

UNIVERSITY OF PITTSBURGH
 ENVIRONMENTAL LAW CLINIC
 SPRING 2009 SYLLABUS
 PROFESSOR EMILY A. COLLINS
 CONRAD DANIEL VOLZ, DRPH, MPH

Class Meetings: 2:30-4:20
 Tuesday and Thursday
 Room G-18

Required Text: SELECTED ENVIRONMENTAL LAW STATUTES, 2008-2009 Educational Edition (Thomson West); Environmental Law Clinic Manual.

Recommended Text:
 JEFFREY G. MILLER, ANN POWERS, AND NANCY LONG ELDER, INTRODUCTION TO ENVIRONMENTAL LAW: CASES AND MATERIALS ON WATER POLLUTION CONTROL (ELI Press 2008) (hereinafter “Miller, Powers, Elder text”).

If you have a disability for which you are or may be requesting an accommodation, you are encouraged to contact both your instructor and the Office of Disability Resources and Services, 216 William Pitt Union, 412-648-7890/412-383-7355 (TTY) as early as possible in the term. DRS will verify your disability and determine reasonable accommodations for this course.

Religious Observance: The University of Pittsburgh has a tradition of recognizing religious observance of members of the University community in instances where those observances may conflict with University activities. On such dates, students should not be penalized for absences. Examples of such occasions are Yom Kippur and Good Friday, but other days of religious observance may also conflict with scheduled academic activity or evaluation. When such conflict occurs, students and faculty should make every effort to reach mutually agreeable arrangements to reschedule the academic activity or provide a substitute activity or evaluation. Students should be encouraged to alert faculty to potential for such conflicts as early in the term as possible.

Week	Date	Topic	Assignment
Week 1	Jan 13, 2009	Introduction. Clinic offices orientation.	Read Clinic Manual. Read Pa. RPC § 5.5 and comments (2008) (Unauthorized Practice of Law) available at http://www.padisciplinaryboard.org/documents/Pa%20RPC.pdf (last checked November 18, 2008).

Week	Date	Topic	Assignment
	Jan 15, 2009	Client Interviewing. <i>Case Review:</i> case assignments.	<i>Read</i> Pa. RPC § 1.6 and comments (2008) (Confidentiality).
Week 2	Jan 20, 2009	Giving Feedback and Accepting Feedback. <i>Overview of:</i> CWA & Clean Streams Law SMCRA SDWA	<i>Prepare</i> team presentations of environmental statutes.
	Jan 22, 2009	Theory of the Client & Client-centered Representation. <i>Overview of:</i> ESA NEPA CAA Common Law Causes of Action	<i>Prepare</i> team presentations of environmental statutes. <i>Read</i> Pa.RPC §§ 1.2, 1.4, 2.1 and comments (2008) (Scope of Representation and Allocation of Authority Between Client and Lawyer; Communication; Advisor).

Week	Date	Topic	Assignment
Week 3	Feb 3, 2009	Community Outreach. Public Participation in Environmental Decision-making and Risk Assessment. Citizen Enforcement.	Pa. RPC §§ 7.1, 7.2, 7.3 and comments (2008) (Communications Regarding a Lawyer's Service, Advertising, Direct Contact with Prospective Clients). <i>Read</i> 35 P.S. §§ 691.601, 691.604, 691.605 (2008) (abatement of nuisances; restraining violations; complaints; investigations; civil penalties). <i>Read</i> Eileen Gay Jones, <i>Risky Assessments: Uncertainties in Science and the Human Dimensions of Environmental Decisionmaking</i> , 22 WM. MARY ENVTL. L. & POL'Y REV. 1 (1997). <i>See</i> Miller, Powers, Elder text, Chapter XI (Citizen Suit Enforcement).
	Feb 5, 2009	<i>Case Review:</i>	
Week 4	Feb 10, 2009	Factual Investigation and the Role of the Expert.	<i>Read</i> <i>Associated Builders & Contractors, Inc. v. Pennsylvania Department of General Services</i> , 747 A.2d 962 (2000) (regarding the Right to Know Law). <i>Read</i> Pa. RPC §§ 3.1, 4.2, 4.3 and comments (2008) (Meritorious Claims and Contentions, Communication with Person Represented by Counsel, Dealing with Unrepresented Person). <i>Read</i> 25 Pa. Code § 1021.101 (2008) (Prehearing Procedure). <i>Read</i> <i>Pavlak v. Dyer</i> , 2003 WL 1889492 (Pa.Com.Pl. 2003) (regarding attorney work-product and required disclosure of the grounds for an expert witness opinion).
	Feb 12, 2009	<i>Case Review:</i>	<i>Turn in</i> Expert Retention letter (actual, if applicable, or hypothetical) by February 13 at 6:00.

