degrees that allow students to combine a JD degree with any of the master's or LLM degrees.

JD students at other law schools may pursue the master's degrees by taking a combination of summer and online classes and completing an environmental externship during the summers between their three years of law school.

For more information on applying to Vermont Law School's degree programs, contact the Admissions Office at 888-277-5985, [admiss@vermontlaw.edu](mailto:admiss@vermontlaw.edu), or visit our website at [www.vermontlaw.edu](http://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, master's, and LLM candidates, JD candidates from other law schools, graduate students from around the world, 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.

**Environmental Law Scholar:** Shi-Ling Hsu, D'Alemberte Professor of Law and Associate Dean for Environmental Programs, Florida State University College of Law

**Energy Law Scholar:** Natacha Teresa Mesa Tejada, Professor of Law, University of Havana, Cuba

**Sustainable Agriculture and Food Systems Scholar:** Andrea Freeman, Assistant Professor of Law, University of Hawai'i at Mānoa William S. Richardson School of Law

**International Environmental Law Scholar:** Tseming Yang, Professor of Law, Santa Clara University Law School

## 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 Vermont Bar Association 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. Visit our housing database at [www.vermontlaw.edu/housing](http://www.vermontlaw.edu/housing).

## 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 two-and-a-half 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; residents of other states should check with their state bar association for CLE credit guidelines.

# 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

### ENVIRONMENTAL LAW

ENV5115

9 AM–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, approach 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.

### THE LAW OF ANIMALS IN AGRICULTURE

ENV5408

9 AM–NOON

Pamela Vesilind '08

State-based welfare standards for CAFO animals are on a collision course with the federal government's expanding control of food and agriculture production. California and Massachusetts sales restrictions on non-conforming eggs and meats are poised to transform U.S. food law and animal law, whether or not they survive challenges from industrial agriculture. This course explores recent and pending litigation involving constitutional doctrines of federalism, the "dormant"

Commerce Clause, and free speech, and considers the efficacy of market-based programs like third-party "humane" certification. No prior legal study required.

### OCEAN AND COASTAL LAW

ENV5423

9 AM–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.

## **ENVIRONMENTAL DISPUTE RESOLUTION**

**ADR6415**

9 AM–NOON  
Sean Nolon

This course explores the characteristics of environmental disputes, examines alternative dispute resolution processes—such as negotiation, mediation, arbitration, negotiated rulemaking, and facilitation—and explores how to select the most effective processes for a given situation. In this course, you will compare the advantages and disadvantages of adversarial and collaborative approaches in environmental conflicts. You will explore cases involving environmental regulations, compliance, remediation of contaminated property, land use development, and renewable energy generation. You will learn through multiple simulations that explore dispute resolution options, the role of impartial third parties, and how lawyers fit into these processes. Students should be prepared to actively engage in each class session.

## **ADVANCED ENVIRONMENTAL LEGAL RESEARCH**      **WR17380 (1 CREDIT)**

MAY 29, 31, AND JUNE 1, 1–2:30 PM  
JUNE 4, 5, 7, 11, 12, AND 14, 1–2:15 PM  
Christine Ryan

This one-credit course provides in-depth exposure to the most useful, efficient strategies and resources for environmental law research, including specialized science and statistical information resources, international environmental law research, advanced administrative law research, legislative history, environmental updating services, etc. The course is designed to prepare students to research environmental legal materials and non-legal materials for use in law school and in practice. Students are 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.

## **ENVIRONMENTAL ECONOMICS AND MARKETS**

**ENV5220**

1–4 PM  
James Chen

The course introduces students to environmental economics and exposes them to debates over the use of market-based instruments in environmental, energy, and climate policy. It also introduces students to basic concepts in economics and finance, examines key assumptions about market behavior and efficiency, and applies these ideas to environmental problems and actual case studies.

## **EUROPEAN ENVIRONMENTAL LAW**      **INT7445**

MAY 29–JUNE 1 AND JUNE 4–7, 1–4 PM  
Yvonne Scannell

This course introduces students to the important role of the principles of European environmental law in protecting our environment, and to EU techniques for environmental management such as environmental authorizations, environmental impact assessment, environmental standards, and other mechanisms that integrate scientific knowledge and risk assessment into environmental decision-making. Particular areas of environmental law covered include nature conservation, pollution control, industrial emissions, climate change, and liability for environmental damage. The course will also deal with environmental human rights in the EU and the EU transposition of the Aarhus Convention. Case studies are used to illustrate issues arising in the practical application of the law.

## **THREE ESSENTIALS OF THE ELECTRIC GRID**

1–4 PM  
Tom Dunn, Chris Root, Kit Kennedy, and Joseph Halso

This course sets out, in three linked 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 energy infrastructure systems can greatly constrain the choices that lawyers and policy analysts might otherwise make. This module will cover the engineering fundamentals inherent in electric power grids and will explain how these engineering realities affect market and regulatory choices.

**MODULE B:****LEGAL ESSENTIALS****ENV5512**

This module explores the expanding field of renewable energy development. It reviews local, state, and federal laws and policies that promote (and impede) such sources. Aside from the environmental and climate implications, there is nothing less at stake in the push for renewable energy than the very nature of our existing energy institutions. This module offers a brief look at various alternative mechanisms for delivering

energy services including emerging models for relying on distributed generation.

**MODULE C:****BUSINESS ESSENTIALS****ENV5511**

Electric vehicles (EVs) are not just the way of the future; they are biggest growth opportunity for our electric utilities in nearly a century. This module will explore issues at the intersection of the rapidly changing electricity and transportation sectors, with a particular focus on how EVs fit into the utility business model and can support a smarter, cleaner, more efficient “grid-of-the-future.” The course will include background on the state of the EV market and technology, as well as state and federal policy drivers for transportation electrification, including efficiency standards, the zero-emission vehicle mandate, and the EV tax credit. We will engage in interactive discussion of policy options and case studies.

**TERM TWO: Two-Week, Two-Credit Courses**

Monday through Thursday, June 18–28 | Exams: Saturday, June 30

**FOOD JUSTICE AND SUSTAINABILITY****ENV5383**

9 AM–NOON  
David Muraskin

This is an intensive seminar on food system policy with an emphasis on practical advocacy skills development. We still study the policy and political underpinnings of our current food system, and learn about opportunities to advance policy to realize a healthier and more equitable food system. Utilizing case studies from this quickly evolving area of practice, this practical course will examine the policy and program options that could help create a sustainable, locally-based food system, where food is healthy, affordable, and sustainably produced. Students will gain experience with both oral and written advocacy during the course.

**GLOBAL ENERGY LAW AND POLICY****ENV5230**

9 AM–NOON  
Arturo Brandt '04

Global Energy Law and Policy explores the current policy framework in a particular region outside of the United States with a focus on clean energy policies. The course will explore the regions policy development process, the current energy policy framework, policies implementing global and regional climate commitments and emerging issues.

**LAND CONSERVATION LAW****ENV5474**

9 AM–NOON  
Jessica Jay '97

Increasingly important in our efforts to preserve ecological diversity, historic places, working lands, scenic viewsheds,

open space, and public access 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 perpetual conservation easements, and will gain a practical understanding of both the legal and non-legal dimensions of land conservation transactions involving conservation easements. In addition, students will actively engage in the progression of a conservation easement transaction, beginning with early negotiations, drafting, and financial analysis, and proceeding along a spectrum to donation, amendment, violation, and enforcement. Each student will engage in role playing exercises throughout the conservation transaction process to assess various financial and tax scenarios; identify and resolve disputes related to the conservation transaction; and negotiate, draft, and defend a conservation easement.

