The availability of specialized environmental law courses, related specialties in maritime, comparative, and international law, an environmental law clinic, environmental law journal, environmental law society, an institute for water law and policy, and opportunities to explore rich natural and architectural surroundings – Tulane has it all.
ENVIRONMENTAL LAW & TULANE

Environmental protection is one of the great challenges of the modern world. Over the last 50 years, environmental laws have evolved from ground zero into a field of complex and demanding specialties. Similar evolutions are taking place in Europe and on every continent, prompted by and in some cases leading to sophisticated international treaties on species diversity, toxic wastes, and climate change. US environmental lawyers are now firmly placed with corporate law firms, environmental quality agencies, natural resources departments, construction and development ministries, the US Department of Justice, state attorneys general, industry offices of counsel, plaintiff firms, public interest law firms, trade associations, international development agencies, political and financial institutions, and across the spectrum of private practice from real estate to commercial banking, transnational contracts and toxic torts claims. With new domestic programs and international protocols yearly, the challenge to understand, apply and improve these laws continues to grow.

Since 1979, Tulane Law School has taken a lead role in the training of skilled environmental lawyers. Tulane is one of a select number of national law schools offering a concentration in environmental law at the JD level, as well as advanced LLM and SJD programs combining environmental and energy law. Tulane offers a deep curriculum, the largest faculty-supervised Environmental Law Clinic in the country, an Institute on Water Law & Policy, a Center focusing on sustainable development in the international arena, and an active student body interested in environmental issues. Tulane seeks to graduate lawyers who understand the theory, practice and advocacy of environmental issues from all points on the spectrum... many separate but interlocking worlds.
THE SIGNIFICANCE OF LOCATION

Tulane offers the opportunity to study environmental law in a dynamic natural, political and economic environment. South Louisiana hosts one third of America’s remaining coastal wetlands, one quarter of its seafood, and one fifth of its migratory waterfowl. This rich coast is under siege and disappearing, from natural and man-made causes, at the rate of 20 square miles each year. At the same time, the Atchafalaya delta is the fastest growing land mass in North America, and one of great natural beauty. Thirty-five endangered species reside in Louisiana, some well on their way to recovery, others on the brink of extinction.

South Louisiana also hosts the nation’s most extensive navigation system and its largest petrochemical complex. Louisiana industries along the lower Mississippi River provide important national services; they also set national records for toxic discharges. Issues surrounding these emissions, waste disposal, agri-chemicals, drinking water and seafood safety recur with a frequency that, while daunting to record, provide fertile ground for teaching, research and problem-solving.

The proximity of New Orleans to the Gulf of Mexico provides special opportunities to study, and experience, problems in flood control and resource development, highlighted in recent years by Hurricane Katrina and the British Petroleum blowout. The restoration of the Louisiana coastal zone, at our doorstep, is the most ambitious such effort in the world.

The City of New Orleans adds its own unique environment, rich in historic districts, greenspace, and a functioning system of ferries, trolleys, and neutral grounds. Natural and architectural resources lie within minutes of Tulane Law School in any direction, as does the legal challenge of their protection and restoration. At the present time, post-Katrina, the city has become a proving ground for new and old concepts of sustainable architecture and urban planning.

Tulane faculty and students are deeply involved in these issues through lecture classes, seminars, directed research, the clinics, the institutes, and work with local firms, NGO’s and government agencies.

TULANE’S ENVIRONMENTAL LAW PROGRAM

Tulane Law School responds to these challenges with:

• a broad and diverse curriculum
• faculty members with diverse experience in environmental practice
• an Environmental Law Certificate program providing a structure for environmental law studies
• first-class scholarship by faculty and students alike
• an Environmental Law Clinic program that, representing community and public interests, offers experience in client representation, litigation, and administrative advocacy
• LLM and SJD degree programs in Energy and Environment for attorneys seeking additional specialization
• the Water Resources Law and Policy Institute
• the Payson Center for International Development
• the Tulane Environmental Law Journal
• a student-run Environmental Law Society actively involved in issues and outings
• the annual Environmental Law Summit
• and strong companion programs in Maritime Law and in International and Comparative Law.
The Katrina disaster brought with it the challenge to respond to, and re-organize, an entire city and region. Tulane law students were instrumental in organizing the Student Hurricane Network, with participation from companion schools across the country, focused on the immediate needs, and then the more long-term needs, of the Gulf Coast. Members of the Tulane faculty established a non-governmental organization, From the Lake to the River, to provide legal assistance on housing, levee reconstruction, and similar issues. Tulane’s Environmental Law Clinic has brought several lawsuits against unsafe toxics and waste management practices, while the Civil Law Clinic has filed, and won, similar cases on fair housing issues. Still other professors, and the Water Law & Policy Institute, are engaged on an almost daily basis with the hurricane protection and coastal restoration programs. Tulane’s environmental law alumni, in turn, are found on all sides of the private litigation over insurance coverage and flood damages. For all of these critical issues, New Orleans has become a living laboratory of policy, planning, and law.
**THE CURRICULUM**

The environmental law curriculum at Tulane presents both pollution control and natural resource management programs, private law and toxic tort remedies, international and domestic perspectives, considerations of science, economics, and technology, hands-on application, and the perspectives of the many stakeholders in the field. The course schedule is designed to maximize the number of different courses to which both JD and LLM candidates may be exposed during their time at Tulane. Starting with foundation courses in Pollution Control, Natural Resources Law and Administrative Law, the curriculum includes the following courses on an annual basis:

- Administrative Law
- Advanced Energy Regulation
- Animal Law Seminar
- Climate Change Seminar
- Energy & Environment, LLM Seminar
- Energy Regulation & the Environment
- Environmental Criminal Law
- Historic Preservation Seminar
- International Environmental Law
- Law of the Sea
- Law, Sustainability & Development
- Marine Pollution
- Natural Resources Law
- Oil & Gas Law
- Pollution Control
- Toxic Tort Litigation Practice
- Toxic Tort Theory & Practice
- Water Resources Law & Policy

**European Union Law: Energy**

- & Environment
- Hazardous Wastes & Substances
- Land Use Planning
- Sustainable Energy Law & Policy
- Trade & the Environment

