

Advanced Environmental Legal Research

Fall 2021

Thursdays (9/2 – 11/4)

9:55 – 11:10

This one-credit course will provide in-depth exposure to the most useful, efficient, and effective strategies and resources for environmental legal research, including environmental news/updating services, specialized information databases, environmental dispute resolution resources, science and statistics sources, state environmental resources, administrative law research, legislative history, and international environmental legal research.

The course is designed to prepare environmental law students to research well while in law school and in practice.

Christine Ryan

**Associate Professor of
Law
Environmental Law
Librarian**

The Research Guide Topic Description is due at the first class on Sept. 2. Bring a paper copy to turn in.

The Research Guide is due on Wednesday, November 11, before 3 p.m., submitted on TWEN

Throughout the course, students will use the resources and strategies being taught in the course to conduct research on a topic/issue of their choice, reflecting what they have learned in this course, which they will assemble into a Research Guide.

Students: Bring, to the first class, a Research Guide Topic and Description of the environmental legal topic you intend to research *and* your specific intended Audience for the Guide. Research Guide Expectations can be found on TWEN.

Choose a topic focused on U.S. environmental law, federal and/or state.

Assignments:

Time will be spent more with hands-on research experience rather than with reading about research. There is no textbook.

Pre-Class Assignments:

It is essential that pre-class work be done before each class.

In-class work will build on pre-class work, and students will be expected to share during class how they explored resources, and the resources they select for their Research Guides.

TWEN Site:

The Syllabus and Research Guide Expectations are posted on the course TWEN site.

Office Hours:

I'm generally available Wednesdays and Thursdays 8:30 - 4:00, and Friday mornings. I am happy to meet with students. If you'd like to set up a specific time to meet, let me know.

Grading:

Students will be evaluated on the quality of their Research Guide focused on an environmental issue of their choosing, **reflecting what they have learned in this course**, as well as class participation.

Class 1

In Class:

- Research Guide discussion
- Research Strategy
- VLS Environmental Book and Ebook Collections, and WorldCat
- VLS Environmental Law Subscription Databases
- VLS LibGuide - Environmental Law, International Env't Law, and EJ Research Guide
- VLS Environmental Law Research Sources (ELRS) – Database of free web sites

Upon completion of this class, you will:

- Be successful in using the Advanced Search option and other features of a law library catalog as well as through WorldCat, the world's largest online catalog, to efficiently access environmentally-related books available through VLS, and at other libraries.
- Select and effectively use subscription databases that contain explanatory, analytical, and practical environmentally-related resources.
- Understand that you have an ethical and professional responsibility to conduct effective environmental legal research.
- Be competent in knowing how a comprehensive Environmental Law Resources LibGuide can lead researchers to just about anything they need.
- Effectively identify and locate environmental legal research free web resources using VLS's *Environmental Law Research Sources (ELRS)*, a database of judiciously selected and categorized web sites.

Pre-class Reading and Assignments (this first assignment is, by far, the longest) **and applying what you've learned to your Research Guide:**

- Thoroughly read the Research Guide instructions on the TWEN site. Determine a title for your Guide, the intended recipient, and a description (one paragraph minimum to one page maximum) of your Research Guide topic. Choose a U.S. federal and / or state topic. You can add an international perspective, if you wish, but the focus must be on U.S. environmental law. **Bring a paper copy of your title and description and intended audience to the first class to hand in.**
- Read: Law Library Basics
<http://nyulaw.libguides.com/content.php?pid=355864&sid=2910430>
Read two sections: Legal Research - Secondary Sources, and Legal Research - Primary Sources, as a research review.
- Read: Julien Guide (all sections) - <http://libguides.vermontlaw.edu/julien>
- Do an Advanced Search in Julien for something related to your Research Guide topic. Limit your search results to material type: ebook. Browse your search results.
- **WorldCat** (a free site)
<http://www.worldcat.org>
Explore. For identifying relevant books, it is almost unbeatable. It lists nearby (mostly academic) libraries that own the books. It also indexes additional resources, and often links to full-text material.
- **VLS Environmental Law, International Env't Law, and EJ Research Guide**
<http://libguides.vermontlaw.edu/EnvLawResources>
Become familiar with what is included in this important Libguide!
- **VLS Subscription Sites:**
Explore two environmental Databases listed in the Environmental Law Research LibGuide.
- **VLS Environmental Law Research Sources (ELRS)** Access through the Environmental Law Research LibGuide
Explore at least one web site included in ELRS.
VLS Environmental Law Research Sources is a collection of 500+ websites organized by topic, with descriptions, selected in consultation with VLS faculty and students.

