ENVIRONMENTAL LAW

Georgetown Law offers a rich array of environmental law and policy offerings. Whether students are hoping to work for a private firm, a public interest group, an international organization, or federal, state, or local governments, Georgetown's diverse courses build from foundational materials to advanced offerings suitable for both its J.D. and advanced degree students.

Environmental law is a broad field that cuts across sectors and disciplines. It encompasses subjects ranging from pollution control, to environmental justice, to biodiversity protection, to natural resource management, to climate change mitigation and adaptation, to energy regulation. It implicates administrative, criminal, transactional, finance, and property law, among others.

Whatever environmental law path students seek, Georgetown offers foundational offerings, additional depth and specialization, and often advanced study through clinics, practicums, and seminars. It may be helpful to think of the courses as divided into five categories:

- **foundational courses** that provide the fundamental skills needed to practice in different areas of environmental law;
- **core courses** that provide a basic understanding and introduction to key concepts and approaches in environmental law;
- **advanced or specialized courses** for students interested in gaining more proficiency in specific facets of the field;
- **clinics and practicums** that provide opportunities to engage in real-world legal projects while learning key lawyering skills; and
- **related courses** that cover areas of law closely related to environmental law that may be important for a practitioner in a specific area.

FOUNDATIONAL COURSES

Environmental law is grounded in statutes and regulations, so it is essential for an environmental lawyer to have a strong grasp of legislation and regulation and statutory interpretation, which can be developed in the 1L electives *Legislation and Regulation* and *Statutory Interpretation* or the upper level course *Legislation*. Because so many environmental cases concern the appropriate scope and content of agency action, students intending to pursue a career in environmental law should take *Administrative Law*. Advanced offerings in those fields (for example, upperclass courses on Congress, advanced statutory interpretation, or federal funding and budgets) offer further immersion opportunities.

Given the prominence of state and local governments in regulating everything from forests to energy markets to waste management, *State and Local Government Law* is invaluable to aspiring environmental lawyers, as is *Land Use Law*, which focuses on the intersection of state and local law, real property development, and environmental law. Students interested in environmental governance at the global scale should take *International Law I*.

CORE COURSES

Core courses include *Environmental Law, International Environmental Law, Natural Resources Law, Energy Law and Policy* and the *Environmental Research Workshop*.

Environmental Law is the basic introductory course in this curriculum cluster. While this survey course is not a formal prerequisite to all other courses in this area, students would be well advised to take this important course as early as possible in their environmental studies. The Law Center typically will offer two sections of Environmental Law each year. Both focus primarily on the major federal environmental statutes. These include, among others, laws relating to air and water pollution, hazardous waste handling and disposal, and environmental impact analysis.

Many environmental challenges are transnational in nature, from shared river basins to international wildlife trade to global threats like climate change. *International Environmental Law* introduces international legal principles and frameworks related to environmental protection, conservation and sustainable use, as well as the functioning of multilateral institutions and regimes.

Given the necessarily abbreviated emphasis in the *Environmental Law* courses on the laws relating to public lands and other natural resources, such as wildlife, interested students would also be well served by taking the core course in *Natural Resources Law*. *Natural Resources Law* introduces students to the laws governing the renewable and nonrenewable natural resources, like forests, wildlife, water, and minerals, as well as the ownership, conservation, and exploitation of our nation's public lands and marine areas. The course explores the constitutional, economic, and political underpinnings of these laws, as well as hot button topics like takings and federalism.

Energy Law and Policy is a rapidly growing area of environmental law. This is itself a large field, ranging from oversight of energy extraction and study of business practices in the energy sector, to finance, to regulation of energy sector pollution, to federal, state, local, and regional regulation aimed at the challenge of climate change, to tax policy, to rate regulation, and to government incentives for energy (including clean energy) development.

Another noteworthy course in the environmental curriculum is the *Environmental Research Workshop*. Outside (or inside, if appropriate) scholars present works in progress to the class. Speakers present "environmental research" in its broadest sense, including topics in administrative law, constitutional law, corporate law, and other fields which may affect the future direction and shape of environmental regulation.