**In recent years, Tulane has also offered the following specialized courses:**

- Environmental Decision Making Seminar
- Environmental Justice
- Environmental Science & Law
- Fisheries, Management & Law
- International Fisheries Law
- International Law of Biodiversity
- International Liability for Marine Pollution
- International Wildlife Law
- Louisiana Environmental Law
- Native American Environmental Law
- Reinventing Environmental Law

**Other regularly offered, related courses include:**

- Alternate Dispute Resolution
- Advanced Oil & Gas Law
- European Union Law: Constitutional Law
- International Human Rights Law
- International Oil & Gas Law
- Law & Economics
- Legislative & Administrative Advocacy
- Louisiana Oil & Gas Law

**ENVIRONMENTAL FIELD TRIPS IN AND AROUND NEW ORLEANS**

- Atchafalaya Swamp (in canoes)
- Jean Lafitte National Park
- Bayou Sauvage Refuge
- Bayou Trepagnier
- Vieux Carré and Garden District
- Mississippi River Industrial Corridor
- Honey Island Swamp
- Turtle Cove
- Red Creek, Wolf Creek, Bayou LaBranche
FACULTY AND STAFF

Members of Tulane’s environmental law faculty and staff are noted for their involvement in ongoing issues as well as for the effectiveness of their research.

Adam Babich is Professor of Law at Tulane and has been Director of the Environmental Law Clinic since May 2000. He received his JD from Yale in 1983 and his BA from Dickinson College in 1977. Before joining the Tulane faculty, he served as assistant attorney general for the Colorado Attorney General’s CERCLA Litigation Section, as adjunct attorney for the Environmental Defense Fund, as partner in a Denver law firm, as editor-in-chief of the Environmental Law Institute’s Environmental Law Reporter, and as a law clerk for the Colorado Supreme Court. Professor Babich has taught as an adjunct professor at Georgetown University, American University, and the University of Denver.

Colin Crawford joined the Tulane faculty in 2010 from the Georgia State University College of Law, where he founded and co-directed the Center for the Comparative Study of Metropolitan Growth and directed a summer program in Rio De Janeiro. He is the founder of Study Space, a project that brings together academics and graduate students each year for an intensive study of one city in the Americas or the Caribbean. He has also been a visiting professor at the University of Denver Sturm College of Law, the National School of Public Health, Oswaldo Cruz Foundation, in Rio de Janeiro, and the Technological Institute of Santo Domingo in the Dominican Republic, where he was a Fulbright Scholar. Immediately after his graduation from law school, he engaged in private legal practice in Tokyo and New York City in the areas of international, environmental, and land use law. Professor Crawford has significant expertise in international development, an area in which he teaches as works as Executive Director of Tulane’s Payson Center for International Development. He was recently awarded a three-year grant from Higher Education for Development/US Agency for International Development to direct an environmental law capacity-building project in Guatemala, Nicaragua, and the Dominican Republic. He also directs Tulane Law School’s summer program in Rio de Janeiro. His teaching and research interests are in the environmental and land use areas, particularly comparative, cross-cultural environmental justice issues, with a particular focus on Latin America and the Caribbean.

Mark Davis joined the Law School as the founding Director of the Tulane Water Resources Law and Policy Institute in January 2007. He is also a Senior Research Fellow at Tulane Law School. For the prior fourteen years he served as executive director of the Coalition to Restore Coastal Louisiana where he helped shape programs and policies at the state and federal level to improve the stewardship of the wetlands and waters of coastal Louisiana, one of the world’s greatest coastal and estuarine resources. He has practiced law in Indianapolis, the District of Columbia, and
Chicago and has taught at the Indiana University (Indianapolis) School of Business and the IIT-Chicago Kent School of Law in Chicago. Mr. Davis is an expert on water resource management and stewardship. He received his law degree from Indiana University-Indianapolis and the MLT from Georgetown University.

Günther Handl holds the Eberhard Deutsch Chair of Public International Law at Tulane Law School. He holds law degrees from the University of Graz, Cambridge, and Yale. He has been a Fellow at the Max-Planck-Institute of Public International Law in Heidelberg, Germany and has taught at various universities in the United States, Canada, and Europe. He is the founder and a former Editor-in-Chief of the Yearbook of International Environmental Law. He has served as consultant to various international organizations and governmental agencies, and has served as a special adviser in the Austrian Ministry of Foreign Affairs. He has published widely in the fields of public international law, international environmental law, law of the sea, and nuclear energy law, and is a recipient of the Elisabeth Haub Prize for achievements in the field of international environmental law.

Oliver Houck, Professor of Law at Tulane, is one of the most respected environmental law scholars and lecturers in the country, publishing widely on water, wetlands, and wildlife issues. He has served on two committees of the National Academy of Sciences, and currently serves on the boards of several national environmental organizations. He has led successful efforts to preserve Louisiana’s Atchafalaya Basin, and his work has led to the creation of a foundation to restore Lake Pontchartrain. Currently, his focus is on restoring the Louisiana coastal zone. A graduate of Harvard College and Georgetown University Law Center, he served as General Counsel to the National Wildlife Federation prior to joining the Tulane Law School faculty in 1981. Tulane law graduates who have studied with Professor Houck remember, years later, two things about him: the rigor of his classes and his insistence on student involvement in the classroom and out. He is a recipient of the President’s Award for Excellence in Teaching at Tulane University and the Distinguished Achievement Award from the Environmental Section of the American Bar Association.

