



2017


VL

VERMONT
LAW SCHOOL

SUMMER

IN VERMONT

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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SUMMER SESSION 2017

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, or visit our website at www.vermontlaw.edu.

THE FACULTY

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

THE STUDENT BODY

Students attending Summer Session include Vermont Law School JD, 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 Scholars: Keith Hirokawa, Associate Professor of Law, Albany Law School; and Jonathan Rosenbloom, Professor of Law and Director, Environment and Sustainability Program, Drake University Law School

Energy Law Scholar: Sara Bronin, Thomas F. Gallivan, Jr., Chair in Real Property Law and Faculty Director, Center for Energy and Environmental Law, University of Connecticut School of Law

Sustainable Agriculture and Food Systems Scholar: Michelle Nowlin, Clinical Professor of Law and Supervising Attorney, Duke Environmental Law and Policy Clinic

International Environmental Law Scholar: Tianbao Qin, Professor of Law, Director of Research Institute of Environmental Law, and Associate Dean for Research and International Affiliations, Wuhan University School of Law

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.

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 30 through Friday, June 2, and for the two weeks following, Monday through Thursday, June 5–8 and 12–15.

Exams: Saturday, June 17

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

TUESDAY, MAY 30–THURSDAY, JUNE 1,

8 AM–NOON

FRIDAY, JUNE 2, 8 AM–5 PM

MONDAY, JUNE 5–THURSDAY, JUNE 8,

8 AM–NOON

Pamela Vesilind '08

This course will cover the evolution and regulation of animal agriculture in America, contrasted with farmed animal welfare policies in other developed nations. Material will include the laws related to the breeding, raising, feeding, transporting, and slaughtering of land and marine animals used for food, particularly

as related to their welfare. The class will evaluate the long term sustainability of CAFO food production specifically and animal food production generally. Finally, students will explore the likely pressures from increased international trade in agricultural products. Although this course material will touch on multiple related disciplines, including food safety law, agricultural law, labor law, environmental law, and business regulations law, the focus of this course will be on the laws and market pressures affecting the conditions of farmed animals while they are still alive.

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.

ADVANCED ENVIRONMENTAL LEGAL RESEARCH **WRI7380 (1 CREDIT)**

TUESDAY–FRIDAY, MAY 30–JUNE 2, 1–3 PM
MONDAYS, JUNE 5 AND 12, WEDNESDAYS,
JUNE 7 AND 14, 1–2 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 the discipline of 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 economics and finance concepts, examines key principles about market behavior and efficiency, and applies these basic elements and concepts to common environmental problems and actual case studies.

EUROPEAN ENVIRONMENTAL LAW **INT7445 (2 CREDITS)**

JUNE 5–8 AND 12–15, 1–4 PM
Yvonne Scannell

The EU has emerged as the undisputed leader in international environmental politics and the world leader in environmental regulation in the last 20 years. This course introduces students to the important role of the principles of European environmental law in environmental regulation and to the EU techniques for environmental management. At the end of this course, students will have a thorough knowledge of the underlying philosophies and requirements of EU environmental law and of how it applies in practice throughout the 28 Member States of the European Union, will have augmented their analytical and logical skills, and will appreciate how and why EU environmental law evolved in response to environmental pressures globally and in the Union.

THREE ESSENTIALS OF THE ELECTRIC GRID

1–4 PM, THURSDAY, JUNE 15, 9 AM–NOON
Tom Dunn, Chris Root, Kevin Jones,
and Kit Kennedy

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:

BUSINESS ESSENTIALS **ENV5511**

This module will explore the current national policy on transition to a smart electric grid with a primary focus on how this transformation can help lead to global environmental improvement. The course will explore how a smart electric grid can supercharge energy efficiency, expand demand response, integrate electric vehicles, and foster distributed energy technologies. The course will include an introduction of the means for environmental improvement, an

interactive discussion of policy options and choices, and case study examples.

MODULE B:

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 C:

LEGAL ESSENTIALS ENV5512

With the climate crisis, we have the need to sharply reduce greenhouse gas emissions and transition to a low carbon economy. This module examines how in practice we can use the power of the law to make progress on our climate goals through clean energy advocacy. Through classroom discussion and exercises this course will use real case studies to explore both substantive policy and skills-based knowledge on how to advance energy and transportation policies on national, regional, and local levels in order to provide the momentum to meet our climate goals.

TERM TWO: Two-Week, Two-Credit Courses

Monday through Thursday, June 19–29 | Exams: Saturday, July 1

ENVIRONMENTAL ASPECTS OF BUSINESS TRANSACTIONS ENV5500

9 AM–NOON
Thomas McHenry

This course will introduce students to the liability, diligence, and drafting issues that arise in complex environmental business transactions, such as the purchase and sale of major assets, real property, and company stock.