Class 2

In Class:

- Current issues in Environmental Law – how to keep up with the news.
- Environmental Dispute Resolution - We'll explore these resources together in class.

Upon completion of this class, you will:

- Be knowledgeable about a variety of environmental law and news sources including through use of resources included in the VLS Environmental Law Research Sources (ELRS) database.
- Have explored social media sites and discovered the vast array of environmental law news outlets.
- Understand the difference between a general environmental news feed and a specific news alert that is based on your individual, specific search query, and gain experience in setting up thoughtful and focused environmental news alerts.
- Be knowledgeable regarding a variety of environmental dispute resolution sources as well as strategies for learning about additional EDR sources.

Pre-class Assignments and applying what you've learned to your Research Guide:

- Choose one environmental news source from Environmental Law Research Sources (ELRS) <http://environmentalresearch.vermontlaw.edu/index.cfm> , and explore the source.
- Find a news source related to your Research Guide topic or some other aspect of environmental law, using twitter, an app, facebook, reddit, etc. Be prepared to share recommendations in class.
- Set up a Google ***News*** Alert related to your Research Guide topic.
- Set up an alert using Westlaw or Lexis.
- It is also possible to set up a Google Scholar Alert. Set one up if interested.

Class 3

In Class:

- Specialized Internet resources

Upon completion of this class, you will:

- Have effectively used a variety of different types of specialized resources including a non-profit, non-advocacy environmental group that specializes in education of

environmental law professionals, a mega legal research site, a legal organization site, law firm sites, and national and regional advocacy sites.

- Be aware of and recognize the biases that exist in different web sites.
- Be knowledgeable regarding how to critically evaluate the quality of a website before relying on the information the site provides, by considering authority, accuracy, comprehensiveness, and currency of the site.
- Learn how to access Environmental Information no longer available on federal government web sites through a VLS LibGuide. (In class, no pre-class assignment for this)

Pre-class Reading and Assignments and applying what you've learned to your Research Guide, if applicable:

Read, with possible future membership in mind:

Environmental Law Institute

<http://www.eli.org/>

Quote from ELI site: "If you think all environmental law group affiliations are alike, the Environmental Law Institute® will make you think again. As an ELI Associate, you get thought-provoking analysis, incomparable opportunities for networking and career development, free seminars and policy forums, and instant information access. You are also a key part of an independent research and educational institution that has challenged the conventional wisdom, and worked hard to better the protection of the environment and the well-being of society."

If interested, sign up for a highly recommended **complimentary student membership** by clicking on Get Involved > Become a Member from the main ELI page.

Explore the variety of free specialized environmental law web sites listed below; note who is producing them and their useful features. Apply what is applicable to your Research Guide:

Cornell Legal Information Institute - Law by Topic – Environment

Overview and Resources sections

http://www.law.cornell.edu/wex/environmental_law

ABA Section of Environment, Energy, and Resources

Resources section

<http://www.abanet.org/environ/>

Foley Hoag LLP

<http://foleyhoag.com/publications/blogs>

Note "Law & the Environment" and "Energy & Cleantech Counsel" categories

Arnold and Porter

Their climate change litigation chart, a collaboration with Columbia University's Sabin Center for Climate Change Law.

<http://climatecasechart.com/us-climate-change-litigation/>

EarthJustice

<http://earthjustice.org/>

or

Natural Resources Defense Council

<http://www.nrdc.org/>

or

Sierra Club

<http://www.sierraclub.org/>

or

World Resources Institute

<https://www.wri.org/>

Vermont Natural Resources Council

<http://www.vnrc.org>

or

Conservation Law Foundation / Vermont

<https://www.clf.org/serving-new-england/vermont/>

Optional, but recommended: Identify and consult a legal or environmental professional with a specific question related to your Research Guide.

Class 4

In Class:

Non-Legal environmental research

- Statistics
- Scientific research

Upon completion of this class, you will:

- Have a foundational knowledge of specialized resources for identifying reliable sources of statistics, nationally and internationally.
- Be efficient in locating scholarly sources that contain statistical information.