ADVANCED AND SPECIALIZED COURSES AND SEMINARS

Depending on the student's own needs and interests, more specialized or advanced courses in the environmental cluster may be valuable. These include courses and seminars relating to specific sectors or ecosystems (such as *Maritime Law*, the *Water Law Seminar* or *Oil and Gas Law*), legal approaches to environmental challenges (such as the *Environmental Justice Seminar* or the *Environmental Advocacy Seminar*) or intersections between environmental law and other fields (such as *Business, Human Rights and Sustainability, the International Trade Rules and Climate Change Seminar, the Art of Regulatory War Seminar,* and *National Security and the Law of the Sea*).

Some of the specialized courses (such as *Law and Policy of the Energy Transition* and *Corporate Purpose and ESG Issues Seminar*) provide the theoretically inclined student the opportunity to address broad issues of public policy and resource allocation in more depth than the basic survey course allows. Others (such as the *World Health Assembly Simulation* and the *Urban Laboratory*) let students put ideas into practice in real world scenarios.

CLINICS AND PRACTICUMS

For the student interested in developing practice-oriented skills in this area, there is no better learning opportunity than participating in a clinical program or practicum.

In the Environmental Law and Justice Clinic (ELJC), students work on matters of local necessity or national importance in the areas of environmental justice, pollution control, natural resources, and climate. The ELJC is an immersive and multi-modal experience, exposing students to the broad range of work in which environmental attorneys engage. The ELJC teaches students key lawyering and advocacy skills through litigation matters, regulatory work, and other advisory projects. Students advocate on behalf of groups ranging in size from small community groups to tribes to large environmental or public justice organizations.The Policy Clinic (Harrison Institute for Public Law) works with states on developing policy proposals for building economies that are, among other things, environmentally sustainable.

Practicums like *International Environmental Law in Practice, Advanced Environmental Law: Climate Change and the Natural Resources* and *Energy Law and Policy Practicum* allow students to work on real world projects with partner organizations under the supervision of an experienced professor.

RELATED COURSES

While some might argue that, given its pervasive nature, environmental law is related to all fields of legal study in one way or another, certain courses are particularly relevant for modern environmental lawyers.

Some fields of law are so closely related to specific environmental issues as to be practically essential for students pursuing those issues. *Federal Indian Law* is highly relevant for students interested in public lands, environmental health or environmental justice. *Food and Drug Law* and *Biotechnology and the Law* are useful for those interested in the intersection of intellectual property law and the regulation of toxic substances and genetically modified organisms, as well as the emerging global discussion on synthetic biology. *Historic Preservation Law* introduces students to federal, state, and local law governing efforts to preserve historic structures while also accommodating urban vitality and property rights.

Students interested in international law and sustainable development should seek out courses like *International Human Rights Law, Law and Development, Rule of Law and the Administration of Justice,* and *International Law Seminar: Poverty Reduction and Accountability* as well as the basic course in *International Law*. Those interested in energy issues would do well to take courses like *Derivatives Regulation, The Law of Public Utilities,* and *International Project Finance*.

Courses such as *Negotiations, International Arbitration,* and *Federal Courts* may also contribute greatly to a student's understanding of environmental law. Other courses that may once have seemed far afield from the study of environmental law -- in particular, *Corporations, Insurance, Copyright Law, Patent Law,* and *Securities Law* -- also are increasingly important to a thorough understanding of this field. Professors in many sections of these courses devote some coverage to legal issues arising in the environmental field.

revised July 2023

Search Environmental Law Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_12)

LAW 025 v00 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 025 v00)
J.D. Course (cross-listed) | 3 credit hours
This course considers the constitutional, statutory, and other legal limitations on what government agencies can do and how they can do it. What constraints govern the power of agencies to make law, decide cases involving private parties, and investigate citizens? How much "due process" must government agencies give citizens whose lives they affect; what limits has Congress imposed on the procedures for agency decision making; and to what extent can people call on courts to check what they regard as abuses of governmental power? These are among the questions addressed in the course, which draws together problems ranging from the legitimacy of New Deal institutions to the dramatic procedural innovations of recent federal administrations and problems created by renewed Congressional interest in the details of agency decision making.

Recommended: For Professor Nager's section: Prior or concurrent enrollment in Constitutional Law I: The Federal System.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first-year course, Government Processes.