ENVIRONMENTAL ENFORCEMENT AND COMPLIANCE ENV5561

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.

GLOBAL ENERGY LAW AND POLICY ENV5230

9 AM–NOON
Anna Marhold

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 uses of land are conservation tools and processes such as donation of conservation easements, purchase of sensitive lands, and private/public partnerships for land conservation. Students will research and review the swiftly developing body of law and legal issues accompanying the use of conservation easements, and will gain a practical understanding of both the legal and 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 be responsible for engaging in role playing exercises throughout the conservation transaction process to assess various financial scenarios, identify and resolve disputes related to the conservation transaction, and negotiate and draft a conservation easement.

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.

ANIMAL RIGHTS JURISPRUDENCE **ENV5406**

1–4 PM
David Cassuto

This class will explore the concept of animal law as it relates to the broader concept of legal rights. We will look at whether and how animals are subjects of the law, whether the legal system responds to their needs, and if so, how. We will start by exploring the ways the legal system defines “animal” and then move on to a discussion of animals within property law, criminal law, environmental law, and constitutional law. We will contextualize this investigation within an overall rubric of legal and moral rights and whether animals have any such rights and if not, why not.

ENVIRONMENTAL JUSTICE **ENV5446**

1–4 PM
Barry Hill

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 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 acts of civil disobedience; federal, state and local government initiatives; litigation; 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 in the U.S.

PUBLIC HEALTH IMPLICATIONS OF U.S. AGRICULTURE AND FOOD POLICY

ENV5540

1–4 PM

William S. Eubanks II '08

It is often argued that individual food choice is the ultimate exercise of personal responsibility in our society. But what if that conventional wisdom was challenged, instead recognizing that a complex web of agricultural and food laws substantially influences what ends up on our plates and ultimately affects the health of individuals and communities? These policies, and the regulatory mechanisms supporting them, play a vital role in determining health outcomes for our nation, and accordingly will be explored in depth in this course. In

the context of these policies, the course will cover diverse public health issues including Farm Bill and other federal nutrition assistance programs, food access, obesity and malnutrition, food safety and foodborne diseases, genetically engineered foods, organic and other certification schemes, and the debate about food systems and sustainability.

MEDIATION

ADR6412

FRIDAYS, JUNE 23 AND JUNE 30,
1:00–5:30 PM

SATURDAYS, JUNE 24 AND JULY 1, 8:00
AM–12:00 PM AND 1:00 PM–5:30 PM

Karen Borgstrom

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

TERM THREE: Two-Week, Two-Credit Courses

Monday through Thursday, July 10–20 | Exams: Saturday, July 20

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.

FOOD SYSTEM JUSTICE AND SUSTAINABILITY

ENV5383

9 AM–NOON

David Muraskin

This intensive seminar focuses on how impact litigation and political advocacy can be used to develop a sustainable food system. We will examine the existing national and local regulatory structures to consider how they facilitate and create barriers to sustainable agriculture; debate current alternative proposals, with a particular focus on local, regional and state-based policy proposals; and strategize ways in which advocates and litigators can push reforms to generate a more open, humane, environmentally sound, safe, and just food system. While the course will be informed by ongoing political developments, it will be structured around several distinct topic areas that will be used to discuss how policy advocates and litigators can generate reform. For instance, the course may contain modules on labeling, slaughterhouse consolidation, and/or worker health and safety. Students will gain experience with both oral and written advocacy.

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.

THE COLORADO RIVER

ENV5902

1–4 PM

Antonio Rossmann

For students of American and western water law, the Colorado River presents an unmatched union of hydrology, history, demography, and jurisprudence. This class will explore the River's influence on state, national, and international law. Drawing on both historical and legal sources, we will first address the unprecedented efforts of the seven basin states to allocate the River voluntarily. We will focus on Congressional efforts to balance California's immediate desire to harness the river, with protection of the upstream states and their future development; and the seminal interpretation of that effort in the Supreme Court's momentous water law ruling, *Arizona v. California*. Before turning to the states' responses to that 1963 decision, we examine its extraordinary impact within California, igniting classic battles at the Owens Valley, Mono Lake, Sacramento Delta, and Salton Sea. We then examine contemporary efforts to deal with shortage, both anthropogenic (overdevelopment) and natural (climate change), and international efforts to attain equity with Mexico. We conclude by attempting to essay the River's influence on the future of the American Southwest and the entire Nation.

PEACE, WAR AND THE ENVIRONMENT

ENV5564

1–4 PM

Catherine MacKenzie

This course provides a current and exciting overview of the law of environment, peacekeeping and state reconstruction. Its focus is on 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. Western Sahara, Liberia. The course provides an overview of international environmental obligations, considers international humanitarian law, and reviews the establishment and development of peacekeeping missions. Students are invited to undertake in-depth research on a country or region of their

choice. This course will suit students who have studied, worked or travelled internationally, veterans, and anyone with an interest in international affairs.