Lisa Lavie Jordan, now a Staff Attorney with the Environmental Law Clinic, first was affiliated with the Clinic as an LLM student at Tulane in 1990-91. Subsequently, she served as a prosecutor in the Orleans Parish District Attorney’s Office. She has been associated with the Environmental Law Clinic, on and off, since 1996. She has also taught in Tulane’s Trial Advocacy Program and has donated her time to coach Tulane’s ATLA Trial Teams.
Elizabeth Livingston de Calderón is a Staff Attorney for the Environmental Law Clinic. She started her career in private practice with Winthrop, Simson, Putnam & Roberts in New York City, later moving to Pepper Hamilton in Detroit, Michigan. A magna cum laude graduate of Tulane Law School and a member of the Tulane Law Review, she returned to New Orleans in 2002 to teach Legal Research & Writing at Tulane, and she directed Tulane’s international graduate legal studies program from 2004 until 2006. Ms. Calderón also holds an MA in classical languages from Tulane University and a BA from Connecticut College. She joined the staff of the clinic in May 2006.
Mike Murphy joined the Clinic in 2007 to handle community outreach as well as budget and grant duties. An electrical engineering graduate of the University of New Orleans, he worked in that field for 12 years in Los Angeles. His involvement in southern California coastal issues led him to law school. Mr. Murphy earned his JD from Pace Law School in 2005. While in law school, he was president of the Environmental Law Society, interned at the EPA in Washington, DC, and participated in the Pace Environmental Litigation Clinic.

Amy Stein joined the faculty of the Tulane University Law School in 2010. Previously, she taught at The George Washington University as an adjunct professor in the environmental studies program and as Visiting Associate Professor of Legal Research and Writing, Acting Associate Director of the Legal Research and Writing Program, and Co-Director of the Scholarly Writing Program at The George Washington University Law School. After her graduation from law school, Professor Stein worked for a number of years as an associate for Latham & Watkins LLP in Washington, DC and in the firm’s Silicon Valley office. Professor Stein practiced in Latham’s environmental and litigation departments. She is a member of the District of Columbia, Illinois, and California state bars. She has published and given presentations on environmental and energy law topics, including recent publications in the University of Colorado Law Review and the Duke Environmental Law and Policy Forum. Professor Stein’s primary teaching and research interests are in the areas of environmental law, energy law, and administrative law.

Corinne Van Dalen, Staff Attorney at the Tulane Environmental Law Clinic, graduated from the University of Florida Law School in 1990. She began her legal career in New Orleans as in-house counsel for ACORN, representing its associated organizations in litigation involving the Fair Housing Act and FCC regulations. In 1992, she moved to Washington, DC to work as a legislative specialist for an organization representing states’ interests, focusing on the Clean Water Act, Coastal Zone Management Act, and other environmental issues. She subsequently moved into private practice, working as a legislative specialist and then as a litigator, first in Washington, DC and then in New Orleans. In 2005, she joined the staff of the Tulane Environmental Law Clinic.

Other full-time faculty members offering related courses include Professors Keith Werhan (Administrative Law), Robert Force (Marine Pollution), and Stacy Seicshnaydre (Land Use Planning).
ADJUNCT FACULTY

Shaun Clarke teaches Environmental Criminal Law and is an attorney with the law firm of Liskow & Lewis in New Orleans. His practice focuses on white collar criminal law and compliance, environmental law, and business litigation.

Marilyn David teaches a seminar in Animal Law. In her private practice in Mississippi, she specializes in federal, state, and municipal government contract litigation.

William W. Goodell, Jr., formerly with the Louisiana Office of the Attorney General, is now in private practice and co-teaches a practicum in Toxic Tort Litigation.

Damon Kirin, formerly a trial lawyer partner in the Murray law firm, is now in private practice and teaches a course in Toxic Tort Litigation.

David Marcello is Director of the Public Law Center, a joint project of the Tulane University Law School and Loyola University New Orleans Law School. He teaches Legislative & Administrative Advocacy.

Dr. Stan Millan is a practitioner with Jones Walker and teaches classes in Hazardous Waste Material and Environmental Law Enforcement.

Dana M. Shelton teaches Sustainable Energy Law & Policy with Dr. Charles Reith. Ms. Shelton is an attorney at the New Orleans law firm of Stone Pigman Walther Wittman LLC. Her practice is concentrated in the areas of commercial litigation and public utility regulation.

Lloyd Shields teaches Historic Preservation Law. He is an attorney with Shields Mott Lund LLP in New Orleans and is active in the community in the area of historic preservation. He regularly speaks on the topics of negotiation and mediation skills and on construction and surety law.

Patricia Weeks, formerly an attorney with the Shell Oil Corporation, is now in private practice and teaches a course in Toxic Tort Litigation.

Paul Zimmering teaches Energy Regulation. He is a partner at the New Orleans law firm of Stone Pigman Walther Wittmann LLC.
SCHOLARSHIPS & AWARDS

Along with over $8 million in scholarships awarded to law students each year, several endowed scholarship funds are restricted in use to students concentrating in the field of environmental law, and others are restricted in use to students committed to public service or public interest work. These include:

Scott R. Bickford Law Scholarship
The Scott R. Bickford Law Scholarship provides tuition support to an incoming student at Tulane Law School. The scholarship is awarded to an incoming student demonstrating high academic achievement, with preference for a student with an interest in the study of environmental sciences, law or politics.

Robert C. Cudd Scholarship
This scholarship fund was established by Robert C. Cudd, III, who received his undergraduate (1958) and law (1960) degrees from Tulane. Scholarship awards are to go to deserving Louisiana residents who concentrate their studies in the fields of environmental law or historic preservation.

Haber Joseph McCarthy Memorial Fund
Established in memory of Haber Joseph McCarthy (‘85) by his widow, Michelle Comiskey McCarthy (‘85), and friends, the income from this endowed fund goes toward summer stipends for students pursuing summer public interest fellowships.

John E. Parker Scholarship Fund
This fund was endowed by Mrs. Juanita Tansey Parker (‘35) in memory of her husband, John Parker (‘32) who practiced law for many years in New Orleans with an emphasis on environmental issues. The income from this fund goes toward a scholarship for an upperclass student.

William A. Porteous, III Scholarship
The law firm of Porteous, Hainkel, and Johnson, LLP endowed this scholarship in memory of William A. Porteous III (‘62). The scholarship is awarded to a student who expresses serious interest in the area of environmental or maritime law, demonstrates high academic achievement, and is a resident of Louisiana.

A.J. and Peggy Waechter Scholarship
This endowed fund honors the dedication of A.J. Waechter to his law firm, Tulane University and his community. Preference is given to Louisiana residents, to students demonstrating active community service, and to students demonstrating outstanding academic accomplishment.