LAW 025 v06 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 025 v06)
J.D. Course | 3 credit hours
This course is designed to introduce you to the core institutions and processes of the modern administrative state. You will come to understand the tremendous power exercised by administrative agencies as well as the significant constraints under which they operate. You will learn the procedures governing the key categories of administrative action; the doctrine governing judicial review of administrative action; and non-judicial mechanisms of agency control within the Constitution's separation-of-powers framework.

Learning Goals: By the end of the semester, you should be able to:

(1) Identify the legal framework (statutory, constitutional, doctrinal) that applies to a particular issue of administrative action;

(2) Apply the relevant legal framework to a given set of facts; and

(3) Evaluate the merits of the legal framework against a variety of normative goals.

You should also (4) be conversant in contemporary debates about the administrative state and be able to articulate and justify your views.

Mutually Excluded Courses: Students may not receive credit for this course and the upperclass course with the same title.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 025 v08 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 025 v08)
J.D. Course | 3 credit hours
Virtually all areas of law today involve a substantial element of administrative law. This course introduces you to the role of administrative agencies and how law and political factors shape their powers and work. This includes materials on how they are empowered and constrained by the Constitution, Congress, presidents, and the courts. We also study ways in which agencies generate law and develop policies. This class coverage includes, among other topics, materials on citizens' abilities to petition, shape, and litigate over agency actions; changing views of presidents' roles and powers over agencies; and statutory factors and doctrine shaping judicial review of agency law interpretation, reasoning, responsiveness, policy shifts, and engagement with science and facts.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first-year course, Government Processes.

LAW 1349 v01 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1349 v01)
J.D. Course | 3 credit hours
There is no more fundamental course in law school than administrative law. This course introduces you to the modern administrative and regulatory state. You will come to understand both the tremendous power exercised by administrative agencies and the significant constraints (legal and political) under which they operate. You will learn to identify the design features that might make an agency constitutionally problematic, the factors that make one type of decision-making framework more appropriate than another, the prerogatives and limits of agencies in interpreting the statutes they are charged with administering, and agencies' prerogatives and limits in adjudicating facts and exercising policymaking discretion. You will also learn to identify the factors that affect the availability and timing of judicial review of agency action.

Mutually Excluded Courses: Students may not receive credit for both this course and the upperclass course with the same title.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 1905 v00 Advanced Administrative Law Seminar – The Consumer Protection Agencies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1905 v00)
J.D. Seminar | 2 credit hours
The course's goal is to familiarize students with the challenges consumer protection agencies face. The course will focus on the Federal Trade Commission, the Consumer Financial Protection Bureau, and the Food and Drug Administration. The course will require significant readings about contemporary policy issues, and those readings will be the launching point for in-class discussions. Many of the readings will come from the Federal Register and the Administrative Conference of the United States; others will critique the work of one or more of the consumer protection agencies. During seminars, students will often engage in role-playing: some students will take on the role of senior agency officials, others will be lawyers for consumer groups that seeks to force the agency to take certain actions (regulatory or enforcement), or lawyers representing a company or trade association opposing regulation or to stave off enforcement actions.

Prerequisite: Administrative Law.

LAW 029 v00 Advanced Environmental Law: Climate Change (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 029 v00)
(Project-Based Practicum)
J.D. Practicum (cross-listed) | 4 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professor. This project-based practicum course will focus on the evolving legal and policy developments concerning global climate change, and provide students the opportunity to engage in hands-on work with policymakers in addressing the issue. Students will participate in a two hour/week seminar and carry out ten hours/week of project work including regularly scheduled meetings with professor and Georgetown Climate Center attorney advisors.

SEMINAR: This seminar covers the current understanding of climate change science and impacts, international and domestic policy approaches, technological and adaptation responses, and legal and regulatory cases and developments. Class participation and attendance will be graded.

PROJECT WORK: Students will prepare papers and make presentations in class and to outside partners on topics being analyzed for state and local governments through the work of the Georgetown Climate Center of Georgetown Law (http://www.georgetownclimate.org/). Students work with the professors and advisors to develop professional-quality work products that can be shared with outside partners. The Center works with states and communities on crafting policy strategies to reduce emissions that contribute to climate change and to adapt to the consequences of climate change.

Prerequisite: Environmental Law. J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not take another practicum course or a clinic at the same time as a project-based practicum course. Students may enroll in an externship at the same time as a project-based practicum course.