ENVIRONMENTAL CONFLICT MANAGEMENT SYSTEMS DESIGN

ENV5311

FRIDAY, JULY 14, 12:45–6:30 PM

SATURDAY, JULY 15, AND SUNDAY, JULY 16,

8:30 AM–6:30 PM

Cathy Constantino

An introduction to the theory, principles, and practice of conflict management systems design. Lawyers and environmental practitioners are increasingly called upon to design and manage systems to handle “streams” of disputes effectively and efficiently. This class will introduce students to consulting skills and allow the opportunity to practice these skills.

TERM FOUR: Two-Week, Two-Credit Courses

Monday through Thursday, July 24–August 3 | Exams: Saturday, August 5

EARTH LAW

ENV5521

9 AM–NOON

Cormac Cullinan

Climate change and other global threats are increasingly illustrating the limits of our existing environmental laws to stem degradation. This course posits that environmental declines will continue until we address a fundamental assumption underlying our legal system: that humans are separate from the natural world and may treat it as property to be exploited, rather than as a connected ecological partner. The course will critically examine the sources of this assumption and its impacts on preventing us from achieving a healthy, thriving planet. It will then describe legal, economic, and other governance systems that recognize the inherent rights of the natural world to exist, thrive, and evolve, and it will discuss

how such systems can be implemented to advance lasting sustainability. Specific applications will be highlighted, debated, and practiced.

INTERNATIONAL INVESTMENT ARBITRATION AND THE ENVIRONMENT

INT7450

9 AM–NOON

Marcos Orellana

This course will examine a cutting-edge area of environmental advocacy. Under the umbrella of sustainable development, the course brings together the points of contact between three areas of international law, namely investment, human rights, and the environment, which together form one of the most dynamic areas of international environmental advocacy today. The course will explore how the various treaties underlying these

three regimes relate to one another, with a particular emphasis on dispute settlement. In this context, the seminar will examine conflict of norms and hierarchy issues, as well as interpretative tools to prevent or minimize conflict. Besides these theoretical inquiries, the course will cover particular themes where human rights, environmental, and investment law interact, such as: the right to health, the right to water and sanitation, due process and denial of justice, property rights and expropriation, and stabilization clauses and positive human rights obligations. The course will place special emphasis on bilateral investment treaty negotiations, as well as on international investment arbitrations involving health, safety and environmental measures.

THE MODERN FARM BILL **ENV5410**

9 AM–NOON

Chris Adamo '04 and Jonathan Coppess

The purpose of this course is to introduce students to the breadth of policies and legal authorities included in the Farm Bill that Congress re-evaluates every 5 years. Students will explore Federal farm support, crop insurance and conservation programs, as well as those designed for food assistance, international trade, renewable energy and rural economic development. 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, political and process-based forces that have shaped these policies to date and that will be key to their development, improvement and direction in the future.

COMPARATIVE U.S.-CHINA ENVIRONMENTAL LAW **INT7440**

1–4 PM

Robert V. Percival

This course examines how China and the United States—the two countries with the greatest impacts on the planet's environment—are using law to respond to environmental challenges. After an

introduction to the history and structure of environmental law, the course compares approaches to regulation used in China with those employed by the U.S. The course compares and contrasts the policies of the two countries concerning environmental impact assessment, air and water pollution control, management of hazardous waste and remediation of contaminated sites, regulation of chemical products, environmental enforcement, energy policy and climate change, and transparency initiatives to improve corporate environmental performance.

CHINA FIELD STUDY **INT7441 (1 CREDIT)**

Robert V. Percival

Following completion of the Comparative U.S.–China Environmental Law course, students may participate in an additional field trip to China. This trip will enable students to experience directly environmental conditions in China and to meet leading Chinese environmental scholars and activists. Prerequisite: Comparative U.S.-China Environmental Law.

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

Jackqueline 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.

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 9–August 4 (no class July 7) | Exams: Saturday, August 5

ADVANCED DISPUTE RESOLUTION WRITING SEMINAR ADR6450

9 AM–NOON

Laurie Beyranevand

“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.

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 governance systems in the developing world. It will examine the historical, political, and cultural influences, in addition to legal and regulatory regimes, that impact 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.

NEGOTIATING ENVIRONMENTAL AGREEMENTS ADR6416

9 AM–NOON

Sarah Reiter '13

This course teaches the skills necessary to be an effective negotiator and advocate in the environmental context, with particular emphasis on ocean and coastal disputes. This course explores the range of processes used to resolve environmental disputes, paying particular attention to consensual processes such as negotiation and collaborative decision-making. It considers relevant policy and practical considerations in selecting the most effective method of resolving environmental disputes. Students will learn to assess the means by which conflict management processes are designed and implemented. A major theme of this course will be to compare the advantages and disadvantages of adversarial and collaborative approaches in environmental conflicts. Environmental Law is recommended but not required.

