

ENVIRONMENTAL PRACTIUM
Course Number 7397
Section Number 21300
(Experiential Simulation class)

University of Houston Law Center
Spring 2021

Prof. Tracy Hester

Class Hours: Monday-Wednesday 10:30 am – 12:00 pm
No physical classroom - online via Zoom

Office Hours: I'll hold open office hours via Zoom on Tuesdays from 1:30 pm to 4:30 pm. When we can meet safely in person, I can also schedule a time with you in my office at TUII-142.

You can also reach me at 713-743-1152 or tdheste2@central.uh.edu to schedule a visit at any other time.

Course Description: This course will overview key areas of practice within environmental law such as regulatory counseling and permitting, civil enforcement, criminal liability, private litigation over contamination, policy advocacy, and environmental aspects of commercial transactions. Each lecture topic will be paired with a separate presentation by a guest speaker who practices in that area, and who will provide examples of live projects and cases for class review. These speakers may include the Harris County Attorney (civil enforcement), the Galveston Bay Foundation (permitting), the Harris County District Attorney (criminal), the Audubon Society (policy advocacy), large and small law firms, and others.

Course objectives: To prepare you to counsel clients on environmental law matters and ways to assure or enforce compliance strategies and obligations.

Course Prerequisites: Environmental Law, or a similar class that provides an orientation to federal or state environmental law. Please contact me if you wish to take the class without these prior courses.

Course Materials: I'll provide a collection of selected readings to students. All of these materials will be available on the class BlackBoard website.

While this class doesn't require Environmental Law as a prerequisite, I have assumed that many of you have taken that class or seen similar material in prior classes. To keep everyone on the same page, I'll also post a brief background lecture to summarize the black letter law behind each week's topic. As a result, I hope to dive directly into that week's substantive discussions with limited background review.

If you would like additional background orientation materials on environmental law, I can provide galley proof copies of *Mastering Environmental Law* (a short hornbook aimed at new environmental law practitioners) to students who request one. Just let me know.

Assignments

Our reading assignments will follow the course syllabus, although we may vary a bit in pace and coverage as the semester progresses (i.e., expect changes as we go). Of course, you should read each day's assigned materials in advance and be prepared to discuss them in class.

Class Participation

In general, I will treat you in class the same way that I'd treat you as a new attorney working for me at a law firm. So please be prepared to discuss the readings assigned for that day as well as to think creatively about how to apply those materials to new situations and hypotheticals. I'll make sure that everyone has a chance to participate in the discussion before the semester's end. You will also have a limited number of opt-outs (no excuses necessary), but you can't get credit for the class unless you attend at least 80% of the sessions.

Assessments and Grading: Final grades will be based on the following allocation:

80% based on performance on three to four smaller work projects provided to you directly from guest lecturers. The relative weight of each project will vary according to its scale, complexity, and time sensitivity; and

20% for class participation.

If you wish, some of my students have also provided a self-evaluation of their own work and their project team members - but this additional input is wholly voluntary.

Personal Resources

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus. Go to http://www.uh.edu/caps/outreach/lets_talk.html .

Discrimination and Sexual Harassment/Misconduct Policy

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system’s Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf
(antidiscrimination)

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf
(sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Recording of Classes

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform.

I will record all of our classes unless I specifically notify you otherwise. You may use my recordings for your own studying and notetaking, but the University does not authorize you to share them with *anyone* without my prior written approval. Per University policy, failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action. We will record lectures by guest speakers at their discretion.

Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that I may need to modify the course syllabus and may do so at any time. I'll announce these changes as quickly as possible through direct emails to all of you as well as postings to the class BlackBoard site.

SCHEDULE

[ZOOM LINK FOR REMOTE PARTICIPATION](#)

No.	Date	Topics	Guest Speaker(s)	Assigned Readings	Extra Resources and Comments
	Jan. 18, 2021	MLK Holiday			
	Jan. 20, 2021	1. Class introduction and environmental legal research tools 2. Information practice and FOIA requests	Katy Stein Badeaux, Head of Faculty Services, UHLC Law Library	FOIA Online Draft FOIA request (Word and .pdf) Practicum Style Tip Sheet (.pdf)	Environmental Law Research Guide Research Guide for Environmental Practicum Environmental Enforcement Databases Handout Sample CERCLA 104(e) Information Request Sample FOIA Complaint

	Jan. 25, 2021	Regulatory Comments and Rulemaking Advocacy			
	Jan. 27, 2021	Regulatory Comments and Rulemaking Advocacy Workshop	Chris Wilke, Director of Global Advocacy, Riverkeepers		
	Feb. 1, 2021	Overviews on Compliance Counseling; Advocacy and Strategy			
	Feb. 3, 2021	Regulatory Compliance Counseling Workshop	Lance Tolsen, Shell Oil (U.S.), senior environmental in- house counsel (ret)		
	Feb. 8, 2021	Environmental Permitting, Contested Cases, and Citizen Suits			
	Feb. 10, 2021	Environmental Permitting, Contested Cases, and Citizen Suits	Kristen Schlemmer, Legal Director, Bayou City Waterkeeper		
	Feb. 15, 2021	Contamination Litigation and CERCLA Practice			

	Feb. 17, 2021	Environmental Justice and CERCLA Practice Workshop	Steven Cook Former Deputy Assistant Administrator, U.S. EPA Office of Land and Environmental Management		
	Feb. 22, 2021	Environmental Justice and Corporate Strategies for Carbon Transitions			
	Feb. 24, 2021	Environmental Justice and Corporate Strategies for Carbon Transitions	Charles Franklin, vice-president and general counsel, Portland Cement Association		
	March 1, 2021	Civil Enforcement, Privileged Investigations, and Auditing			
	March 3, 2021	Civil Enforcement, Privileged Investigations, and Auditing	Sarah Utley, Harris County Attorney's Office		
	March 8-10, 2021	Writing week to catch up and finalize speaker projects			

	March 15-19, 2021	SPRING BREAK!			
	March 22, 2021	Endangered Species Act and Natural Resource Damages Liability			
	March 24, 2021	Endangered Species Act and Natural Resource Damages Liability	Ben Cowan Chair, Renewable Energies Section Locke Lord LLP		
	March 29, 2021	Environmental Criminal Enforcement			
	March 31, 2021	Environmental Criminal Enforcement	Alex Forrest Chief Environmental Prosecutor, Harris County District Attorney's Office		
	April 5, 2021	Environmental Liability and Responses to Disasters			
	April 7, 2021	Environmental Liability and Responses to Disasters Workshop	Marcella Burke, King & Spalding (former associate counsel, U.S. EPA Office of General Counsel)		

	April 12, 2021	Transactions and Sustainability -- access agreements, contractual allocations of responsibility and indemnification			
	April 14, 2021	Transactions and Sustainability workshop	Tim Langenkamp, General Counsel, Flying J Logistics		
	April 19 - 21, 2021	Wrap up of speaker projects and individual student counseling sessions			
	April 26, 2021	Submit all remaining projects to Prof. Hester for class discussion on 4/28/21 Prepare for final class discussion			
	April 28, 2021	Final class discussion of client projects and open questions			