## **LAW OF ECOSYSTEM MANAGEMENT**

**ENV5472**

9 AM–NOON

J.B. Ruhl and James Salzman

The concept of ecosystem management is sweeping through federal and state resource agencies, altering their orientation toward resource use and conservation issues, but what is the law of ecosystem management? This course explores that question beginning with an introduction to the concept of ecosystem management—its history, principles, and current state of play in concrete policy settings. The course then explores laws and regulations relating to the six types of ecosystems often described in ecosystem management literature—forests, grasslands, freshwater, coastal and marine, fragile (e.g., deserts, alpine), and human dominated (e.g., agricultural, urban, recreational). Perspectives of agencies, resource users, environmental groups, and other interest groups will be explored in the discussion of problems the instructor has developed to capstone each unit.

## **ECOLOGY**

**ENV5430 (3 CREDITS)**

MONDAYS AND WEDNESDAYS, 9 AM–NOON  
TUESDAYS AND THURSDAYS, 9 AM–4 PM  
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.

## **ENVIRONMENTAL JUSTICE**

**ENV5446**

1–4 PM

Barry Hill

Since 1979, the environmental justice movement is aimed at avoiding, minimizing, or mitigating disproportionately adverse human health and environmental impacts, including social and economic impacts, on minority, indigenous, and/or low-income communities, and for those communities to be engaged meaningfully in environmental decision-making processes. This course examines this environmental and public health problem. It explores how environmental justice concerns are framed and addressed/resolved through, among other things, acts of civil disobedience; federal, state and local government initiatives; litigation; citizens' suits; public comment letters; collaborative problem-solving; and alternative dispute resolution. This course examines the extrinsic link between environmental justice and sustainable development, and how the EPA, the ABA, and NGOs have been engaged in a number of initiatives to secure sustainable communities for all in the U.S.

## HYBRID ONLINE/RESIDENTIAL COURSE

This course includes online modules, May 21–June 29, and a residency in South Royalton, July 5–8.

### ADDRESSING CLIMATE CHANGE WITH REGTECH ENV\_\_ (1 OR 2 CREDITS)

Jeannette Eicks '96

Legal AI driven by data from Internet of Things (IoT) collection sites could enable technology-based real-time permit regulation — transforming legally mandated pollution control technology. If technology was created to regulate, monitor and report, and adjust pollution control devices in real-time, where and how should efforts be focused to have the greatest impact on climate change? Topics covered include Laws Impacting Climate Change; Air, Water, Energy, Solid

Waste/Methane and Pollution Control Technology; Finding and Reading Permits and Regulations; Legal Compliance Issues; Regulation Technology; Legal AI; Finding and Securing Access to Pollution Data; How to Develop a Use Case; and Developing Criterion to Evaluate Technical Feasibility.

This hybrid online/residential course is designed for legal, environmental, and technology professionals, as well as law and graduate students. All of the online units will be crucial to students taking the course; however, professionals may find units within their professional expertise to be review. Please inquire about audit and continuing education credit options.

## TERM THREE: Two-Week, Two-Credit Courses

Monday through Thursday, July 9–19 | Exams: Saturday, July 21

### ENVIRONMENTAL ENFORCEMENT AND COMPLIANCE ENV561

9 AM–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.

### INTERNATIONAL TRADE AND THE ENVIRONMENT INT7446

9 AM–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 will address cutting-edge questions in the field, including (1) protection of natural resources through unilateral trade-based measures; (2) the legality of multilateral environmental agreements employing trade measures; (3) utilization of science-based trade tests; and (4) environmental impacts of foreign investment liberalization. The course will analyze all the major junctures in the evolution of this area of the law, including the tuna/dolphin, shrimp/turtle, asbestos, beef hormone, and biotech cases. Students will be exposed to the major international trade agreements and institutions, such as GATT, NAFTA, the World Trade Organization, and pending trade negotiations. The course will include a simulated negotiation of a multilateral environmental agreement regulating trade in pesticides and chemicals. No prior familiarity with international law, trade law, or environmental law is necessary or assumed.

## **PUBLIC HEALTH AND U.S. FOOD AND AGRICULTURE POLICY** ENV5540

9 AM–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. Accordingly, this survey course uses case studies to provide a broad overview of these issues addressing law, policy, and regulatory mechanisms in the food and agricultural sector.

## **RENEWABLE ENERGY PROJECT FINANCE AND DEVELOPMENT** ENV5550

9 AM–NOON

Glenn Berger '78

This course will provide an in-depth look at the legal and regulatory issues

associated with the development and project financing of renewable energy projects such as wind, hydro, solar, and geothermal. The course will explain the various ownership structures that are used for developing an energy project, such as LLC arrangements and partnership agreements. The course will examine in depth the basic terms and conditions of the contracts that are necessary for a successful project financing, such as power purchase agreements, engineering contracts, fuel supply arrangements, and operation and maintenance agreements. The course will also cover the basic financing agreements that are part of an energy project financing such as credit agreements and equity arrangements. The course will explain the Federal and state regulatory issues that need to be addressed during a project financing, including providing an overview of the Public Utility Regulatory Policies Act, the Federal Power Act, and the Energy Policy Act of 2005. In addition, the course will examine Federal and state incentives for the development of renewable power projects such as renewable portfolio standards, renewable energy credits and production tax credits. The course will include a final written exam.

## **ANIMAL WELFARE LAW** ENV \_\_\_\_\_

1–4 PM

Don Baur, Heather Rally and Delcianna Winders

A broad and rapidly evolving field of law has developed concerning the welfare of animals that are used for a variety of human purposes, including food, entertainment, research, and companionship. Animals used for these purposes often endure a wide range of abuses that diminish animal welfare while also having an impact on humans. Public views about such uses of animals are rapidly changing. The class will combine traditional principles of animal welfare laws and advocacy with laws typically applied in the wildlife conservation context, such as the Endangered Species and Marine Mammal Protection Act. This class will examine the role of law in understanding and reforming

the relationship between humans and animals and improving the condition of animals maintained for human profit and entertainment. Students in the class will learn the role of legal institutions and regimes in promoting animal welfare. Past and current litigation, regulatory, and legislative efforts on behalf of animal welfare will be covered, with case studies and current developments. Pending Curriculum Committee approval.

## **MEDIATION ADVOCACY** **ADR6413**

FRIDAY, JULY 13, 12:45–6:30 PM  
SATURDAY, JULY 14, AND SUNDAY, JULY 15,  
8:30 AM –6:30 PM  
Cathy Costantino

This intensive seminar will meet for three consecutive days over one weekend. Attendance at all class sessions is mandatory. The seminar will specifically be focused

on Mediation Advocacy, not Mediation. Students will be introduced to the theory, principles and concepts of how to be an effective advocate in the mediation process. More importantly, students will be given multiple opportunities to practice mediation advocacy skills through a variety of hands-on simulations and group exercises. Students will receive feedback from three sources: self, peers and the professor. Topics to be covered include: the Mediation Process, Designing a Mediation and Selecting a Mediator, Preparing the Client and the Case, Opening Statements, Joint Sessions and Individual Caucuses, Developing and Narrowing Options, Using the Mediator Strategically, Impasse and Closure, Ethical Issues, and the Law of Mediation and Public Policy Issues. Students will be graded on a final exam involving a hypothetical written case in which they will demonstrate their knowledge of Mediation Advocacy principles and practice.