For additional information regarding endowed and outside scholarships, please visit: www.law.tulane.edu/scholarships_index.aspx.
VISITING FACULTY

Tulane hosts visiting professors annually from other law schools, federal environmental agencies, public interest organizations, foreign universities, and from private practice, keyed on critical issues of the day. Visitors may teach minicourses over the course of a few weeks, or full-semester courses. For example, Wil Burns, an expert in climate change policy and law, taught a course on this subject in Fall 2009. In 2007-08, Luke Danielson, an international expert on the regulation of the mining industry, taught a course on International Mining and Sustainable Development.

INTERDISCIPLINARY OPPORTUNITIES

The curriculum of the Law School and the University offer opportunities to pursue interdisciplinary studies. For example, Tulane students may pursue joint degrees in law and environmental science with Tulane’s School of Public Health and Tropical Medicine, in law and business with Tulane’s Freeman School of Business, or may expand their international knowledge through a joint degree with Tulane’s Stone Center for Latin American Studies or Payson Center for International Development, which itself is formally a division of the Law School. On a limited basis, and short of pursuing a second degree, Tulane allows JD and LLM candidates to enroll in related courses in other Tulane departments.

The Law School itself offers the opportunity to concentrate in areas in addition to environmental law, such as admiralty and maritime law, international and comparative law and European legal studies—each of which has a significant interface with environmental law. These other programs present advanced courses, guest speakers, and conferences on topics of mutual interest, creating additional opportunities for learning. Admiralty law conferences at Tulane might feature international speakers on oil spill liability and environmental harm, while environmental conferences might address the international maritime aspects of environmental events.

Tulane Law School maintains an extensive collection of international legal materials of particular relevance to the practice of environmental law, supplemented by the primary and secondary source materials gathered by individual faculty members in the countries in which they travel and work. The Tulane Law Library is an official depository for the International Maritime Organization, as well as for all US government documents. The environmental program has one of the country’s most complete collections of comparative environmental materials from the Western Hemisphere.

THE ENVIRONMENTAL LAW CERTIFICATE

Tulane offers an Environmental Law Certificate program as a method of organizing the study of environmental law. No single survey course or assortment of unrelated courses meets this need. Our objective is a coherent program that will prepare students for the legal problems they will confront in practice, whether on behalf of government agencies, industrial clients, private litigants, or public interest groups. In recent years, approximately 40 students in each class have received the Environmental Law Certificate at graduation.
The Certificate requires that a student complete a total of 15 credit hours in the field. Students must take two of the three foundation courses offered each year: Pollution Control (covering the fundamentals of air, water, and waste regulation), Natural Resources (covering the management of public and private resources), and Administrative Law (addressing the principles from which public environmental law derives). Three more courses are chosen from a lengthy list covering the full range of the environmental curriculum.

**LLM IN ENERGY & ENVIRONMENT**

First awarded in 1984, Tulane’s LLM in Energy & Environment offers students the opportunity to concentrate on oil, gas, and energy issues, or on environmental law.

Candidates for the LLM complete a curriculum of 24 credit hours, including the foundation courses chosen from Pollution Control, Natural Resources Law and Energy Law. Although there is no thesis requirement, candidates are expected to complete the Graduate Seminar in Energy & Environment.

Students may enroll on a full-time, one-year basis, or part-time over two years. Full-time candidates tend to be recent law graduates and attorneys from foreign countries with emerging environmental law systems. Lawyers from more than a dozen US states and from at least that many countries have received the LLM in Energy & Environment at Tulane.

- A 1993 graduate from Mexico was, six months later, enlisted by his country to assist in drafting the environmental side agreement for the North American Free Trade Agreement (NAFTA); subsequently, he brought the first “citizen suit” under NAFTA on behalf of Mexican environmental organizations.
- A 1998 graduate from Spain leads the legal team of Rios con Vida (Rivers with Life), which was awarded the National Environmental Prize.
- A 2002 LLM from Chile, in private practice, has also worked on a United Nations project addressing persistent organic pollutants.
- A 2002 LLM from Liberia is the founder of Green Advocates, an association of Liberian lawyers modeled in part on US public interest environmental law firms.
- A recent LLM from Croatia heads that nation’s largest park reserve.
- An LLM from Spain teaches in Madrid and heads a rivers-protection group; another was appointed Undersecretary for the Environment of the city of Cordoba.
- A 2009 graduate from Venezuela recently founded a non-profit environmental organization called Reforesting Earth.

Part-time LLM candidates are primarily members of New Orleans corporate law offices and private law firms. One part-time candidate was Director of the Department of Sanitation of the City of New Orleans. Another headed the environmental litigation section of the city’s largest corporate law firm. The LLM candidates greatly enrich the curriculum and the classroom with their perspectives and experience.
THE ENVIRONMENTAL LAW CLINIC

The Tulane Environmental Law Clinic, established in 1989, has a full-time director, three staff attorneys, and a community outreach director who works with neighborhood and other local organizations in need of assistance on environmental problems. Tulane JD students have the opportunity to engage in on-campus, faculty-supervised work in the practice of environmental law. Assisted by related courses in advocacy and by continuing critiques of their written and oral presentations, Tulane environmental clinic students are responsible for developing and maintaining contacts with clients; investigating and developing the facts; identifying, interviewing, and preparing the necessary witnesses; analyzing the legal issues, drafting documents, pleadings, and briefs; and presenting the case to the court or agency. Students do not work as law clerks or as assistants to the Clinic’s supervising attorneys. Rather, students function as student-attorneys and, in accordance with the student practice rules, are responsible for client representation under the supervision of the clinic’s lawyers. When a hearing or trial is held, it is the student-attorney, not the supervising attorney, who prepares the case and presents the evidence and arguments to the court or agency. This is not simulation; it is the real thing.

Since its inception, the Environmental Law Clinic has become involved in hundreds of cases and proceedings on behalf of almost 200 different community organizations, ranging from local environmentalists to neighborhood civic and housing organizations to municipal water providers. Clinic representation has taken place in state and federal trial and appellate courts, and in local, state, and federal agencies. The docket of the clinic is as varied as the environmental problems, involving issues of pollution discharges, wetlands protection, and urban zoning.