INFORMAL DISCUSSIONS WITH GUS SPETH

This not-for-credit series takes place Wednesdays, June 7, June 21, July 12, and July 26, 4:30–5:30 pm.

GETTING TO THE NEXT SYSTEM: CONVERSATIONS WITH GUS SPETH

Gus Speth, the co-chair of the Next System Project (www.thenextsystem.org) and a fellow of Vermont Law School's New Economy Law Center will lead informal discussions of various aspects of the transition to a new system of political economy. Professor Speth is the former dean of the Yale School of Forestry and Environmental Studies; former administrator of the United Nations Development Programme and chair of

the U.N. Development Group; founder and former president of the World Resources Institute; and senior attorney and co-founder of the Natural Resources Defense Council. There are modest required readings for these discussions. There are no tests or papers, but you must bring brain and voice. There is an enrollment limit. This series is not for credit and no tuition is charged, but students must register to participate by May 15 by contacting Courtney Collins at ccollins@vermontlaw.edu.

ENERGY CLINIC

This part-time clinic runs for 11 weeks, May 30–August 11.

ENERGY CLINIC **CL19427 (3 OR 6 CREDITS)**

Through this course students will be introduced to the practical aspects of real world energy projects. Students will become involved in some aspect of the development or evaluation of real life energy projects (e.g. solar PV, energy efficiency, electric vehicle infrastructure) and 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.

ENVIRONMENTAL AND NATURAL RESOURCES LAW CLINIC

This full-time clinic runs for 11 weeks, May 30–August 11.

ENVIRONMENTAL AND NATURAL RESOURCES LAW CLINIC **CL19302 (6 OR 9 CREDITS)**

The Environmental and Natural Resources Law Clinic offers students the opportunity to deepen their understanding of environmental law, develop their professional skills, and acquire valuable work experience by advocating in national, regional, and local environmental matters. We help to develop the next generation of environmental leaders and advocates.

Summer student clinicians work directly with leading conservation organizations in New England and throughout the country, and with local community groups, representing these clients in litigation, administrative appeals, and other proceedings. Students sharpen their litigation and advocacy skills; develop claims, strategies, and arguments from the ground up; and practice effective

communication with clients, courts, agencies, experts, and opposing parties. Students also explore the ethical aspects of practicing law and evaluate alternative approaches to resolving environmental conflicts. The clinic's collegial atmosphere provides ample opportunity for interaction and feedback among students and faculty, including weekly case reviews.

Summer JD or LLM students work approximately 40 hours per week for eleven weeks, and may earn up to nine credits toward their JD, LLM, or master's degrees. Enrollment is by application only. The clinic is available to non-VLS students on a space-available basis, and we welcome inquiries and applications from students at other law schools.



SUMMER FACULTY

CHRIS ADAMO '04

Former Chief of Staff, White House Council on Environmental Quality

Mr. Adamo was the chief of staff at the White House Council on Environmental Quality from 2015 until the end of the Obama Administration in 2017. He helped lead the President's climate change and conservation agenda including efforts on climate resilience, federal land management, illegal fishing, large-scale ecosystem restoration, sustainable agriculture, water, and wildlife. Prior to his tenure with the Council on Environmental Quality, he led the U.S. Senate Committee on Agriculture, Nutrition, and Forestry as its staff director where among other issues helped pass the 2014 Farm Bill into law. He began his career as a legislative counsel in U.S. Senator Debbie Stabenow's office. Mr. Adamo received his BA degree from Kalamazoo College and his JD degree from Vermont Law School.

DON BAUR

Partner, Perkins Coie

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

Team on ocean issues. Mr. Baur received his BA degree from Trinity College and his JD degree from the University of Pennsylvania.

GLENN BERGER '78

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.

Laurie Beyranevand '03

Associate Professor of Law, Vermont Law School

Before joining the faculty at VLS, Professor Beyranevand was a staff attorney with the Disability Law Project of Vermont Legal Aid, Inc. She has served as a judicial law clerk to the Honorable Marie E. Lihotz, PJFP, in New Jersey and in the Office of the Vermont Attorney General, Environmental Unit. She was appointed to serve on the Food and Drug Law Institute's Academic Programs Committee for a three

(continued on page 18)