- Have critically researched, evaluated, and effectively used a variety of quality sources containing scientific information related to the environment, considering authority, accuracy and comprehensiveness of the source.

Pre-class Reading and Assignments and applying what you've learned to your Research Guide, if applicable:

Statistics:

- Do a Google search for statistics related to your topic.
- Do the same search in Google Scholar.
- Note differences in your results.
- Explore two of the following:

Data and Statistics: USA.gov

<https://www.usa.gov/statistics>

or

Statistical Information from the U.S. Federal Agency of your choice.

UN Environmental Statistics

<http://unstats.un.org/unsd/ENVIRONMENT/default.htm>

World Bank Open Data

<http://data.worldbank.org/>

Note: Browse by Country or Indicator

Our World in Data – by Topic: Energy & Environment or Food & Agriculture

<https://ourworldindata.org/>

Statistics and Science:

U.S. Government's Open Data

<https://www.data.gov/>

Links to (often, but not always, out-dated) data sets produced by the federal government on many environmental topics including agriculture, climate, ecosystems, energy, and oceans.

Science:

Skim the list of web sites included in the following sections of ELRS: Explore one site selected from these sections or one more closely related to your topic, with science and your Research Guide topic in mind.

- Science
- Energy
- Climate Change

Search for a report related to your Research Guide topic in:

Science.gov

<http://www.science.gov/>

Optional: Explore:

Public Library of Science (PLOS – ONE)

<https://journals.plos.org/plosone/>

Class 5

In Class:

- Environmental Resources using Westlaw and Lexis

Upon completion of this class, you will:

- Have a deeper understanding of the environmental law materials available through Westlaw and Lexis by effective use of practice area and content type selections, filters, specialized sources, etc.
- Have knowledge of additional reputable legal research sources commonly used by attorneys, such as CaseMaker and FastCase.

Pre-class Reading and Assignments and applying what you've learned to your Research Guide. Use Westlaw AND Lexis:

Westlaw:

- Click on > Practice Areas > Energy & Environment. Explore thoroughly and then search for something relevant to your Research Guide.

Lexis:

- Scroll down to Practice Area or Industry > Environmental Law and/or Energy & Utilities Law. Explore thoroughly and then search for something relevant to your Research Guide.

Bloomberg Law: From a 4/8/20 email in response to my query about the missing Environmental & Safety Practice Center:

Bloomberg Industry Group made a business decision to discontinue the Bloomberg Environment Product line in 2020. Much of the compliance-focused content on Bloomberg Law's Environmental & Safety Practice Center, including the federal and state regulatory alerting, the Legal Analysis Guides (except for the Occupational Safety Guide), and the Chart Builders, will be discontinued along with the Bloomberg Environment product line.

Optional: Because it is important for you to be able to navigate new Legal Databases, explore the following two which are used by many practitioners, and note what looks useful to you as an environmental law professional:

CaseMaker (Access through our Subscription Databases)

- CasemakerX is a service supported by the Casemaker Bar Consortium and its 475,000 attorney membership consisting of State Bar Associations across the U.S. Casemaker includes case law, codes & statutes, etc., including state sources not easily available elsewhere.

FastCase (Access through our Subscription Databases page)

- Fastcase's libraries include primary law from all 50 states, as well as federal coverage going back to 1 U.S. 1, 1 F.2d 1, and 1 F.Supp. 1. The Fastcase collection includes cases, statutes, regulations, court rules, and constitutions. Fastcase also provides access to a newspaper archive, legal forms, and federal docket filings.

Class 6

In Class:

- Environmental Law Resources at the State Level

Upon completion of this class, you will:

- Be knowledgeable about resources that lead to state legal sources.
- Become familiar with state legal resources in one particular state.

Pre-class Reading and Assignments and applying what you've learned to your Research Guide:

- **Read the descriptions for all, and then explore three of the following:**

Environmental Law Reporter (A VLS Database)

Under *Administrative*, there are links for each state agency that deals with environmental issues. *State Update* links to recent state regulatory developments.

Under *Legislative*, *State Laws* takes you (for some states) directly to the environmental statutes on the individual state web site. You can also use the search box.