Note: This course may be suitable for evening students who can regularly attend class and participate in calls or meetings during the day as students interact with professors, advisors, and/or clients.

This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately ten hours of project work per week, for a minimum of 11 weeks. Both the seminar portion and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Regular and punctual attendance is required at all practicum seminars and students are required to devote the requisite number of hours to their project. If a student must miss seminar, project work, a meeting or a deliverable, he or she must speak to the professor as soon as possible (ideally beforehand) to discuss the absence or missed assignment. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor's discretion, may be withdrawn from the practicum course. In practicum courses,

LAW 3151 v00 Advanced National Security Law and the Sea (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3151 v00)
LL.M Seminar (cross-listed) | 2 credit hours
This course will examine how sovereign States apply the law of sea, other international and domestic laws, and oceans policy to issues affecting national security. Foundational provisions of the 1982 UN Convention on the Law of the Sea, to include baselines, maritime zones, transit regimes, flag and port State control of activities aboard ships, marine environmental protection and access to seaborne resources, and military uses of the sea, will be explored through case studies and hypotheticals. Students will examine how the substance, structure, and practice of the developing law of the sea intersects with other international legal principles and regimes, such as territorial sovereignty and the law of armed conflict, and with domestic and international laws and policies concerning space, cyberspace, electronic warfare, and intelligence collection and sharing. Students will assess the various mechanisms States have implemented to avoid dangerous incidents at sea, seek peaceful resolutions to maritime disputes, and combat illegal seaborne activities. From Great Power Competition to Pacific Island Nation food security, from countering nuclear proliferation to humanitarian assistance/disaster relief, students will explore how the law of the sea is both shaped by and shapes States' responses to national security challenges.

Learning Objectives:

Students will:

- Exhibit an understanding of the history, foundational provisions, and differing interpretations of the 1982 UN Convention on the Law of the Sea.
- Gain an understanding of how law of the sea and oceans policy interrelates with current national security issues.
- Develop the skill to apply the law of the sea, other international and domestic laws, and oceans policy to national security challenges and effectively communicate opinions and analysis to senior national security leaders.

LAW 127 v00 Advocacy Tools for Public Interest Lawyers (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 127 v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course is designed for students embarking on careers in public interest law or policy and explores the many necessary techniques to become highly effective advocates for social change. The purpose of the class is to help class participants develop creative advocacy approaches and learn to think beyond litigation and other traditional legal strategies to meet key client and societal goals. In particular, the course will: 1) explore how coalition building, grassroots organizing, and public policy advocacy can be used to enhance legal strategies; 2) teach basic public interest advocacy skills, including media relations, fundraising basics, legislative advocacy and lobbying, leveraging data and research, social marketing and public opinion, and cutting-edge digital strategies; and 3) introduce students to dynamic experts in relevant issue areas, from lobbyists to communications experts. Using compelling case studies and background reading materials, students will have the opportunity to use multiple advocacy tools to tackle real-life social problems on the local and national levels. Grades will be based on the extent and quality of class participation and written assignments.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.

This course is only open to J.D. students.

LAW 1789 v00 Biotechnology and the Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1789 v00)
J.D. Seminar (cross-listed) | 3 credit hours
This is a survey class, examining issues ranging from drug regulation, clinical trials, assisted reproductive technology, telemedicine, and stem cell development/regulation to the commercialization of the human body. For this class we will use the Biotechnology, Bioethics, & The Law Casebook (Goodwin, et. al., eds). This course requires substantial reading, preparation, organization, and the ability to analyze subtle nuances between various judicial decisions, legislative enactments, ethics, and legal rules, which sometimes may seem in conflict.

In this class, we will examine whether emerging biotechnological conflicts are best resolved by regulation, judicial intervention, or private negotiation. Professor Goodwin encourages robust dialogue. As such, students should come to class prepared with their ideas, intuitions, and opinions. Their analysis should demonstrate a grasp of the materials. Students are expected to discuss the materials, act responsibly toward their peers, as well as conduct themselves in a professional manner. There are no prerequisites for this course. However, students must be prepared for rigorous discussions and substantial reading assignments. This course is a building block for the other courses in ethics, health law, and a law and science curriculum, including Patents, Food & Drug Law, Health Regulations, and Bioethics. The core competencies expected in this class are critical thinking and the application of social, legal, moral, and economic reasoning.