The Community Outreach Program of the Tulane Environmental Law Clinic strives to ensure that clients develop and maintain an overall strategy to achieve their goals and that they are actively participating in their cases. This work involves helping clients to understand the scope of the environmental quality and enforcement problems that exist and the actions they can take to effect change. The Community Outreach Program assists clients in working with the Clinic’s staff attorneys and technical experts to identify the best remedies and to become involved in the environmental decision-making process.

For more information about Tulane’s Environmental Law Clinic, see the Clinic’s web site at www.tulane.edu/~telc.

INSTITUTE FOR WATER RESOURCES LAW & POLICY

Since 1995, Tulane’s environmental program has included an Institute intended to strengthen the intellectual and academic contributions of the Law School in the field of environmental law. The Institute also serves as a center for examination of critical issues and provides Tulane law students with meaningful opportunities for involvement in environmental policy-making.

In 2006, following hurricanes Katrina and Rita, Tulane Law School re-oriented its
WORKING WITH NEIGHBORHOOD AND LOCAL ORGANIZATIONS IN NEED OF ASSISTANCE
TULANE’S ANNUAL SUMMIT ON ENVIRONMENTAL LAW AND POLICY
- KEYNOTE ADDRESSES AND SESSIONS FROM THE 2011 SUMMIT

Keynote Addresses:
Brent Blackwelder
President Emeritus, Friends of the Earth
Climate Change and National Security

John Nagle
John N. Mathews Chair at the Notre Dame Law School
What Evangelicals Think about Climate Change and Why it Matters

Sessions:
• Ethics and Professionalism
• Food vs. Fuel
• The New Grid
• Nuclear Energy: Where Do We Go From Here?
• The Fracking Equation
• Factoring in the Animals (presented by Tulane’s Student Animal Legal Defense Fund)
• Getting There From Here: Sustainable Transport
• This Land is My Land: Natural Resources and Native American Lands
• Are We Out of Gas? The Peak Oil Question
• The New Europe: Alternative Energy
• Tangled Up in Turbines: Avian Species and Wind Energy
• The Demand Side
• Going with the of Flow
• China: The New Energy Giant
original Institute for Environmental Law & Policy to fit the new demands of water policy in the state and region. Among other revelations of these catastrophes were that neither the State of Louisiana nor the United States nor any entity of any type had a comprehensive program to protect New Orleans, nor to restore a rapidly collapsing coastal zone.

The Tulane Institute for Water Resources Law & Policy is designed to meet this need. It focuses on the work of independent engineers, wetland scientists and others, including Tulane law students, on the dozens of projects planned and proposed to save South Louisiana. It brings similar resources to bear on the management of the Lower Mississippi River and looks for analogies to other systems in the US and abroad. Primarily a think tank, the Institute's mission is to involve Tulane students and faculty in this thinking, on which the future of the region depends. The Institute's Director is Mark Davis, Senior Research Fellow at Tulane Law School.

ANNUAL CONFERENCE
Beginning in 1996, the student-run Environmental Law Society has worked with the policy Institute to host an annual conference on Law, Science and the Public Interest. The conference typically engages over 300 participants and 40 speakers from the local, national and international communities. The topics addressed often serve as the basis for further research and publication. Conference themes have included Human Rights and the Environment, Environmental Justice, Urban Environment Policy, Energy Conservation, Water Law, Coastal Development, Genetically Modified Organisms, Corporate Responsibility, Biopiracy, a wide range of post-Katrina issues, and Climate Change.

Students are involved in every aspect of the planning and execution of the conference each year. The conference brings to Tulane students the opportunity to meet in small groups or one-on-one with prominent speakers and potential employers.

ENVIRONMENTAL LAW JOURNAL
The Tulane Environmental Law Journal publishes two issues each year in a full law review format. It offers the opportunity for additional research and for participation in an exciting, student-run enterprise. Members are chosen through an annual “write-on” competition. Journal articles are national in scope, although discussions of particular interest to the Gulf South are also included. Recent Journal issues have focused on such topics as the Deep Water Horizon Disaster in the Gulf of Mexico; Biological Diversity; Fisheries Management; Air Quality Permitting; Toxic Torts; Sustainable Development; Environmental Standing; the Mississippi River; the Endangered Species Act; and a 25-year review of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

ENVIRONMENTAL LAW SOCIETY
Tulane is noted for the involvement of its students in environmental issues. Just as the curriculum emphasizes the solution of practical problems and advocacy skills, the students actively participate in decision-making and in programs to improve environmental quality. It was the Tulane Environmental Law Society that in 1992 led the University's conversion to recycling and the use of recycled materials; it has since petitioned the Supreme Court of Louisiana for rules requiring the same of local courts.
In recent years, ELS students assisted in inner-city environmental education programs and pursued funding for City bikeways and other alternative means of transportation. ELS students also publish the Tulane Environmental Law News, which describes current students’ activities in the environmental field, as well as alumni profiles. The News functions as a clearinghouse for alumni to stay on top of all of the activities of Tulane’s environmental law program, and as one way to help current students network with practicing attorneys.

The Environmental Law Society also leads regular trips to local industrial facilities to see pollution and abatement mechanisms first-hand. It also leads students, often joined by the faculty, on trips into the Atchafalaya Swamp and nearby wildlife refuges—unforgettable pieces of American’s natural history. Indeed, one of the things that sets Tulane’s program apart is the regularity with which our students are out in the field, experiencing the environment and seeing first-hand the effects both of conservation efforts and of decisions to the contrary.

 RELATED PROGRAMS

Tulane is also noted for its strong programs in maritime law and in international and comparative law. Specialty certificates are offered in Admiralty and in European Legal Studies. The admiralty and maritime law program provides a strong base for students interested in the relationships between maritime practice and environmental law, including marine pollution and liability. Tulane’s well-known strength in international and comparative law provides both support and enrichment to the environmental program.

 CAREERS AND ALUMNI

Tulane Law School’s Career Development Office has a staff of eight, including five career counselors who work with all students on their job searches. One career counselor specializes in public interest opportunities and works closely with students interested in environmental law careers, serving as liaison to the Environmental Law Society and organizing programs on environmental careers. Other career counselors have expertise in private sector, government, international, and alternative career paths.