## **TERM FOUR: Two-Week, Two-Credit Courses**

Monday through Thursday, July 23–August 2 | Exams: Saturday, August 4

## **THE FARM BILL** **ENV5410**

9 AM–NOON  
Chris Adamo '04 and Jonathan Coppess

American farm and food policy has long been the subject of strenuous debate and criticism. In recent years, prominent criticism has come from a movement of consumer and environmental interests concerned that the way we eat and how we support producers has an impact on our health, natural resources, and the environment. Other interests raise concerns about Federal spending and government footprint. All of them look to the farm bill. The farm bill, however, is difficult to understand and it is challenging to change policies that have proven incredibly resilient over many decades. The class is an attempt to explain the farm bill and the history and development of the policies enacted, with an eye on how policy has changed and been reformed over the years due to

changing stakeholder needs. Students will examine the policies before Congress with a strong emphasis on the political trends and motivations. The goal of the class is to inform students about the range and depth of Federal farm and food policy, while also developing a better understanding of the historical, economic, political, and process-based forces in Congress.

## **ECOSYSTEM CONSERVATION STRATEGIES** **ENV5405**

1–4 PM  
Philip Tabas

This course will focus on gaining an understanding of current approaches to landscape scale conservation projects. The course will review conservation theory and examine specific conservation implementation actions. Case studies will draw conclusions for lawyers and practitioners. The course will involve

lectures, class discussion, and a research project. Materials will draw on actual projects involving The Nature Conservancy as well as projects from other conservation organizations.

## **OIL AND GAS PRODUCTION AND THE ENVIRONMENT** ENV5468

1–4 PM

Jacqueline Weaver

This course provides students with an understanding of the future of oil and gas as an energy resource, the framework of conservation law and property law used to produce and regulate oil and gas in the U.S., and the externalities of production. The course also reviews the nature of the typical oil and gas lease used in the U.S. on private lands and on federal leases. The federal laws related to offshore leasing are reviewed, notably the Coastal Zone Management Act and the Oil Pollution Act of 1990. The latter part of the course studies the role of FERC in regulating natural gas markets and oil and gas pipelines and its role in assuring reliable gas supplies for the new gas-fired power plants that are projected to supply an increasing share of electricity to the grid in the future as coal-fired and nuclear plants are retired.

## **PEACE, WAR AND THE ENVIRONMENT** ENV5564

1–4 PM

Catherine MacKenzie

This course provides an overview of international environmental law,

peacekeeping, and state reconstruction. Its focus is states which have been damaged by conflict, e.g. Afghanistan and Iraq, failed states which lack even the most basic facilities and services, e.g. South Sudan, and states rich in resources but with weak or ineffective government, e.g. Haiti, Western Sahara, and Liberia. It begins with an overview of international environmental obligations, considers international humanitarian law, and reviews the establishment and development of peacekeeping missions. Students are then invited to undertake in-depth research on a country or region of their choice. This course will suit any student with an interest in international affairs, students who have studied, worked or travelled internationally, and veterans.

## **PUBLIC LANDS MANAGEMENT—MONTANA FIELD STUDY** ENV5462 (3 CREDITS)

Jack Tuholske

The Montana Field Study is a unique experiential learning opportunity. This class focuses on National Forest Management. Students experience forest management, wilderness, recreation, and roadless issues first-hand, in the wilds of Montana and Idaho. Almost the entire class is held in the field; we backpack into remote places. Instructor permission is required; contact the Environmental Law Center for further information.

## **EIGHT-WEEK COURSES: Two-Credit Courses**

Fridays, June 8–August 3 (no class July 6) | Exams: Saturday, August 4

## **END USE ENERGY EFFICIENCY** ENV5497

9 AM–NOON

Scott Johnstone

This course describes the reasons for, techniques of, and results from, energy efficiency measures in leading programs

around the United States. In exploring how leaders maximize energy efficiency results from the home and business to the grid, the course will explore the systems, policy, and legal basis that legitimize energy efficiency as an energy resource and assure societal trust in the outcomes.

## ENVIRONMENTAL GOVERNANCE IN THE DEVELOPING WORLD ENV5223

9 AM–NOON

Yanmei Lin and William Schulte '15

This course will explore the challenges to developing and implementing strong environmental law and governance systems in the developing world from perspectives of rule of law, good governance, and system thinking. It will examine the historical, political, and cultural influences, in addition to legal and regulatory regimes, that have an impact on the quality of environmental governance systems. Case studies will be drawn from China and Southeast Asia.

## ENVIRONMENTAL GOVERNANCE FIELD STUDY ENV5224 (1 CREDIT)

Yanmei Lin and William Schulte '15

Following completion of the Environmental Governance in the Developing World course, students may participate in an additional field trip to Southeast Asia. This trip will enable students to experience directly environmental conditions in the region and to meet leading environmental scholars and activists. Prerequisite: Environmental Governance in the Developing World.

## ADVANCED DISPUTE RESOLUTION WRITING SEMINAR ADR6450

1–4 PM

Joan Vogel

“The courts of this country should not be the places where resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried.” Is Justice O’Conner’s statement true? What are alternative means of dispute resolution and are they really better for parties than taking a dispute to court? This course will introduce students to a wide range of alternative dispute resolution topics so that they can answer these questions. At the same time, this course will introduce students to the process of writing scholarly articles. Students will explore strategies for outlining, researching, drafting and editing an article of publishable quality. Students will then conduct in-depth research on an alternative dispute resolution topic of their choice and produce a scholarly article of publishable quality (that also will satisfy the Advanced Writing Requirement). During the last week of class, students will present on their papers and have them peer reviewed by their classmates.



## ENERGY CLINIC

This part-time clinic runs for 10 weeks, May 29–August 3.

### **ENERGY CLINIC** CLI9427 (3 OR 6 CREDITS)

Through this course students will be introduced to the practical aspects of real world energy projects with a focus on distributed solar PV development. Students will become involved in some aspect of the development or evaluation of distributed energy projects. They may have the opportunity to support the legal and policy requirements of a particular project or, through the development of model legal documents, to facilitate future projects. Students will be introduced to the state

and federal statutes, rules, tax codes, and ordinances that apply to the development of energy projects, particularly those that promote sustainability at the community level. Specific projects undertaken by the energy clinic will be selected in order to support some social justice or environmental benefit, including community ownership, greenhouse gas reduction, or low income energy affordability goals. The weekly clinic seminar is scheduled for Mondays, 4:15–6:15 pm, except for the first week's meeting which will occur on Wednesday, May 30, 4:15–6:15 pm.

## ENVIRONMENTAL AND NATURAL RESOURCES LAW CLINIC

This part-time clinic runs for 11 weeks, May 29–August 10.

