



LLM Seminar

Friday, 12:45 to 2:00 p.m.

Oak 210

SYLLABUS¹

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Fall office hours in person or via TEAMS:
Thursday 2:00 to 3:00 p.m. or at other
times by appointment

¹ This syllabus is first developed by Professor John D. Echeverria and will be updated when all the speakers are confirmed.

Introduction to the Seminar

Welcome to the LLM Seminar

I. The Goals of the Seminar

The LLM seminar is a required course for all students pursuing an LLM in Environmental Law, Energy Law, and Food and Agriculture Law at Vermont Law and Graduate School. The formal course description reads as follows: “Explores diverse advanced topics and viewpoints on environmental law and policy, through discussion and lectures from environmental scholars who will present their scholarship to the seminar.”

The basic goals of the seminar are to expose students to examples of leading scholarship in the field of environmental law and to provide them an opportunity to work intensively on a scholarly research topic of their choosing in this broad field. The seminar will seek to achieve these goals in four ways. First, we will read and discuss some leading classic as well as modern academic articles in the field of environmental law. Second, some VLGS environmental faculty will present academic works-in-progress (or recently published pieces) and discuss with the class why they are pursuing their particular academic projects and what they hope to accomplish by doing so. Third, seminar participants will “attend” three VLS scholarly events scheduled for the fall: the annual VLS Colloquium on Environmental Law, the Vermont Journal on Environmental Law symposium on Coastal and Marine Law, and the Vermont Law Review symposium. Finally, each student will undertake an intensive research project designed to produce a polished paper presenting a thesis on a particular environmental law or policy topic.

II. The Mechanics of the Seminar

This is a *seminar*, meaning we will be meeting “in the round” and each student should participate actively in each seminar session. The seminar is designed to foster a cooperative environment in which each student contributes to the learning of every other student as well as of our visiting speakers. Every student in the seminar has already survived the rigors of securing a law degree, and the default assumption is that each student will work hard and excel in this seminar.

Each student will be expected to produce a high-quality piece of analytic writing (minimum 20 pages, maximum 25 pages; double-spaced), that reflects a best effort to address an issue of interest/concern in a thoughtful and rigorous way. The plan is for each student to begin

doing the research and analysis for his or her paper starting in the first week of classes. By the eighth week of the seminar (October 21), each student will submit a written “precis” describing his or her topic and the thesis the paper will advance. I will schedule individual meetings with each student to go over their precis. On or before November 16, each student will submit a draft of the paper to me and the rest of the class, and each student will make a brief (ten minute) presentation in class describing his or her draft paper, and inviting comment and feedback from other students. In addition, I will provide written feedback on these drafts. On or before December 1, each student will submit a polished draft of the paper and I will meet with each student individually to discuss their draft. Students will submit their final papers by the end of the semester, December 23

We will have a total of four guest scholar speakers from the VLGS faculty and researcher over the course of the semester, including Mark James, *Pamela Vesilind*, *Emily Spiegel*, and Hao Zhuang (Hope). Every student will be expected to read carefully the pieces submitted by each of our speakers in advance of their appearances in the seminar. In addition, in advance of the appearance by each scholar, each student will be required to post a one-page commentary on the scholar’s paper, with an emphasis on unanswered questions raised by the paper, areas where the paper is less than clear, and suggestions for improvement (if the paper is still in progress).

Finally, students are expected to attend at least **two** sessions of each of the **three** major symposia that will be held at the law school this fall. Students are required to post a one-page commentary on at least one of the scholarly presentation made at each of the conferences.

III. Administrative Matters

TWEN. The TWEN system is an essential component of our virtual classroom. The assigned readings for the class will all be posted to the course TWEN site. I have posted this syllabus to the TWEN site. And, finally, because each student has been made an independent “administrator” of the site, you can post your comments on papers, your precis, and your draft and final versions your papers on the TWEN site,

TEAMS. We may be using TEAMS to meet on a few occasions. In general, however, the class will be conducted in the traditional way, in person.

“Office Hours.” I welcome the opportunity to speak with students individually, both to offer any assistance I can and to get feedback on the seminar. My regular office hours this term will be Thursday, 3:30 to 5:00 p.m., or at other times by appointment. Over the course of the seminar, I will need to schedule individual sessions with students to (1) provide feedback on the precis, and (2) provide feedback on the polished, near-final drafts.

Reaching Me. My e-mail address is ylin@vermontlaw.edu

Course Materials. The course reading materials and the scholars' contributions have been, or will be posted on the course TWEN site.

Work Load. The seminar is a three-credit course. We are generally scheduled to meet as a group only once a week over the course of the semester. However, there will be some very extensive outside reading (published law review articles initially; and then scholars' writings; and then your fellow seminarians' precis and polished, near-final drafts). In addition, students should endeavor to attend as much of the VLS colloquium and symposia as they can.

Grading. The final grade in the seminar will be determined as follows:

Final paper: 60%
Required written commentaries: 20%
Class participation: 20%

Attendance. Regular attendance is expected by all. If you have an important reason for missing a class, please contact me in advance.

Learning Outcomes This is a summary of the main course outcomes (knowledge, skills) that a student should attain as a result of taking this course:

- The student should be able to recognize and appreciate high-quality academic writing, and understand the effort and craft that go into producing this type of writing.
- The student should acquire honed skills in conducting sophisticated legal research projects.
- The student should be able to identify and create a clear, worthwhile, and tightly focused topic for an academic research paper.
- The student should develop the analytical proficiency and legal writing skills necessary to produce a high quality research paper.

Seminar Schedule

September 2 Introduction and Foundational Readings

Joseph L. Sax, *The Public Trust Doctrine in Natural Resources Law: Effective Judicial Intervention*, 68 Michigan Law Review 471 (1970).

Bruce A. Ackerman & Richard Stewart, *Reforming Environmental Law: The Democratic Case for Market Incentives*, 13 Columbia Journal of Environmental Law 171 (1988)

September 9 Exemplary Environmental Scholarship & Jennifer Sekula, VLGS Library

How to Write a Paper

Adelman, David E; Glcksman, Robert L., *Reevaluating Environmental Citizen Suits in Theory and Practice*, 91 U. Colo. L. Rev. 385-452 (2020)

September 16 More Exemplary Environmental Scholarship

Sarah C. Bronin, *Comprehensive Rezoning*, 2019 BRIGHAM YOUNG U. L. REV. 725 (2019).

Katrina M. Wyman & Danielle Spiegel-Feld, *The Urban Environmental Renaissance*, 108 CALIF. L. REV. 305 (2020).

September 23 VLS Colloquium on Environmental Scholarship

September 30 More Exemplary Environmental Scholarship

Krakoff, Sarah, *Not Yet America's Best Idea: Law, Inequality, and Grand Canyon National Park*, 91 U. Colo. L. Rev. 559-648 (2020).

Fischman, Robert L; Meretsky, Vicky J; Castelli, Mattew P. *Collaborative Governance under the Endangered Species Act: An Empirical Analysis of Protective Regulations*, 38 Yale J. on Reg. 976-1058 (2021)

October 7	Professor Mark James
October 14	Vermont Journal of Environmental Law Symposium
October 21	Precis Due VGLS Professor Presentation: TBD
October 28	VGLS Professor Presentation: TBD
November 4	Vermont Law Review Symposium
November 11	Professor Hao Zhuang
November 16	Draft Papers Due
November 18	Presentations and Discussions of Draft Papers
December 1	Polished Draft Papers Due
December 2	Individual Student Conferences Begin
December 23	Fall Semester Ends; Final Papers Due