Tulane graduates pursuing environmental law careers work in a wide variety of settings in an even wider range of geographical locations. As an example, ten graduates who provided recent updates to the Tulane Environmental Law News work in the following settings and locations: The Hudson Riverkeeper, New York City; private firms in Richmond, VA; Austin, TX; Nashville, TN; Philadelphia, PA; Washington, DC; and Seattle, WA; US EPA in Cincinnati, OH; Texas General Land Office, and the Solicitor’s Office of the Parks and Wildlife Division, US Department of the Interior.

Below are just a few examples of how Tulane Law School’s environmental law alumni are making a difference in today’s world.

- A 1991JD has been appointed to Special Counsel on all environmental matters for the Texas Commission of Environmental Quality.
- A JD graduate in 1994 is Section Chief of the Environmental Crimes Section of the US Department of Justice.
• A 1997 JD graduate works with the US Congressional Office of Legislative Counsel and organized a panel on Katrina litigation at the Federal Bar Association.
• A 2002 graduate returned to New Orleans to work with the Center for Biological Diversity on its successful campaign to prevent sea turtles from being harmed during the BP oil burn-offs.
• A 2007 graduate has recently been promoted to Lieutenant Commander of the US Coast Guard and has also worked as a legal advisor to the Unified Area Command for the Deepwater Horizon Spill.
• A 2008 Environmental Law Certificate recipient is serving as Vice Chair for the ABA SEER Superfund and Natural Resource Damages Committee.
• A 2008 JD recipient is an attorney for the Texas Water Development Board
• Another 2008 JD graduate was appointed General Counsel of the Fair Housing Project in New Orleans.
• A 2010 graduate works with the President’s Council on Environmental Quality in Washington, DC.

The Tulane Public Interest Law Foundation (PILF), through its own fundraising efforts and with assistance from the Law School, provides summer fellowships for eligible students seeking positions with government agencies and public interest firms specializing in, among other areas, environmental law.

Tulane students have obtained summer positions with such entities as the Audubon Society in Portland, Oregon; the Environmental and Natural Resources Division of the US Department of Justice; the National Wildlife Federation; the Natural Resources Defense Council in Washington, DC; the US Environmental Protection Agency; and the environmental enforcement divisions of a variety of State Attorneys General offices.

Tulane graduates who are employed in certain public interest positions and earn below a specified salary level may be eligible for Tulane’s Loan Repayment Assistance Program (LRAP) or for one of several other similar programs.
RECENT ARTICLES AND COMMENTS IN THE TULANE ENVIRONMENTAL LAW JOURNAL

- Worst Case & the Deepwater Horizon Blowout: There Ought to be a Law
- We (Used To?) Make a Good Gumbo- The BP Deepwater Horizon Disaster and the Heightened Threats to the Unique Cultural Communities of the Louisiana Gulf Coast
- Lingering Relevance of the Coastal Zone Management Act to Energy Development in our Nation’s Coastal Waters?
- The Intergovernmental Relations of Water Policy and Management: Florida- Holland Parallels
- The Accretion/ Avulsion Puzzle: Its Past Revealed, Its Future Proposed
- Identifying and Valuing Groundwater Withdrawal Rights in the Context of Takings Claims – A Texas Case Study
- Concessions of a Shopaholic: An Analysis of the Movement to Minimize Single-Use Shopping Bags From the Waste Stream and a Proposal for State Implementation in Louisiana
- Curious Corners of Louisiana Mineral Law: Cemeteries, School Lands, Erosion Accretion, and Other Oddities
- Analogy By Necessity: The Filed Rate Doctrine and Judicial Review of Agency Inaction
- The Social Function Doctrine and Land Reform in Latin America
- The Alien Tort Statute, Corporate Accountability, and the New Lex Petrolea
- May the Market Do What Taking Jurisprudence Does Not: Divide a Single Parcel into Discrete Segments?
- Trash is Commerce—Go Directly to Washington and Muddle Along: Solid Waste Management in Tennessee and the Commerce Clause
- Invoking the 5th Amendment to Preserve and Restore the Nation’s Wetlands in Coastal Louisiana
- Municipal Liability for Disaster Debris Disposal The Coalbed Methane Boom
- Paradoxical Conservation and the Tragedy of Multiple Commons
COURSE DESCRIPTIONS

Animal Law Seminar
This seminar covers the substance and principles of existing law as it addresses nonhuman animals. This will include animal issues raised in the areas of criminal law, torts, property, constitutional law, contracts, wills and trusts, and various animal-focused federal statutes. Students will assess the future possibilities of using various legal concepts and tools, such as “rights,” “legal personhood,” and “standing,” to address the relationship of humans to living beings outside the human species. The seminar will address how cultural traditions affect conceptualization of legal protections and existing rights with which court systems and lawyers must deal regarding animal issues.

Clean Air Act
This course will explore legal and policy issues arising under the federal Clean Air Act, as substantially amended in 1990. Topics will include state implementation plans (SIPs), permits, air toxics, and enforcement. The course also examines how state and local regulation of air pollution interacts with the federal scheme.

Climate Change Seminar
This seminar begins with an overview of the causes and effects of global climate change. We will examine international efforts to address climate change through the United Nations Framework Convention on Climate Change, the Kyoto Protocol, and the Copenhagen Conference. The course will then turn to the past and proposed actions of the U.S. Congress, the executive branch and the courts, as well as regional, state and municipal efforts to address climate change. The Clean Air Act, the National Environmental Policy Act, and nuisance will receive special attention. We will evaluate the various legal tools that are available to address climate change, including cap-and-trade schemes; carbon taxation; carbon sequestration, command-and-control regulation; litigation; securities disclosures; and voluntary action. Additional topics covered include the role of energy policy, adaptation, geoengineering, and implications for international human rights, international trade, environmental justice, and international and intergenerational equity.

Coastal & Wetlands Seminar
This course focuses on federal and state laws designed to manage and protect coastal resources, including the Coastal Zone Management Act, Section 404 of the Clean Water Act and the Sustainable Fisheries Act. Related research is directed towards problems of living marine resources, pollution, public trust, and public and private development. Independent research, hands-on investigation and local travel maybe are required; one weekend will be spent at a coastal research station in Southern Louisiana.