### **ENVIRONMENTAL AND NATURAL RESOURCES LAW CLINIC** CLI9302 (6 OR 9 CREDITS)

Are you ready to make a positive difference in the world by representing communities and environmental groups as they struggle to protect the water we drink, the air we breathe, and the places where we live, work, and play? Do you want to work with real clients in Vermont and across the country on cutting-edge environmental law issues? Are you frustrated by the federal government's approach to environmental protection and regulation and do you want to do something to fight back? Are you prepared to dive into real legal work but are looking for an experience where you get close attention and individualized feedback from experienced environmental lawyers?

Our Environmental and Natural Resources Law Clinic is the country's

premiere environmental litigation clinic. We train the next generation of environmental lawyers in the nuts and bolts of litigation and environmental policy. Our student attorneys connect with leading national, regional, and local environmental organizations who serve as our clients or partners. We work closely with these organizations to bring important and innovative cases and tackle tough environmental policy problems. Our student attorneys work hard, hand-in-hand with seasoned environmental lawyers, and leave ready to protect public health and the environment.

Do you have what it takes to be a student attorney? We use a competitive process to select full-time summer JD or LLM students to serve as student attorneys. For more information and to find out if space is available, please contact Director Jill Heaps at [jheaps@vermontlaw.edu](mailto:jheaps@vermontlaw.edu).

# SUMMER FACULTY

## CHRIS ADAMO '04

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Staff Director, Senate Committee on Agriculture, Nutrition, and Forestry

Mr. Adamo became staff director of the Senate Committee on Agriculture, Nutrition, and Forestry in January 2011. Previously, he served as legislative counsel for agriculture, energy, environment and natural resource issues for U.S. Senator Debbie Stabenow from 2007 to 2011. During that time, he worked on legislation and issues such as the 2007 energy bill, 2008 Farm Bill, climate change, and natural resource. He came to the Senate Joint Economic Committee in 2005 to work on Endangered Species Act reauthorization after a stint in Montana working as a legal fellow for The Property and Environmental Research Center. Mr. Adamo received his JD degree from Vermont Law School.

## DON BAUR

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Partner, Environment Energy and Resources Practice, Perkins Coie

Mr. Baur's practice focuses on public lands and water, energy resources, marine resources, fish and wildlife, wetlands, endangered species, marine mammals, animal welfare, NEPA, and Indian law. He is coeditor of the American Bar Association's treatises on the Endangered Species Act and Ocean and Coastal Law. He serves on the boards of the National Marine Sanctuary Foundation, the Shenandoah National Park Trust, and the Environmental Leadership Council of the Environmental Law Institute. 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 is the recipient of the Wings Award for animal welfare advocacy from the Pegasus Foundation and the 1872 Award for national park conservation from the Coalition to Protect America's National

Parks. Mr. Baur received his BA degree from Trinity College and his JD degree from the University of Pennsylvania.

## GLENN BERGER '78

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Retired Partner, Skadden, Arps, Slate, Meagher & Flom LLP

Mr. Berger was with Skadden Arps in their Washington D.C. office for over thirty years and a partner during that time for over 25 years. He was in Skadden's Los Angeles office from 1989 to 1994, where he headed the firm's West Coast energy/project finance practice. He has handled both U.S. and international energy/project finance work involving lending institutions, equity participants, and investment banks for over 20 years. In addition, he handled project development work involving federal and state regulatory issues, and contract negotiations pertaining to such subjects as power sales, steam sales, tolling agreements, fuel procurement contracts, and engineering and construction contracts. Before joining Skadden, Mr. Berger was a trial attorney with the Federal Energy Regulatory Commission (FERC). He chaired FERC's Cogeneration Task Force from 1980 to 1982. He received his BS degree from Cornell University and his JD degree from Vermont Law School.

## ARTURO BRANDT '04

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Attorney, Tradition Green

Mr. Brandt specializes in climate change, trading emissions, and renewable energy. He focuses on greenhouse gas emission reduction projects with the International Union for Conservation of Nature, advising on the design of public policies for developing countries; with the consulting firm POCH Ambiental; and with First Climate, a Swiss-German investment fund. He is the Latin American Representative for Tradition Green, a leader in the

(continued on page 16)

# SUMMER 2018 COURSES BY CATEGORY

	TERM 1	TERM 2
<b>LAND USE</b>		Ecology
		Land Conservation Law
<b>ETHICS &amp; ENVIRONMENTAL JUSTICE</b>	The Law of Animals in Agriculture	Environmental Justice
		Food Justice and Sustainability
<b>INTERNATIONAL</b>	Ocean & Coastal Law	Global Energy Law & Policy
	European Environmental Law	
<b>DISPUTE RESOLUTION</b>	Environmental Dispute Resolution	
<b>FOOD &amp; AGRICULTURE</b>	The Law of Animals in Agriculture	Food Justice and Sustainability
<b>ENERGY</b>	Three Essentials of the Electric Grid	Global Energy Law & Policy
<b>ENVIRONMENTAL</b>	Environmental Economics & Markets	Law of Ecosystem Management
	Advanced Environmental Legal Research	
	Environmental Law	
	see page 3 for course descriptions	see page 5 for course descriptions

TERM 3	TERM 4	8 - WEEK
	Ecosystem Conservation Strategies Public Lands Management: Montana Field Study	
Animal Welfare Law		
International Trade & the Environment	Peace, War & the Environment	Environmental Governance in the Developing World
Mediation Advocacy		Advanced Dispute Resolution Writing
Public Health and U.S. Food & Agriculture Policy	The Farm Bill	
Renewable Energy Project Finance & Development	Oil and Gas Production & the Environment	End Use Energy Efficiency
Environmental Enforcement & Compliance	Ecosystem Conservation Strategies	
see page 7 for course descriptions	see page 9 for course descriptions	see page 10 for course descriptions

# SUMMER FACULTY (continued)

environmental commodities marketplace, including carbon credits, renewable energy certificates, and biomass. He serves as a consulting attorney with Vial Serrano Law Firm, advising on issues related to environmental law and in the development of independent consultancy focusing on sustainable development, environmental legislation, policy and renewable energy. He has authored publications and participated in conferences, both in Chile and Internationally. Mr. Brandt received his law degree from the Universidad Diego Portales in Santiago de Chile, and his LLM in Environmental Law from Vermont Law School.

## JAMES CHEN

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Justin Smith Morrill Chair in Law, Michigan State University

In addition to his academic appointment, Professor Chen is of counsel to the Technology Law Group, a Washington, DC-based firm specializing in telecommunications law. His teaching experience and scholarship span topics such as administrative law, antitrust, behavioral and mathematical finance, agricultural law, constitutional law, economic regulation, environmental law, legislation, natural resources law, and state and local taxation. He edits the series on “Quantitative Perspectives on Behavioral Economics and Finance” for Palgrave Macmillan and is the author of three books in that series, *Postmodern Portfolio Theory, Finance and the Behavioral Prospect*, and *Econophysics and Capital Asset Pricing*. He is also the coauthor of *Disaster Law and Policy* (Aspen, 3d ed. 2016), the first book to address the legal issues surrounding natural disasters. He received his JD degree from Harvard and his MA and BA degrees from Emory University.