CaseMaker (A VLS Database)

A free service supported by attorney membership of State Bar Associations. It includes case law, codes & regulations, etc., including state sources not easily available elsewhere. For Vermont, Environmental Court Decisions are included. The Administrative Codes/Rules for each state are included, and conveniently broken down by division/program/agency. For example: Environmental Management, Environmental Quality, Natural Resources, Energy Office, etc.

LegiScan

<https://legiscan.com/>

A legislative tracking service with full text and status of bills for all 50 states (and U.S. Congress). Explore a state of your choice on a topic related to your Guide.

Open:States

<https://openstates.org/>

A service that allows you to identify legislators, review their votes, and track bill progress. Explore a state of your choice on a topic related to your Guide.

National Conference of State Legislators

<http://www.ncsl.org/research/environment-and-natural-resources.aspx>

An advocacy group making efforts “to fight unwarranted federal preemption of state laws...” Under the Research tab are Environment & Natural Resources, and Energy tabs.

50 State Surveys on Westlaw

In Search Box, type 50 state surveys, and note in drop down menu:

50 State Regulatory Surveys. Environmental Laws is a topic with sub-topics.

50 State Statutory Surveys. Environmental Law is a topic with different sub-topics.

50 State Surveys on Lexis

In Search Box, type 50 State and note LexisNexis 50 State Survey: Statutes and Regs in the drop down menu. Environmental Law and Energy & Utilities Law are both topics with sub-topics.

What other approach can you take on Westlaw and Lexis for locating state resources?

U.S. Climate Change Litigation: State Law Claims

<http://climatecasechart.com/case-category/state-law-claims>

- **Explore environmental resources for the state of your choice and prepare a one page document describing how you conducted your exploration and what you found.**

Bring a paper copy of your document to class to turn in during this class.

Required: State environmentally related agency information.

Suggestions:

The resources of your state bar association. For example, the New York Bar Association has an Environmental & Energy Law section.

Does your state's environmental regulatory agency issue news releases? Setting up a google news alert for the agency can yield a great deal.

Most state bar associations have a bar journal.

Is there a listserv or twitter feed from a local environmental organization, or from an agency?

What free primary sources are available? Are they easy to use?

Is there any information on recent or pending environmental legislation? Is there a bill tracking option?

What is useful on the judiciary site?

Does a law library in your state list resources that are and also that are not available online?

Is there a LibGuide/Research Guide that covers your state's legal/law resources?

Is there a Practice Series for your state?

Class 7

In Class:

- Federal Administrative Law/Regulations research
- EPA and other Agency websites

Upon completion of this class, you will:

- Have become knowledgeable about and searched for environmental regulations and accompanying materials presented in a variety of formats: e-cfr, Reginfo.gov, Regulations.gov, Environmental Law Reporter, Cornell LII, Westlaw and Lexis.
- Have explored an environmentally related federal government agency web site searching for information related to your research topic and compared the results when searching for the same information on the same agency web site using Google as your search engine.
- Have become familiar with resources that list and describe environmentally related federal government agencies.

Pre-class Reading and Assignments and applying what you've learned to your Research Guide:

- Read:

- **Federal Regulations Research**
<https://lawguides.maine.maine.edu/Researching-Federal-State-and-Local-Regulations/Federal-Regulations>
- Search the **Code of Federal Regulations** to identify a regulation related to your Research Guide topic.
Your choice of the CFR in one of the following:
 - 1) e-cfr (<http://www.ecfr.gov/>)
 - 2) Govinfo (<https://www.govinfo.gov/>)
 - 3) Westlaw
 - 4) Lexis
 - 5) HeinOnlineNotice useful features and deficiencies on the site you choose.

Preamble

- Research and be prepared to explain why the Preamble, which is published in the Federal Register, is important.

Agencies:

- Peruse:
USA.gov: List of all Federal Government Departments and Agencies
http://www.usa.gov/Agencies/Federal/All_Agencies/index.shtml
- Choose one Agency web site from the “Government Sites – United States” category in **VLS Environmental Law Research Sources (ELRS)**, and explore it thoroughly, looking for information related to your Research Guide. If your agency is not included in ELRS, and you think it should be, let me know!
- Do a google search to try to find the same information you just found on the agency web site.
- Select an agency and explore options for receiving information from the agency through social media.