SUMMER 2017 COURSES BY CATEGORY

	TERM 1	TERM 2
LAND USE AND CONSERVATION		Ecology
		Land Conservation Law
ETHICS & ENVIRONMENTAL JUSTICE	The Law of Animals in Agriculture	Animal Rights Jurisprudence
		Environmental Justice
INTERNATIONAL	Ocean & Coastal Law	Global Energy Law & Policy
	European Environmental Law	
DISPUTE RESOLUTION		Mediation
FOOD & AGRICULTURE	The Law of Animals in Agriculture	Public Health Implications of U.S. Ag & Food Policy
POLLUTION	Environmental Law	Environmental Aspects of Business Transactions
		Environmental Enforcement & Compliance
ENERGY	3 Essentials of the Electric Grid	Global Energy Law & Policy
ENVIRONMENT AND BUSINESS	Environmental Economics & Markets	Environmental Aspects of Business Transactions
	Advanced Environmental Legal Research	
	Environmental Law	
	see page 3 for course descriptions	see page 5 for course descriptions

TERM 3	TERM 4	8 - WEEK
The Colorado River	Ecosystem Conservation Strategies	
	Public Lands Management: Montana Field Study	
Food System Justice and Sustainability	Earth Law	
International Trade & the Environment	Comparative U.S.-China Environmental Law	Environmental Governance in the Developing World
Peace, War & the Environment	International Investment Arbitration & the Environment	
Environmental Conflict Management Systems Design	International Investment Arbitration & the Environment	Advanced Dispute Resolution Writing
Food System Justice and Sustainability	The Modern Farm Bill	Negotiating Environmental Agreements
Renewable Energy Project Finance & Development	Oil and Gas Production & the Environment	End Use Energy Efficiency
	International Investment Arbitration & the Environment	
see page 7 for course descriptions	see page 9 for course descriptions	see page 11 for course descriptions

SUMMER FACULTY (continued)

year term beginning in 2014. She received her BA degree from Rutgers College and her JD degree from Vermont Law School.

KAREN BORGSTROM

Director of Partners for Community Wellness,
Dartmouth Hitchcock Health Systems

Before joining the court system in 2007, Ms. Borgstrom practiced law and had a private mediation practice for more than 13 years, focusing primarily on parenting and divorce cases, probate, employment, and civil matters. She also worked as a mediator in the New Hampshire Judicial Branch's superior court rule 170 civil mediation program, in family division and probate court. She mediated for the Vermont superior courts and conducted numerous private mediations for Vermont divorcing couples or for those with parenting issues. She is currently working as the Director of Partners for Community Wellness at Dartmouth Hitchcock where health, community and health policy intersect. Ms. Borgstrom received her BS degree from Middlebury College and her JD degree from Vermont Law School.

DAVID CASSUTO

Professor of Law, Pace Law School

Professor Cassuto teaches in the fields of animal law, environmental law, and property and also directs the Brazil-American Institute for Law and Environment (BAILE). He serves on the board of the Animal Legal Defense Fund and is also the Class of 1946 Distinguished Visiting Professor of Environmental Law at Williams College and a Visiting Professor of Law at the Federal University of Bahia, Brazil. In addition to several books and many articles on topics ranging from food ethics to water as cultural signifier to climate change and factory farms, Professor Cassuto is also the founder and principle contributor to the Animal Blawg, a blog on animal law, ethics, and policy. In 2012, he was honored with a Lifetime

Achievement Award at the Third World Congress on Bioethics and Animal Rights held in Recife, Brazil. He received his JD degree from the University of California, Berkeley; his MA and PhD degrees from Indiana University; and his BA degree from Wesleyan University.

JAMES CHEN

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, D.C.-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 the first two books in that series, *Postmodern Portfolio Theory and Finance* and the *Behavioral Prospect*. He is 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

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

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).

CORMAC CULLINAN

Director, Cullinan & Associates

In his environmental law practice in South Africa, Mr. Cullinan represents a diverse range of clients that include international organizations, governments, businesses, non-governmental organizations, and local communities. He started his legal career in maritime and international commercial law with Shepstone and Wylie and Maitland and Co, before specializing in environmental law and governance in 1994 when he established EnAct International in London. He is an internationally respected author, speaker, and advocate for ecological sustainability. In 2012 he was

won the Nick Steele award for the South African environmentalist of the year. He has addressed the General Assembly of the United Nations and many other international conferences, and led the drafting of the Universal Declaration of the Rights of Mother Earth. Mr. Cullinan received his BA and LLB degrees from the University of Natal and his LLM in Environmental Law from Kings College, London.

TOM DUNN

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.