## JONATHAN COPPESS

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Clinical Assistant Professor of Law and Policy, University of Illinois

He has served as Chief Counsel of the Senate Committee on Agriculture, Nutrition and Forestry for Chairwoman Debbie Stabenow. Prior to joining the Ag Committee, he was Administrator of the Farm Service Agency at USDA. Before being appointed at USDA, he was a Legislative Assistant for Senator Ben Nelson. He grew up on his family’s corn and soybean farm in Western Ohio and practiced law in Chicago before moving to Washington to work on agriculture policy. He earned his BS degree from Miami University in Ohio and his JD degree from The George Washington University Law School.

## CATHY COSTANTINO

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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 (where she received the Distinguished Adjunct Faculty Award for Teaching) and Fordham Law School and guest lectures at Harvard Law School. She coauthored *Designing Conflict Management Systems: A Guide to Creating Productive and Healthy Organizations* (Jossey-Bass, 1996) and has published numerous articles, her most recent being in the July 2015 issue of the *Harvard Negotiation Journal* entitled “What Systems Design Can Learn from Project Management.” 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 and practiced with Steptoe and Johnson in Washington, DC. 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).

## **TOM DUNN**

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President and CEO, Vermont Electric Company

Mr. Dunn currently serves as President and CEO of Vermont Electric Power Company (VELCO). He joined VELCO in 2000 and advanced through several positions within the company including: Director of Capital Projects, Vice President for Transmission Services, and Chief Operating Officer. Prior to joining VELCO, he was the Chief Engineer at the Vermont Public Service Department from 1992–2000. From 1985 to 1990, he was a Field Engineer at the Massachusetts Electric Department. He received his undergraduate degree from the Massachusetts Maritime Academy and his MBA degree from Boston College.

## **JEANNETTE EICKS '96**

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Co-Director, Center for Legal Innovation and Research Professor of Law, Vermont Law School

Professor Eicks facilitates collaborative projects between students, faculty, and industry partners on behalf of the Center for Legal Innovation. Her published work includes “Evidence Challenge,” published by LexisNexis in 2014, and a chapter in “Educating the Digital Lawyer,” an eBook co-edited by Professor Oliver Goodenough and published by LexisNexis in 2012. Her past experience includes serving as CEO of an application development and Internet consulting firm, managing information technology for Vermont Law School, and establishing several degree programs during her tenure as a professor at Vermont Technical College. Professor Eicks received her BA degree from Washington University in St. Louis, her JD degree from Vermont Law School, and her master’s in internet strategy management from Marlboro College.

## **TIM EICHENBERG**

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Chief Counsel, San Francisco Bay Conservation and Development Commission

Mr. Eichenberg is an environmental lawyer and consultant. As former Chief Counsel of the San Francisco Bay Conservation

and Development Commission, he helped develop the nation’s first comprehensive policies and regulations on climate change. He also has served as legal counsel for the California Coastal Commission, The Ocean Conservancy, Oceana, the Marine Law Institute, and Environmental Defense Center, where he engaged in environmental litigation, lobbying and rulemaking. He chaired the Clean Water Network in Washington, D.C., co-founded the Casco Baykeeper Program in Maine, and published more than 30 articles and reports on marine-related issues, including the ABA’s book on *Ocean and Coastal Law and Policy*. He received his BA degree from Earlham College, his JD degree from the Washington University School of Law, and a postdoctoral fellowship in marine policy at the Woods Hole Oceanographic Institution.

## **WILLIAM EUBANKS II '08**

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Partner, Meyer Glitzenstein & Eubanks LLP

Mr. Eubanks manages his firm’s western office in Colorado. He litigates precedent-setting impact cases in federal appellate and trial courts, specializing in environmental and natural resource conservation, public lands preservation, endangered species and wildlife protection, 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 four recent U.S. Supreme Court cases. He has published a textbook, several textbook chapters, and more than a dozen law review articles on diverse environmental law topics. 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.

## KEVIN FOY

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Associate 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 multi-disciplinary academic journal exploring 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 and environmental justice are his research and writing interests as illustrated in his recent article, “Home is Where the Health Is: The Convergence of Environmental Justice, Affordable Housing, and Green Building,” 30 *Pace Environmental Law Review* 1 (2012). Professor Foy earned his BA degree from Kenyon College and his JD degree from NCCU.

## JOSEPH HALSO

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Associate Attorney, Environmental Law Program, Sierra Club

Mr. Halso’s work at Sierra Club is focused on clean transportation. He works to electrify our nation’s vehicles while speeding the transition to a smarter, cleaner grid. Before law school, he worked for the Michigan Department of Natural Resources, where he performed fisheries research. He also managed the University of Michigan’s outdoor trip program. During law school, he worked for the National Wildlife Federation and the U.S. Attorney’s Office for the Eastern District of Michigan. He received his BA degree from the University of Michigan and his JD degree from the University of Michigan Law School.

## BARRY E. HILL

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Visiting Scholar, Environmental Law Institute

Mr. Hill has been the senior counsel for environmental governance of the Office of International and Tribal Affairs at U.S. EPA; the director of the Office of Environmental Justice at EPA; the associate solicitor of the Division of Conservation and Wildlife; and the director of the Office of Hearings and Appeals of the U.S. Department of the Interior. Prior to that, he was of counsel at Dickstein Shapiro, LLP; special counsel to the attorney general of the District of Columbia; legal counsel to the inspector general of the EPA; and an assistant district attorney in Brooklyn. He has been the recipient of several distinguished achievement awards in environmental justice. He is the author of *Environmental Justice: Legal Theory and Practice*. He has authored or co-authored more than 20 articles in scholarly and professional journals. He received his BA degree from Brooklyn College of the City University of New York; his MA degree from Howard University; and his JD degree from Cornell.

## RANDOLPH L. HILL

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Judge, Environmental Appeals Board, U.S. EPA

Mr. Hill was appointed to EPA’s Environmental Appeals Board (EAB) in 2013. The EAB is the final decision maker on administrative appeals under all major environmental statutes that the EPA administers. Previously, he spent 25 years serving in a variety of legal and executive positions at EPA, including Deputy Director and Acting Director of EPA’s Office of Wastewater Management, where he helped to oversee EPA’s clean water permitting and wastewater infrastructure assistance program, Deputy Director of EPA’s Office of Civil Enforcement, and as the agency’s national legal expert for many Clean Water Act and RCRA issues in EPA’s Office of General Counsel. He has taught environmental law as a visiting professor at Tulane University, and public administration at the University of Maryland, University College. 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.

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## JESSICA JAY '97

Founding Partner, Conservation Law, P.C.

Conservation Law, P.C., is a law firm devoted to ensuring the permanence of land conservation through sound transactions. Ms. Jay represents easement holders and landowners to conserve working landscapes and environmentally significant properties in Colorado and the Rocky Mountain West. She engages easement holders, professionals, and landowners in educational workshops. She collaborates with the conservation community to develop easement enforcement mechanisms, defend conservation incentives, shape emerging conservation law, and discover new frontiers in land conservation. Ms. Jay received her BA degree from Bowdoin College and her JD and MSEL degrees from Vermont Law School.