Class 8

In Class:

- Statutory Research
- Legislative History Research

Upon completion of this class, you will:

- Recognize the importance of legislative history, which is to clarify, qualify, or amplify understanding of the purpose, intent, and meaning of a statute.
- Be able to identify the documents that make up legislative histories, and the relative authority of each document type.
- Be effective in identifying and locating environmentally focused legislative history documents using a variety of open-source and fee-based resources including: HeinOnline, Proquest Congressional, Legislative Sourcebook, Govinfo, Congress.gov, Westlaw, and Lexis.
- Be familiar with resources that list, summarize, and often provide the full text of environmental statutes.

Pre-Class Assignment:

Pre-class Reading and Assignments and applying what you've learned to your Research Guide, if applicable:

- Take a look at one of the resources listed below – your choice:

Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency

<http://nationalaglawcenter.org/overview/environmental-law-overview/>

Summaries of Environmental Laws and Executive Orders

<http://www2.epa.gov/laws-regulations/laws-and-executive-orders>

Environmental Law Reporter (A VLS Database)

> Legislative section

And, (optional) search Julien for **A statutory-focused book/treatise/practice guide related to your Research Guide**, such as the Clean Air Act Handbook, the Water Quality Control Handbook, etc.

Federal Legislative History:

- **Read:**

Federal Legislative History Research – VLS LibGuide

<http://libguides.vermontlaw.edu/LegislativeHistory>

- **Select two (your choice) of the following to explore:**
 - **Westlaw** Choose, from the main page: Legislative History, and go from there
 - **Lexis** Content Type > Statutes & Legislation > Legislative Histories
 - **ProQuest Congressional** (A VLS Database)
 - **HeinOnline** (A VLS Database) U.S. Federal Legislative History Library > U.S. Federal Legislative History Title Collection
 - **Legislative Sourcebook** (pulls from a variety of sources)
<https://www.llsdc.org/sourcebook>
 - **Govinfo**
<https://www.govinfo.gov/>
 - **Congress.gov** <http://www.congress.gov>

State Legislative History:

- Choose a state and see what is available:
<http://www.law.indiana.edu/lawlibrary/research/guides/statelegislative/index.shtml>
A list of state legislative history websites, which are (**warning!!**) of *extremely* uneven quality and comprehensiveness.
- Use the Internet to see if a legislative history or legislative research page is available for your state.

Class 9

In Class:

- International and Foreign Environmental Law

Upon completion of this class, you will:

- Have knowledge of the foundational sources of primary and secondary international environmental law research using the following types of sources:
 - Books
 - Subscription Databases
 - Westlaw and Lexis
 - Reliable open-access web sites found through using the VLS Environmental Law Research Sources database (ELRS).

Pre-class Reading and Assignments and applying what you've learned to your Research Guide, if applicable:

- **Peruse the following web sites**, to give you an idea of what information they include:

International Environmental Law Resources section of VLS Environmental Law, International Env't Law, and EJ Law Research LibGuide

<http://libguides.vermontlaw.edu/c.php?g=309182&p=4853991>

International Environmental Law Research Guide

<https://libguides.uchastings.edu/intl-envir-law>

A Basic Guide to International Environmental Legal Research

[http://www.nyulawglobal.org/globalex/International Environmental Legal Research1.htm](http://www.nyulawglobal.org/globalex/International_Environmental_Legal_Research1.htm)

International & Foreign Law Research Guide (Useful, if not environmentally focused)

<https://libguides.vermontlaw.edu/FCIL/overview>

- **Explore two web sites from the International Environmental Law** category in **ELRS**, and note useful features in the sites you have explored.

Class 10

In Class:

- Outstanding Resources
- Efficient Research
- Class photo

Upon completion of this class, you will:

- Be knowledgeable about the most useful specific environmental law resources or strategy used by each of your classmates while during their research.
- Be well aware of the complexity of environmental legal research, of the numerous ways to begin and conduct research, of the vast selection of environmental law resources available to you, and of useful strategies.

Pulling it all together:

- What is your Research Guide Topic, and who is your Guide intended for?
- What is the best resource you've discovered during this course?
- Be prepared to demonstrate this resource to the class

Research Guide is due Thursday, November 11, at 3 p.m.

Submit on TWEN