TIM EICHENBERG

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

Partner, Meyer Glitzenstein & Eubanks LLP

Mr. Eubanks litigates cases in federal appellate and trial courts, specializing in public interest environmental and natural resource conservation, endangered species and wildlife protection, federal lands preservation, and open government laws. His notable cases include successfully challenging oil spill response strategies in the Gulf of Mexico after Deepwater Horizon as harmful to marine wildlife, and prevailing in the nation's first federal lawsuit challenging an industrial wind energy project on environmental grounds. He recently published a textbook titled *Food, Agriculture, and Environmental Law*, and has published numerous law review articles. He is an adjunct professor at American University's Washington College of Law and George Washington University Law School. 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

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 by two recent articles: "Balancing Multiple Goals at the Local Level: Water Quality, Water Equity, and Water Conservation," 26 *Duke Journal of Environmental Law and Policy* 241 (Spring 2016), and "Environmental Justice and Corporate Responsibility: Institutionalizing Normative Expectations," 3 *NCCU Environmental Law Reporter* 1 (2016). Professor Foy received his BA degree from Kenyon College and his JD degree from NCCU.

BARRY E. HILL

Visiting Scholar, Environmental Law Institute

Previously, Mr. Hill was the senior counsel for environmental governance of the Office of International Affairs at the U.S. EPA. He also served as the director of the Office of Environmental Justice at the EPA; and the associate solicitor of the Division of Conservation and Wildlife, and director of the Office of Hearings and Appeals of the U.S. Department of the Interior. Prior to that, he was counsel to the international law firm of Dickstein, Shapiro & Morin, project manager in the Superfund Business Unit of ICF Inc., and special counsel to the attorney general of the District of Columbia. He has taught at Antioch School of Law and American University's Washington College of Law. He is the author of *Environmental Justice: Legal Theory and Practice*. Mr. Hill received his BA degree in political science from Brooklyn College, MA degree in political science from Howard University, and JD degree from Cornell Law School.

RANDOLPH L. HILL

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.

JESSICA JAY '97

Founding Partner, Conservation Law, P.C.

Ms. Jay's firm is devoted to ensuring the permanence of land conservation through sound transactions and the defense and enforcement of perpetual conservation easements. She represents landowners and land trusts conserving working landscapes and environmentally significant properties in Colorado and the Rocky Mountain West. Ms. Jay engages conservation professionals, land trusts, and landowners in local and national workshops, and Land Conservation Law at the University of Denver's Sturm College of Law. She collaborates with the land trust community to develop and implement legal defense and enforcement mechanisms, to design conservation easement incentives, and to craft durable perpetual conservation easements in anticipation of changes and challenges over time. Ms. Jay received her BA degree from Bowdoin College and her JD and MSEL degrees from Vermont Law School.

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.

KEVIN JONES

Professor of Energy Technology and Policy, Director, Institute for Energy and the Environment, Vermont Law School

Dr. Jones has been at the center of the transformation of the electric power industry in the Northeast as the director of Power Market Policy for the Long Island Power Authority (LIPA) and as the former director of Energy Policy for the City of New York. LIPA is one of the largest municipal utilities in the country and is a leader in energy conservation and alternative energy technologies. While at LIPA, he collaborated on energy policy with both the Large Public Power Council and the New York Transmission Owners. He has also consulted on energy issues as an associate director with Navigant Consulting and Resource Management International. Dr. Jones received his BS degree from the University of Vermont, his Master's degree from the LBJ School of Public Affairs at the University of Texas at Austin, and his PhD from Rensselaer Polytechnic Institute's Lally School of Management and Technology.

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.

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

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

Before she joined Vermont Law School in October 2010, Professor Lin was a program officer for the American Bar

Association Rule of Law Initiative's China program for more than 3 years, managing and implementing projects in the areas of environmental law, open government information and civil society development in China. Prior to that, she was a lecturer and researcher for China Institute of Environment and Resources Protection in Minority Areas at the Central University for Nationalities. She received her BA and Master of Laws degrees from Fudan University and her LLM degree from New York University School of Law.

CATHERINE MACKENZIE

Director of Studies in Law, Cambridge University

Professor MacKenzie divides her time between Cambridge and Oxford Universities. At Cambridge, she teaches International Environmental Law. At Oxford, she teaches Public International Law and serves as Dean of Degrees of Green Templeton College. Her jointly edited book, *Law, Tropical Forests and Carbon*, was published by Cambridge University Press in 2013 and her monograph, *International Law and the Protection of Forests*, will be published by Oxford University Press. She has served as a Legal Officer in the Australian Army and was previously employed by Allen & Overy, World Bank, Asian Development Bank, and the United Nations. She is a Master of the Bench of Inner Temple Inn of Court of England and Wales and is a trustee of Vermont Law School. Professor MacKenzie has earned degrees from Oxford, the Inns of Court School of Law, the University of Sydney, and the Australian National University.