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## SCOTT JOHNSTONE

Executive Director, Vermont Energy Investment Corporation

Mr. Johnstone sets the strategic direction and leads business development at VEIC. He serves on the boards of the Northeast Energy Efficiency Partnerships; the Vermont Governor's Council on Energy and the Environment; the Vermont Climate Change Economy Council; and the Vermont Low Income Trust for Electricity (VLITE). He is a former board chair of the ECHO Lake Aquarium and Science Center; the United Way of Chittenden County; and the Greater Burlington YMCA. He has also been active on the Vermont Governor's Commission on Energy Siting as well as the Governor's Commission on Climate Change. Prior to his becoming the Executive Director at VEIC in 2008, he was the Executive Director of the Chittenden County Metropolitan Planning Organization, Secretary of the Vermont Agency of Natural Resources, and the Director of Public Works for the City

of Burlington, Vermont. Mr. Johnstone earned his BS degree from the University of Maine, and is certified as a Professional Engineer.

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## KIT KENNEDY

Director, Energy and Transportation Program, Natural Resources Defense Council

Ms. Kennedy oversees many NRDC projects relating to energy efficiency, renewable energy, and global-warming solutions. She serves on the board of the New York League of Conservation Voters Education Fund, and from 2009 to 2013, she was the Timothy B. Atkeson Clinical Visiting Environmental Lecturer in Law at Yale Law School, where she directed the Yale Environmental Protection Clinic. From 2007 to 2010, she served as Special Deputy Attorney General for Environmental Protection in the Office of the New York State Attorney General, where she directed the Environmental Protection Bureau. She received her BA and JD degrees from Harvard University.

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## 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.

## YANMEI LIN

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Associate Director, U.S.-Asia Partnerships for Environmental Law; Associate Professor, Vermont Law School

Professor Lin's research and programmatic work focus on the rule of law development in China's environmental governance. She has led the development and the implementation of Partnership for Environmental Justice Project which supported the establishment a new Environment and Biodiversity Law Clinic in Yunnan Province to provide legal aid services to NGOs and vulnerable communities. She also supported the design and implementation of environmental law judicial training programs for Chinese judges and lawyers. She is the author of over 30 academic articles both in Chinese and English in the area of comparative environmental law. Before she joined Vermont Law School, she was a program officer for the American Bar Association Rule of Law Initiative's China program and a researcher for China Institute of Environment and Resources Protection at Minzu University. She earned her LLB and Master of Laws in Jurisprudence from Fudan University and her LL.M in International Legal Studies from New York University School of Law.

## CATHERINE MACKENZIE

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Faculty of Law, Cambridge University and Oxford University

Professor MacKenzie serves as Dean of Degrees of Green Templeton College at Oxford. At Cambridge, she has served as Chairman of the University Board of Scrutiny. Her jointly edited book, *Law, Tropical Forests and Carbon*, is published by Cambridge University Press and her monograph, *International Law and the Protection of Forests*, will be published by Oxford University Press. A member of the Bar of England and Wales and the High Court of Australia, she has been employed by Allen & Overy, the World Bank, the Asian Development Bank and the United Nations and served with as a Legal Officer in the Australian Army. Professor MacKenzie is a

Master of the Bench of Inner Temple Inn of Court of England and Wales and is a Board Member and Trustee of Vermont Law School. She earned degrees from Oxford University, London University, the Inns of Court School of Law, Sydney University and the Australian National University.

## DAVID MURASKIN

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Food Project Attorney, Public Justice

Mr. Muraskin focuses on impact litigation to promote sustainable alternatives to the industrial animal agriculture system. His docket consists of constitutional, consumer, worker, and environmental cases. In that role, he secured the first appellate court decision holding that those investigations are protected by the First Amendment. He also represents ranchers, farmers, and consumers who are being exploited by corporate consolidation in the food industry. He also serves as an Adjunct Professor at Georgetown University Law Center. Prior to joining Public Justice, he prosecuted first-of-its-kind qui tam litigation, served as the Alan Morrison Supreme Court Assistance Project Fellow with Public Citizen, and clerked for Judge James L. Dennis on the United States Court of Appeals for the Fifth Circuit. He earned his JD degree from Stanford Law School with Distinction, his Master's in Forced Migration from Oxford University, St. Antony's College, and his BA degree from the University of Chicago.

## SEAN NOLON

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Associate Dean for Academic Affairs; Director, Dispute Resolution Program; Professor of Law, Vermont Law School

Professor Nolon conducts training programs on negotiation, mediation, and environmental law for NGOs, private companies, local governments, state agencies domestically and internationally. Prior to joining the Vermont Law School faculty, in his positions as director of the Land Use Law Center and as executive director of the Theodore W. Kheel Center on Environmental Solutions at Pace University School of Law, he designed and

implemented curricular offerings as well as web-based services to facilitate distance learning. He served as an associate at Melito & Adolfsen, coordinating litigation in environmental cases and class actions. Professor Nolon earned his BA degree from Cornell University and his JD degree from Pace University School of Law.

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## 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.

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## HEATHER D. RALLY

Supervising Veterinarian, Captive Animal Law Enforcement, PETA

Dr. Rally leads investigative and enforcement actions in cases of abuse of animals in roadside zoos, circuses, and other captive-animal exhibits in the U.S. She has a specific training in marine mammals and serves on the Advisory Committee of the Whale Sanctuary Project and as a veterinarian for the Oceanic Preservation Society. She has been a featured speaker in a number of professional forums and has taught wildlife and animal welfare classes at Boston University, Wellesley College, Dartmouth College, and Florida International University. She has published numerous articles on ocean conservation and marine wildlife, and is a co-author of the chapter on animal welfare in the upcoming third edition of the ABA treatise on the Endangered Species Act. Dr. Rally

earned her BS degree from the University of California at Santa Barbara and her DVM degree from the Western University College of Veterinary Medicine.

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## CHRIS ROOT

Chief Operating Officer, Vermont Electric Power Company

Mr. Root joined VELCO as Chief Operating Officer in March 2014. He previously served as Senior Vice President of Network Strategy, a branch of National Grid. He completed the Program for Management Development at Harvard University Graduate School of Business and has authored, co-authored and presented papers at various forums. He received his BS degree in electrical engineering from Northeastern University and his MS in engineering from Rensselaer Polytechnic Institute.

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## J.B. RUHL

David Daniels Allen Distinguished Chair of Law; Director, Program on Law and Innovation; Co-director, Energy, Environment and Land Use Program, Vanderbilt University

Professor Ruhl is an expert in environmental, natural resources and property law, and also studies the legal industry and legal technology. Before he joined Vanderbilt's law faculty, he was the Matthews & Hawkins Professor of Property at the Florida State University College of Law. His influential scholarly articles have been selected by peers as among the best law review articles in the field of environmental law nine times. He has been a visiting professor at Harvard Law School, George Washington University Law School, the University of Texas Law School, and Lewis and Clark College of Law. He began his academic career at the Southern Illinois University School of Law, where he taught from 1994 to 1999 and earned his Ph.D. in geography. Before entering the academy, he was a partner with Fulbright & Jaworski (now Norton Rose Fulbright) in Austin, Texas, where he also taught on the adjunct faculty of the University of Texas School of Law.

## CHRISTINE RYAN

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Environmental Law Librarian, Adjunct Professor of Law, 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.