Week	Date	Topic	Assignment
Week 5	Feb 17, 2009	Media Relations & Media Strategy <i>Guest Teacher: Jeanne K. Clark.</i>	<i>Read Pa. RPC § 3.6 and comments (2008) (Trial Publicity). Read John M. Stanton, Environmental Law's Path Through the 4th Estate: Environmental Law and the Media; Symposium Article: Environmental Attorneys and the Media: Guidelines for Effectiveness, 33 B.C. ENVTL. AFF. L. REV. 593 (2006). Read Charlotte Ryan and Samuel Alexander, Environmental Law's Path Through the 4th Estate: Environmental Law and the Media; Symposium Article: "Reframing" the Presentation of Environmental Law and Policy, 33 B.C. ENVTL. AFF. L. REV. 563 (2006).</i>
	Feb 19, 2009	<i>Case Review:</i>	
Week 6	Feb 24, 2009	Policy Formulation	
	Feb 26, 2009	<i>Case Review:</i>	
Week 7	Mar 3, 2009	Policy Evaluation	
	Mar 5, 2009	<i>Case Review:</i>	
Week 8	Mar 10, 2009	Spring Break	
	Mar 12, 2009	Spring Break	

Week	Date	Topic	Assignment
Week 9	Mar 17, 2009	Discovery. Expert Consultant and Testifying Expert Role in Discovery. Expert Report preparation.	<i>Read</i> Pa. R.C.P. Nos. 4003-4020 (2008) <i>available at</i> http://www.pacode.com/secure/data/231/chapter4000/chap4000toc.html (last checked November 11, 2008). <i>Read</i> 25 Pa. Code §§ 1021.102, 1021.104 (2008) (EHB Discovery; Prehearing Memorandum).
	Mar 19, 2009	<i>Case Review:</i>	Turn in depositions on written questions by March 23, 2009, at 6:00 pm.
Week 10	Mar 24, 2009	Negotiation and Alternative Dispute Resolution.	<i>Read</i> Pa. RPC § 4.1 and comments (2008) (Truthfulness in Statements to Others). <i>Read</i> 25 Pa. Code § 1021.106 (2008) (EHB Voluntary Mediation). Handout.
	Mar 26, 2009	<i>Case Review:</i>	Turn in prehearing memorandum by March 27, 2009, at 4:00 pm.
Week 11	Mar 31, 2009	Negotiation <u>simulation</u> .	<i>Prepare</i> for negotiation.
	April 2, 2009	<i>Case Review:</i>	
Week 12	Apr 7, 2009	Expert Witness Preparation. Laying a Foundation for Experts and Documents.	<i>Read</i> <i>Grady v. Frito-Lay Inc.</i> , 576 Pa. 546 (2003). <i>Read</i> Pa. R.E. 702-706. <i>Read</i> F.R.E. 702-706.
	Apr 9, 2009	Expert Direct, Cross Examination, Voir Dire	<i>Read</i> Handouts.

Week	Date	Topic	Assignment
Week 13	Apr 14, 2009	No class.	<i>Prepare for mock hearing.</i>
	Apr 16, 2009 1:00-5:00	Mock Hearing , Teplitz Memorial Moot Courtroom The Honorable Judge Renwand.	
Week 14	Apr 21, 2009	Review Mock Hearing. Comparative ethical considerations.	<i>Read J. William Futrell, <u>Environmental Ethics, Legal Ethics, and Codes of Professional Responsibility</u>, 27 Loy. L.A. L. Rev. 825 (1994).</i> <i>Read Public Health Leadership Society, <u>Principles of the Ethical Practice of Public Health</u> (2002).</i> <i>Read Professor Dorothy J. Glancy, <u>Ethical Responsibilities in Regulatory Practice: Where does Kaye Scholer Leave Us?</u>, American Bar Association, Section of Natural Resources, Energy, and Environmental Law, Ethical Issues Facing Natural Resources, Energy, and Environmental Lawyers, September 30, 1993.</i>
	Apr 23, 2009	<i>Case Review</i>	
<p>Students are responsible for their cases (including any court appearances) through the end of the exam period (May 12, 2009). Closing memos are due by May 12, 2009.</p>			