ANNA MARHOLD

Assistant Professor, Senior Researcher, Tilburg
Law and Economics Center, Tilburg Law School

Dr. Marhold researches and teaches in the field of International and European Law at Tilburg Law School in the Netherlands. She specializes in international and European energy law and regulation, international economic law, and international trade law. In 2015, she was a Marie Curie Early Stage Research Fellow at the Graduate

Institute, Geneva. In 2013–2014, she was a Fulbright-Schuman Grantee and visiting scholar at New York University School of Law. She received her PhD in Law from the European University Institute, Florence

THOMAS J. P. MCHENRY

Partner, Gibson, Dunn & Crutcher

Mr. McHenry is a member of his firm's Environmental Practice Group. He practices general environmental law with an emphasis on air quality, climate change, hazardous waste, environmental diligence, land use, and energy issues. He represents clients in negotiations with state and federal environmental agencies including air quality management districts, regional water quality control boards, the Department of Toxic Substances Control and the California and U.S. Environmental Protection Agencies. He currently serves as co-chair of the DTSC External Advisory Group. He served as a law clerk to the Honorable Lawrence K. Karlton, Chief United States District Judge of the Eastern District of California, in Sacramento. He received his BA and Master of Forest Science degrees from Yale University and his JD from New York University Law School.

DAVID MURASKIN

Food Safety and Health Attorney, Public Justice

Mr. Muraskin focuses on impact litigation meant to reform the industrial animal agriculture system and promote sustainable alternatives through setting precedents and forcing policy reforms. His docket consists of constitutional, consumer, worker, and environmental cases. In addition to his work at Public Justice, he is also an Adjunct Professor of Law at Georgetown University Law Center, where he teaches complex civil litigation. He received his BA degree from the University of Chicago, his JD degree from Stanford Law School, and his Master's from Oxford University, St. Antony's College.

MARCOS ORELLANA

Director, Human Rights and the Environment Program, Center for International Environmental Law

Dr. Orellana is also an adjunct Associate Professor at the George Washington University School of Law. At CIEL he has focused on strengthening tools to secure global environmental justice. Prior to joining CIEL, he was a Fellow to the Lauterpacht Research Centre for International Law of the University of Cambridge. He also was a Visiting Scholar with the Environmental Law Institute in Washington, DC, and Instructor Professor of international law at the Universidad de Talca, Chile. He has acted as legal counsel to the Chilean Ministry of Foreign Affairs on international environmental issues, such as the Rio+20 process and climate change negotiations. He has also acted as legal advisor to several International Institutions, including the UN Environment Programme and the Office of the High Commissioner for Human Rights. He received his LLM and SJD degrees from American University Washington College of Law.

ROBERT V. PERCIVAL

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

Professor Percival served as a law clerk for Judge Shirley M. Hufstедler of the Ninth Circuit and for Supreme Court Justice Byron R. White, and spent six years as an attorney for the Environmental Defense Fund. He has served as a visiting professor at Harvard Law School and Georgetown University Law Center. He is the principal author of the most widely used environmental law casebook. He was a J. William Fulbright Scholar at the China University of Political Science and Law in Beijing in 2008 and has worked with China's Supreme People's Court, the National People's Congress, the Chinese Ministry of Environmental Protection and the China Council on International Cooperation for Environment and Development. He has presented lectures

at 27 Chinese universities and in 2009 he represented the U.S. State Department on a lecture tour of China. Professor Percival earned his BA degree from Macalester College and his MA and JD degrees from Stanford University.

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.

SARAH REITER '13

Adjunct Professor, Associate Director of Career Services, Vermont Law School

Prior to VLS, Professor Reiter worked in the ocean conservation field for several years. While at NOAA's Office of General Counsel, Stanford's Center for Ocean Solutions, and the Monterey Bay Aquarium, her work spanned research on the ocean's seafloor to its uppermost polar region, and played a role in the negotiation of several environmental agreements. Prior to working in ocean conservation, she served as a commissioned Air Force officer specializing in meteorology, where she managed an operational floor of scientists responsible for providing weather support to military bases west of the Mississippi. Professor Reiter received her BS degree from the U.S. Naval Academy, her MS degree from the College of Charleston, and her JD degree from Vermont Law School.

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.

ANTONIO ROSSMANN

John and Elizabeth Boalt Lecturer, UC Berkeley School of Law (retired); Founding Partner, Rossmann and Moore, LLP

Mr. Rossmann has served in the past 40 years as counsel in some of California's and the West's leading water and land-use proceedings, including the Owens Valley groundwater war, the Mono Lake public trust litigation, South Pasadena's resistance to the 710 freeway, Nevada's opposition to the MX missile and the Yucca Mountain nuclear repository, the State Water Project Monterey Amendments challenge, the Imperial-to-San Diego Colorado River water transfer, and protection of California groundwater regulation against constitutional attacks. In 2010 the *Los Angeles Daily Journal* named him as one of the Top 100 California Attorneys. He has taught water resources, land use, and constitutional law for the past 34 years, since 1991 at the University of California, Berkeley, Boalt Hall. In the fall and winter of 2012–2013 Mr. Rossmann served as a consultant on water resources law to the U.N. Food and Agricultural Organization in Rome, Italy. He received his BA and JD degrees from Harvard.