## JAMES SALZMAN

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Donald Bren Distinguished Professor of Environmental Law, Bren School of Environmental Science & Management, UCSB School of Law, UCLA

Professor Salzman is the inaugural Donald Bren Professor of Environmental Law and Policy with joint appointments at UCLA's law school and UCSB's school of the environment. In more than the seventy articles and seven books, his broad-ranging scholarship has addressed topics spanning trade and environment conflicts, the history of drinking water, environmental protection in the service economy, wetlands mitigation banking, and the legal and institutional issues in creating markets for ecosystem services. He has twice been voted Professor of the Year by students. He has served as a visiting professor at Yale, Stanford, and Harvard as well as at universities in Australia, Sweden, Israel, Italy, and Portugal. Prior to teaching, he worked for the U.S. Fish & Wildlife Service, the OECD, and as the

European Environmental Manager for Johnson Wax. He received his BA degree from Yale, his JD degree from Harvard Law School, and his MS degree from the Harvard Graduate School of Arts and Sciences.

## YVONNE SCANNELL

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Professor of Law, 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.

## WILLIAM SCHULTE '15

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Assistant Director, U.S.-Asia Partnerships for Environmental Law, Vermont Law School

Mr. Schulte joined the U.S.-Asia Partnership as an LLM Fellow in July 2013. Previously, he spent five years practicing public interest environmental law in Newark, New Jersey. During that time, he represented environmental and community groups on matters related to environmental permit reviews, environmental justice, air pollution reduction, watershed protection, and energy infrastructure proposals. Additionally, he spent two years serving on the Jersey City Environmental Commission, where he worked to push environmental initiatives on the municipal level. While in law school, he researched

evidentiary issues related to the Khmer Rouge Tribunals as an intern with the Documentation Center of Cambodia in Phnom Penh. He received his JD degree from Rutgers University School of Law and his LLM degree from Vermont Law School.

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## MICHAEL SUTTON

Vice President, Pacific Flyway for the National Audubon Society

Mr. Sutton recently edited a book, *Ocean and Coastal Law and Policy*, published by the American Bar Association. Previously, Sutton served for eight years as vice president of the Monterey Bay Aquarium where he founded the Center for the Future of the Oceans, the Aquarium's conservation advocacy arm. Before that, Sutton helped establish ocean conservation programs at the David and Lucile Packard Foundation and the World Wildlife Fund, where he founded the Marine Stewardship Council. Sutton has served as a special agent with the U.S. Fish and Wildlife Service and as a park ranger with the National Park Service. He received his BS degree in wildlife biology from Utah State University and his JD degree from George Washington University.

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## PHILIP TABAS

Special Advisor, North America Conservation Region, The Nature Conservancy

Mr. Tabas served as the Conservancy's General Counsel from 2003 to 2013. He has also held a range of positions in TNC in the areas of land protection, government relations, compatible economic development and conservation planning. He has been involved in numerous private land conservation and compatible economic development projects. He has also worked to secure tax policy and legislation changes for conservation at the U.S. Federal and state levels of government as well as in other countries. He is an author of *Comprehensive Planning and the Environment*, published by Abt Books. He received his BA degree from Pennsylvania State University, his JD degree from the George Washington

University Law School, his Masters of Land Use Planning from the University of Pennsylvania, and his LLM degree in tax law from Boston University Law School.

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## JACK TUHOLSKE

Private Practitioner, Missoula, Montana; Director, Water and Justice Program and Visiting Professor, Vermont Law School

Professor Tuholske's 30 year legal career has focused on public interest environmental litigation in state and federal court in Montana and the West. He has been lead counsel for over 50 published decisions in the fields of water law, land use, constitutional law, and natural resource management. In recognition of his public interest work, 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. In 2009, he taught at the Law Faculty of University of Ljubljana in Slovenia as a Fulbright Scholar. In 2011, he co-founded the Water and Justice Program at VLS, providing students with an opportunity to work on water-related policy and legal questions for NGOs from around the country. He earned his JD degree from the University of Montana.

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## PAMELA VESILIND '08

Adjunct Professor and Scholar in Residence, University of Arkansas School of Law

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, her JD degree from Vermont Law School, and her LLM in Food and Agriculture Law from the University of Arkansas School of Law.

## JOAN VOGEL

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Professor of Law, Vermont Law School

Professor Vogel specializes in employment law, anthropology of law, consumer law, medical malpractice, and tort reform. She clerked for Judge Alfred T. Goodwin of the U.S. Court of Appeals, Ninth Circuit. Prior to joining the VLS faculty in 1989, she served as assistant professor at the University of Pittsburgh School of Law, an associate visiting professor at Albany Law School, and an associate professor at Oklahoma City University Law School. She has presented widely on topics of legal pluralism, new teaching methods in labor law, tort reform, and on the “Lemon Laws.” She has served as chair of the Law and Anthropology and the Labor and Employment Law sections of the Association of American Law Schools. Professor Vogel earned her BA degree from George Washington University, and her MA and JD degrees from the University of California—Los Angeles.

## JACQUELINE WEAVER

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

Professor Weaver’s teaching and research interests cover oil and gas law, energy law and policy, international petroleum, and environmental and natural resources law. She is a co-author of *Smith and Weaver, The Texas Law of Oil and Gas*; a casebook titled *Energy, Economics and the Environment*; and the treatise *International Petroleum Exploration & Exploitation Agreements* (Barrows 2009). She has written articles on offshore safety after the Macondo disaster in the Gulf of Mexico, energy markets, sustainable development in the international petroleum industry, comparative unitization laws, energy policy, and traditional oil and gas law topics. She has lectured on topics in international petroleum transactions in Africa (Uganda, Namibia, and Luanda), Kazakhstan (as a Fulbright scholar), Lisbon, and Bangkok. Professor Weaver received her BA degree from Harvard University in economics and her JD degree from the University of Houston.

## DELCIANNA J. WINDERS

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Vice President and Deputy General Counsel, Captive Animal Law Enforcement, PETA

Ms. Winders recently completed two years as the first Academic Fellow of the Harvard Animal Law and Policy Program. Her work has appeared in the *NYU Law Review* and the *Animal Law Review* and she has pieces forthcoming in the *Ohio State Law Journal* and *Florida State Law Review*. Following law school, she clerked for the Hon. Martha Craig Daughtrey on the U.S. Court of Appeals for the Sixth Circuit and practiced animal law in a variety of settings. She has taught animal law at Tulane University School of Law and Loyola University New Orleans College of Law. She is a co-author of the chapter on animal welfare in the upcoming third edition of the ABA treatise on the Endangered Species Act. Ms. Winders earned her BA degree from the University California at Santa Cruz and her JD degree from NYU School of Law.

## DAVID A. WIRTH

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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.

# REGISTRATION INFORMATION

Please visit [www.vermontlaw.edu/summer](http://www.vermontlaw.edu/summer) to apply and register for Summer Session classes. Registration for non-Vermont Law School students opens on May 1, 2017. 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 director's permission.

## NON-VERMONT LAW SCHOOL STUDENTS

If you are taking courses for non-law, 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 Vermont Law School's degree programs. If you wish to apply to our degree programs, please contact the Admissions Office at [admiss@vermontlaw.edu](mailto:admiss@vermontlaw.edu) for information. No supporting documents or deposits are required of Vermont Law School students.

## TUITION AND FEES

**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 in writing ([registrar@vermontlaw.edu](mailto:registrar@vermontlaw.edu)) of a decision to withdraw prior to the start of a class. Interest on unpaid balances will accrue at 12 percent per annum. Registration and transcript holds may also occur. All students (degree seeking and non-degree seeking) who are enrolled in the Summer Session program are charged a non-refundable \$200.00 Summer Student Administrative Fee.