Comparative Environmental Law
This course treats the basic principles of environmental law from a comparative point of view, as seen in the US, Canada, Latin America, Europe, and the Far East. It explores constitutional bases, administrative organization, impact assessment, enforcement, pollution control, endangered species and natural area management, public and private property rights, and emerging concepts in environmental policy. Unlike international environmental law, it does not treat international treaties or their implementation; rather, the focus is on comparing national laws, policies, and practices.
Disaster Response and Recovery
This course focuses on the interrelationships between governmental and other human activities during and after a large disaster, whether natural or manmade. The different roles and attributes of governmental branches and levels will be analyzed against the occurrence and aftermath of hurricanes Katrina and Rita in the Gulf Coast Region of the United States. Students will evaluate the efficacy and consequences of current and proposed disaster legislation and management policies in individual research papers.

Energy Regulation & the Environment
This course exposes students to the legal, economic, and structural issues involved in both energy regulation and energy markets, focusing on electricity. The course covers legal concepts important to an understanding of energy law, as well as explores the options for electricity generation (coal, natural gas, nuclear, and renewable) and transmission. The course examines both the traditional monopoly model of regulation and evolving competitive alternatives, with emphasis on the policy implications of various methods of regulation. The course exposes students to the latest approaches to managing the electric grid, including energy resource planning, pollution management, rate design, green markets, energy efficiency, demand side management, renewable energy portfolios, climate change, and carbon management.

Environmental Criminal Law
This course addresses environmental criminal enforcement, principally under federal law. The course uses hypothetical fact patterns and class discussion, rather than a lecture format. Reading materials include cases, historical materials and government criminal enforcement policy statements. Class members are expected to address issues from the perspective of prosecutor, investigator, defense attorney and judge. The course initially canvasses environmental criminal statues and traces their increasing use since 1970. Other topics include prosecutorial discretion, mental state requirements, ethical issues in defense representation, corporate criminal liability, and federal sentencing guidelines. Federal agents and prosecutors and criminal defense attorneys attend and participate in selected classes.

Environmental Enforcement
This course is a theory of everything environmental. That is, it cuts across the body of the environmental statutes and goes to the heart of the law -- enforcement. Permits and rules are mainly technical, and (except for rule-making litigation and legal transactions) enforcement is mostly where the lawyer reigns. So we will not focus so much on details of the programs other than what happens after a violation. We’ll cover such topics as EPA priorities, enforcement theories, over-filing, reporting, investigations, civil penalties, injunctions, citizen suits, audits, remediation and NRD remedies (optional), and even aspects of LEED litigation, qui tam, EJ, and white collar criminal prosecution. Classes will be lecture, case discussions, and problem solving from a text.

Environmental Law Clinic
Students enrolled in this clinical program handle environmental matters such as the disposal of hazardous and solid waste, the discharge of air and water pollutants, the protection of wildlife, wetlands and scenic rivers and the preservation and enhancement
of urban environment. Student attorneys have responsibility for representing clients in judicial and administrative proceedings. Student attorneys research and draft pleadings and comments, write and argue motions, negotiate settlements, and present evidence at trials or adjudicatory hearings.

Environmental Science & the Law
The course begins with a brief introduction to the role of environmental science in the litigation process, including an overview of the use of expert witnesses and special procedures available for use in cases involving extensive scientific evidence. The course then proceeds to an examination of several core areas of environmental science that arise frequently in toxic tort and environmental enforcement litigation, including scientific notation and basic statistics, sampling and analysis techniques, risk assessment, ground-water, air, and soil. Scientists teach the basic scientific concepts relevant to each; the instructor then integrates these concepts into the legal framework of environmental litigation.

Endangered Species & Biodiversity Seminar
This seminar examines the evolution of wildlife law towards the protection of endangered species and the preservation of biological diversity. Particular attention will be given to new developments under the Endangered Species Act and ecosystem management and to the interface here between science and law.

Hazardous Wastes & Substances
This course provides a working understanding of two principal federal statues: RCRA on the proper management of hazardous waste and CERCLA on the clean-up of hazardous substances when they are improperly managed. 42 U.S.C. §§6901, et seq., and §§9601, et seq. Topics covered include risk management, waste classification, cradle to grave scheme, permits, nature of CERCLA liability, innocent landowners, lenders, PRPs, reporting, cost recovery and contribution, natural resource damages, all appropriate inquiries, transactions, and brownfields.

Fisheries, Management & Law
This seminar explores the decline of the world’s fisheries, conflicts in their use and management, and fisheries regulation at the state, national, and international levels. Applicable laws include the Fisheries Conservation and Management Act, Marine Mammal Protection Act, Law of the Sea, European Union law, treaties, and relevant pollution control programs. Individual research and travel are required, as is a field program in fisheries ecology.

Historic Preservation Seminar
This seminar presents a national, state and local perspective on historic preservation in a broad sense, including protection of the urban environment and of archaeological, cultural, and other historic resources. It examines laws dealing directly and indirectly with preservation, and the institutions that implement them. The City of New Orleans provides rich material for this examination. Students are required to research selected topics and to present their findings orally to the class and in a substantial final paper.
**International Environmental Law**
This course examines the basic international legal setting for the protection and management of the environment. It discusses how international law is made and applied, the role of international environmental regimes or institutions, transboundary liability and compensation, enforcement strategies and compliance control mechanisms. Major themes of the course include human rights and the environment, the interface of free trade and environmental protection, the financing of global environmental protection measures, and the protection of biodiversity. North-South issues generally as well as various regulatory regimes for the protection of the global commons, and internationally sensitive natural resources, including the Climate Change Convention, will also be addressed.

**Land Use Planning**
This course focuses on governmental mechanisms designed to deal with urban and suburban land use issues and problems. The interplay between law, local government discretion, and democratic processes will be examined, with a particular emphasis on the influence of third-party rights on land development. Topics include zoning, local, regional, and statewide planning, subdivision regulations, regulatory takings, historic preservation, fair housing, urban redevelopment, growth management, siting of unpopular land uses, and eminent domain.