CHRISTINE RYAN

Environmental Law Librarian, Assistant Professor of Law, Vermont Law School

Professor 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. Professor Ryan received her BA degree from the University of Connecticut, her MA degree from Dartmouth College, and her MS degree in library science from Simmons College.

YVONNE SCANNELL

Professor Emerita, Trinity College

Professor Scannell was Professor of Law and Director of the Centre for Environmental Law and Policy, Trinity College, Dublin until 2014. She now practices law with Arthur Cox, the leading Environmental Law firm in Ireland. She has written six books and numerous articles on environmental, natural resources and planning law and some on constitutional law. She has been consistently nominated as one of Ireland's leading environmental lawyers in Chambers and other professional surveys. She has served on the boards of several companies and is currently on the Board of Boliden Tara Mines. She is a judge and Vice President of the European Nuclear Energy Tribunal. Professor Scannell is a graduate of Trinity College, Dublin and Cambridge University and the recipient of an honorary degree from Washington and Lee University.

WILLIAM SCHULTE '15

Senior Program Officer, 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.

MICHAEL SUTTON

Former 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.

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.

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.

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.

JACQUELINE WEAVER

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.

DAVID A. WIRTH

Professor of Law, Boston College Law School

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





REGISTRATION INFORMATION

Please visit 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 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 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. VLS students need to do this through the Campus Web Portal. Students visiting VLS for summer courses must email the Registrar's Office at 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. Withdrawing from a class may be done on-line via the Campus Web Portal. Please be advised that there is no date recorded when withdrawing online, and as such there will be no tuition credit adjustment made. If

you wish to receive a tuition credit (if applicable) as a result of your withdrawal, written notice (Request to Withdraw form or email to registrar@vermontlaw.edu) is required. 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. 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) 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.

FINANCIAL AID

Financial aid for the summer is available to qualifying students. For more information, visit www.vermontlaw.edu, or contact us at 800-227-1395 ext. 1235 or finaid@vermontlaw.edu.

VERMONT LAW SCHOOL JOINT DEGREE CANDIDATES

Vermont Law School's Financial Aid Office will automatically determine eligibility for summer financial aid for Vermont Law School students enrolled in the JD/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 by March 1, 2017.

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 by March 1, 2017.

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, 2017. The FAFSA may be completed online at 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 2017

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 30–JUNE 2, JUNE 5–8 AND 12–15

ENV5115	Environmental Law (AM) 3 cr
ENV5408	The Law of Animals in Agriculture (AM*) 3 cr
ENV5423	Ocean and Coastal Law (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 19–22 AND 26–29

ENV5500	Environmental Aspects of Business Transactions (AM) 2 cr
ENV5561	Environmental Enforcement and Compliance (AM) 2 cr
ENV5230	Global Energy Law and Policy (AM) 2 cr
ENV5474	Land Conservation Law (AM) 2 cr
ENV5406	Animal Rights Jurisprudence (PM) 2 cr
ENV5446	Environmental Justice (PM) 2 cr
ENV5540	Public Health Implications of US Agriculture and Food Policy (PM) 2 cr
ENV5430	Ecology (AM/PM*) 3 cr
ADR6412	Mediation (AM/PM*) 2 cr

TERM 3: JULY 10–13 AND 17–20

INT7446	International Trade and the Environment (AM) 2 cr
ENV5383	Food System Justice and Sustainability (AM) 2 cr
ENV5550	Renewable Energy Project Finance and Development (AM) 2 cr
ENV5902	The Colorado River (PM) 2 cr
ENV5564	Peace, War and the Environment (PM) 2 cr
ENV5311	Environmental Conflict Management Systems Design (AM/PM*) 2 cr

TERM 4: JULY 24–27 AND JULY 31–AUGUST 3

ENV5521	Earth Law (AM) 2 cr
INT7450	International Investment Arbitration and the Environment (AM) 2 cr
ENV5410	The Modern Farm Bill (AM) 2 cr
INT7440	Comparative US-China Environmental Law (PM) 2 cr
ENV5405	Ecosystem Conservation Strategies (PM) 2 cr
ENV5468	Oil and Gas Production and the Environment (PM) 2 cr
ENV5462	Public Lands Management: Montana Field Study (*) 3 cr

8 WEEK COURSES: FRIDAYS, JUNE 9–AUGUST 4 (NO CLASS JULY 7)

ADR6450	Advanced Dispute Resolution Writing Seminar (AM) 2 cr
ENV5497	End Use Energy Efficiency (AM) 2 cr
ENV5223	Environmental Governance in the Developing World (AM) 2 cr
ADR6416	Negotiating Environmental Agreements (AM) 2 cr

*Special schedule—see course description for details.

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, 2016 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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