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

\$1,345.00	For-credit rate for VLS master's or LLM credits
\$1,615.00	For-credit rate for VLS JD credits
\$1,345.00	For-credit rate for transfer credits
\$200.00	Audit rate for VLS alumni/ae
\$400.00	Audit rate for all others

## REFUNDS

Students may add or drop courses before the second class meeting. Students visiting VLS for summer courses must email the Registrar's Office at [registrar@vermontlaw.edu](mailto:registrar@vermontlaw.edu) or go to the Registrar's Office before attending the second class to report the drop. Tuition charges will be adjusted with no financial penalties during the add/drop period. Written notice (Request to Withdraw form or email to [registrar@vermontlaw.edu](mailto:registrar@vermontlaw.edu)) is required in

order to receive any applicable tuition credit. If no written notification is received, no adjustments will be made to the student account. Students who submit written notification of withdrawal after the second class meeting are subject to the tuition credit schedule. The portion of tuition credit will be calculated on a daily pro-rata basis beginning with the first day of classes until the date of written notification of withdrawal. There is no tuition credit after 60% of the session has been completed. Appeals to the above policy or calculation for special circumstances may be made in writing to the Business Office at [studentaccounts@vermontlaw.edu](mailto:studentaccounts@vermontlaw.edu). Transcript requests will not be released for any student who has an outstanding balance with Vermont Law School until the balance and any applicable interest is paid in full.

## **TITLE IV REFUNDS**

Should any payments received for a student be made in full or part by any Federal Financial Aid, the Financial Aid Office is required by federal regulations to calculate a Return to Title IV Funds (R2T4) amount for any student who withdraws. A withdrawal includes students who are dismissed, take a leave of absence, or who discontinue enrollment in classes on or after the first day of class. A Return to Title IV Funds (R2T4) is the amount of unearned aid you received at the beginning of the term that must be returned to the federal aid program. Vermont Law School will return any unearned aid to the applicable lender on the student's behalf. The student will then be required to repay the unearned aid back to Vermont Law School to the extent there is a balance on the student account. Any aid received in excess of the earned amount is considered unearned. The earned portion of the aid is calculated on a daily basis using calendar days of the semester in which the student withdrew. Vermont Law School scholarships will be adjusted based on the same calculations as Federal Financial Aid.

## **JOINT DEGREE STUDENTS**

Summer courses may be taken for master's 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 Student Accounts ([studentaccounts@vermontlaw.edu](mailto:studentaccounts@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 master's and LLM degree programs, including the master's portion of the JD/ master's joint degree, on a per credit basis. The current per credit rate for the master's and LLM degrees is \$1,345.00 and due before classes start.

## **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.

## **QUESTIONS?**

Please contact us at 800-227-1395, or visit us on the web at [www.vermontlaw.edu/summer](http://www.vermontlaw.edu/summer).

# FINANCIAL AID

Financial aid for the summer is available to qualifying students. For more information, visit [www.vermontlaw.edu](http://www.vermontlaw.edu), or contact us at 800-227-1395 ext. 1235 or [finaid@vermontlaw.edu](mailto: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/master's joint degree program upon notification by the Registrar of a completed summer registration. Students should complete the Free Application for Federal Student Aid (FAFSA) online at [www.fafsa.ed.gov](http://www.fafsa.ed.gov) by March 1, 2018.

## VERMONT LAW SCHOOL MASTER'S AND LLM CANDIDATES

Financial aid for master's and LLM students is determined upon acceptance to VLS and receipt of a completed FAFSA. Awards are made on an annual basis and include funding for three terms. Summer may be the beginning or end of a student's academic year. For priority processing, master's and LLM candidates seeking financial aid should submit a completed FAFSA online at [www.fafsa.ed.gov](http://www.fafsa.ed.gov) by March 1, 2018.

## 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 FAFSA. The priority deadline is April 1, 2018. The FAFSA may be completed online at [www.fafsa.ed.gov](http://www.fafsa.ed.gov). A student must be enrolled at least half-time (three credits in the master's program) to be considered eligible for financial aid. Applicants must be registered for classes at Vermont Law School prior to determination of financial aid.

## JD OR GRADUATE CANDIDATES FROM OTHER SCHOOLS

Financial aid may be available to students who are transferring credits to degree programs at other institutions who are enrolled at least half-time (three credits in the master's program). Your home institution will require that a consortium agreement be completed by VLS to confirm enrollment status, tuition, fees, and related costs. Financial aid for the summer is certified and disbursed by the home institution.

# SUMMER SESSION 2018

Morning classes meet from 9 AM–NOON. Afternoon classes meet from 1–4 PM.  
In-class exams are scheduled for the Saturday following the last class of each term.

## TERM 1: MAY 29–JUNE 1, JUNE 4–7 AND 11–14

ENV5115	Environmental Law (AM) 3 cr
ENV5408	The Law of Animals in Agriculture (AM) 3 cr
ENV5423	Ocean and Coastal Law (AM) 3 cr
ADR6415	Environmental Dispute Resolution (AM) 3 cr
WRI7380	Advanced Environmental Legal Research (PM*) 1 cr
ENV5220	Environmental Economics and Markets (PM) 3 cr
INT7445	European Environmental Law (PM*) 2 cr
ENV5510	Three Essentials of the Electric Grid (PM) 3 cr

## TERM 2: JUNE 18–21 AND 25–28

ENV5383	Food Justice and Sustainability (AM) 2 cr
ENV5230	Global Energy Law and Policy (AM) 2 cr
ENV5474	Land Conservation Law (AM) 2 cr
ENV5472	Law of Ecosystem Management (AM) 2 cr
ENV5446	Environmental Justice (AM) 2 cr
ENV5430	Ecology (AM/PM*) 3 cr

## TERM 3: JULY 9–12 AND 16–19

ENV5561	Environmental Enforcement and Compliance (AM) 2 cr
INT7446	International Trade and the Environment (AM) 2 cr
ENV5540	Public Health and US Food and Agriculture Policy (AM) 2 cr
ENV5550	Renewable Energy Project Finance and Development (AM) 2 cr
ENV_____	Animal Welfare Law (PM) 2 cr
ADR6413	Mediation Advocacy (AM/PM*) 2 cr

## TERM 4: JULY 23–26 AND JULY 30–AUGUST 2

ENV5410	The Farm Bill (AM) 2 cr
ENV5405	Ecosystem Conservation Strategies (PM) 2 cr
ENV5468	Oil and Gas Production and the Environment (PM) 2 cr
ENV5564	Peace, War and the Environment (PM) 2 cr
ENV5462	Public Lands Management: Montana Field Study (*) 3 cr

## 8 WEEK COURSES: FRIDAYS, JUNE 8–AUGUST 3 (NO CLASS JULY 6)

ENV5497	End Use Energy Efficiency (AM) 2 cr
ENV5223	Environmental Governance in the Developing World (AM) 2 cr
ADR6450	Advanced Dispute Resolution Writing Seminar (PM) 2 cr

\*Special schedule—see course description for details.



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Calculations provided by Mohawk Environmental Calculator ([www.mohawkconnects.com/calculator/environmental](http://www.mohawkconnects.com/calculator/environmental))

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 December, 2017 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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**VERMONT**  
LAW SCHOOL

**ENVIRONMENTAL LAW CENTER**

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