**Law & Economics**
This course introduces students to the development of legal policy and analysis using economic theory. The topics covered in this course include the Coase theorem, the choice between property and liability rules, the application of game theory to legal problems, Arrow’s impossibility theorem, questions of voting structures and power, and the use of economic incentives as a regulatory tool.

**Law of the Sea**
This course reviews the public order of the oceans, i.e., the basic principles of international law, both customary and treaty-based, that apply to maritime spaces, such as territorial sea, the high seas, continental shelf, seabed, and ocean floor. The course analyzes the allocation of jurisdictional powers among individual states and the international community at large over the various maritime zones involved; the use and management of ocean resources, such as regional and global fisheries, regimes and seabed mining; marine environmental protection and pollution control; military uses of the ocean; and freedom of navigation. Special consideration is given to enforcement issues related to drug trafficking and violations of marine environmental protection or fisheries regulations.

**Law, Sustainability & Development**
This course is jointly offered to Law School students and International Development graduate students enrolled in Payson Center degree programs. The course asks students to explore three central questions: (1) how can and do law and regulation promote -- or hinder -- sustainable development? (2) to what extent are national development goals at odds with sustainability goals? and (3) can sustainable development law and regulation promote a more just, equitable society? Students are asked to consider the meaning and interpretation of the term “sustainable development” through various lenses – e.g., trade and the environment, human rights, property rights.
Marine Pollution
This course covers US legislation, administrative regulations, state legislation, and case law in the area of marine pollution. It also considers international conventions.

Natural Resources Law
This course is one of the two foundation courses in environmental law and presents a survey of programs that govern the use and protection of natural resource systems, including mining, timber, grazing, transportation, and water resource development. Special attention is given to the National Environmental Policy Act, and to management statuses for public lands, forests, parks, refuges, wilderness areas, and endangered species.

Oil & Gas Law
This course covers the law relating to oil and gas exploration, development, and production. Coverage includes oil and gas leases, mineral servitudes, various types of royalties, problems that arise when ownership is divided.

Oil & Gas, Advanced
A study of certain areas of oil and gas law that are involved in present day practice, including the scheme of federal and state regulation (the Outer Continental Shelf Lands Act, BOEMRE oversight of federal issues; the Louisiana statutory scheme for the issuance and administration of State leases, the oversight role of the State Mineral Board); a review of transactions involving mineral properties and the related documentation (purchase and sale agreements, title reports, operating agreements, farm-out agreements, unit agreements); the financing aspects of a mineral-based transaction (liens, transaction opinions); and a review of alternative energy projects (LNG, geothermal, gas storage).

Pollution Control Law
This course introduces the basic pollution control statutes, the Clean Water Act, the Clean Air Act and hazardous waste law. It examines and contrasts their objectives, their regulatory schemes, and their relative success. Special emphasis is given to comparing, contrasting, and critiquing the major regulatory approaches to pollution control: command and control regulation according to health-based or technology-based standards, and economic incentive schemes such as the amended Clean Air Act’s acid rain provisions. The course is a foundation for advanced courses in pollution control, hazardous wastes, toxic torts, and environmental advocacy.

Sustainable Energy Law and Policy
This course reviews policies and laws related the transition from non-renewable fossil and nuclear energy to renewable energy. Closely related aspects of energy law such as distributed generation, conservation, and efficiency will also be addressed: a rather exceptional blend of technology, economics, policy and case law. Students will learn about generating, storing, and utilizing energy especially from renewable sources, and about the costs associated with each approach. Students will also understand what policies have been proposed and enacted to promote efficiency and renewable production.
Toxic Tort Litigation Practice
This course offers a trial practice workshop in toxic tort litigation. Its classes follow the progress of a typical case from client interviews to complaint and answer, discovery, expert testimony (direct and cross), motions and oral argument. Grading will be based on written and oral exercises; no examination.

Toxic Tort Theory & Practice
This course studies the characteristic features of toxic tort litigation, such as the temporal separation between wrongful conduct and the appearance of injury, novel issues of medical causation, property valuation, environmental restoration and hazard assessment, and the difficulty of fashioning remedies. The impact of these core problems on doctrinal, procedural and evidentiary matters is explored. Special attention is given to the resolution of practical problems in the face of developing science, and unsettled law.

Trade & the Environment
This course explores the increasing tension between two important areas of public policy and law: the international trade and investment regimes on one hand, and environmental frameworks on the other. Students assess the potential for trading rules to constrain national and international environmental objectives and examine the international legitimacy of environmental protection regimes that employ trade measures. Students also consider claims that comparatively weak national environmental regimes create “pollution havens” and study potential normative responses to this perceived treat. The class also reviews the role of institutional players and the functionality of process-related provisions of trade agreements, including dispute resolution mechanisms and provisions for transparency and public participation.
Water Resources Law & Policy
This course covers the role and influence of the legal system on the use, allocation, and stewardship of water resources in the United States and Louisiana. The field of water resources management is rapidly evolving to accommodate storm protection, ecosystem restoration and sea level rise. Therefore, understanding the policies that form the basis for our current laws and the factors that influence current policy and lawmaking are an important part of the course’s focus. Course materials include law cases and related materials. The course is lecture oriented with occasional guest lecturers with specific experience in development of water resources law and policy. Students participate in one group project in which they develop, present, and defend a position paper on some aspect of the water resources management challenges arising in coastal Louisiana.

Administrative Law
The course explores the history, present status and nature of administrative agencies. The main emphasis is placed on administrative procedure, contrasting it with the judicial process, as well as constitutional limits on administrative action and the due process rights of persons who are adversely affected by agency action. Topics covered include: delegation of powers, the law of judicial review of agency actions, and procedural requirements of administrative rulemaking and adjudication.

Legislative & Administrative Advocacy
Legislative and Administrative Advocacy examines how bills become law and how agency rules are promulgated. Each student will research and draft a proposed bill or agency regulation on behalf of a client group, present it in a mock hearing, and write a research paper. Grades are based in equal proportions on the draft of an instrument, mock hearing, and research paper; there is no examination. Class meetings will cover legislative and administrative research methodologies, drafting techniques, constitutional restrictions, and public access to information. This clinical course is open for enrollment by second and third year students from both Tulane and Loyola.

FOR ADDITIONAL INFORMATION
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