Much of the reading assigned for class will be covered during discussion. However, some assigned readings may not be covered given limited class time. Nonetheless, students are responsible for all reading materials. The readings include excerpts from medical journals, regulations, cases, newspapers, and social science periodicals.

Course Goals

The goals of this course are to:

- *Introduce students to the study of biotechnological developments, health policy, and ethics;*
- *Familiarize students with the medical and legal literature on the topic;*
- *Engage students with practical as well as theoretical ideas in biotechnology law;*
- *Stimulate intellectual curiosity about the subject matter;*
- *And inspire critical thinking and thoughtful analysis.*

LAW 370 v02 Business and Human Rights in the Global Economy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 370 v02)
J.D. Seminar (cross-listed) | 2 credit hours
Corporations today have a global scale as well as an impact that matches or sometimes exceeds that of governments. Their activities -- from sourcing of raw materials, to processing and production of intermediate or finished goods, to distribution and sale -- have major consequences not only for the human rights of their employees but also for the rights of the individuals and communities impacted by their operations.
In many countries, government regulation and oversight are either absent or largely ineffective. Companies in turn struggle to define their responsibilities in the face of these "governance gaps" -- particularly where requirements under national law fall short of international standards in areas such as hours of work and safety and healthy.

A robust and often contentious debate over these issues culminated in the development of the U.N. Guiding Principles on Business and Human Rights (the “UNGPs”) under the leadership of Special Representative John Ruggie. These Principles establish a framework for considering the respective roles of governments and corporations and outline core concepts of human rights due diligence and effective remedy. In doing so, the UNGPs also inform and to some extent refocus efforts that have emerged over the past 20 years to address these governance gaps and have brought together stakeholders from business, labor, civil society, the investment community, and academia.

At the same time, in recent years there has been an increased push from civil society groups and certain governments to go beyond these "voluntary" efforts and develop a binding business and human rights treaty mechanism; this has met with strong opposition from business and many other governments, including the United States.

Even as "non-regulatory" approaches remain the predominant means of addressing various business and human rights challenges, there also has been a growing focus in recent years on tools through which national governments and international institutions could exercise greater leverage. This includes advocacy for stronger labor and other human rights language in trade agreements, one-way trade preference programs, procurement standards, and the rules and guidelines applied by international financial institutions -- coupled with more aggressive enforcement of those criteria. Expanded efforts to advance that "regulatory" approach in trade policy and elsewhere in some cases has been met with resistance from governments and business, but there also have been examples of emerging consensus among a diverse range of stakeholders.

This course introduces students to this quickly-evolving business and human rights landscape, including the diverse set of multi-stakeholder initiatives -- some, but not all, of which include government participation. We will discuss the guidance provided by the UNGPs and other instruments, the range of stakeholders and how they engage with one another, tools utilized by governments and corporations to implement human rights standards, and how all of these interact in the context of both sector-specific and cross-cutting legal and policy challenges.

Among the questions the course will examine are:

- Which human rights standards are most relevant to business?
- What are the appropriate linkages between business policies and practices and the promotion of human rights?
- Which business and human rights approaches are emerging as “best practices” and perhaps even as recognized norms?
- What tools to support those are being used by governments and corporations?
- Who are the principal stakeholders and what are their roles and objectives?

LAW 3060 v00 Business, Human Rights and Sustainability (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3060 v00)
LL.M Course (cross-listed) | 1 credit hour
The relationship between business, human rights, and sustainability has gained momentum in recent years with the private sector, governments, civil society, and international organizations, owing largely to the passage of the United Nations Guiding Principles on Business and Human Rights (UNGP) in 2011, the 2012 UN Rio + 20 Sustainable Development Conference and the UN Sustainable Development Goals (2015). These developments were preceded and followed by a series of multi stakeholder (governments, private sector, investors, civil society networks and organizations) and specific industry driven initiatives looking at how to integrate these international standards into both self and binding regulatory processes. As a result, many of these initiatives led to an emerging international soft law system of business, human rights and sustainability that is based in the internationally acknowledged body of hard law principles.

Regardless of being industry, sector specific or multi stakeholder in nature, the regulation, de-regulation, policy, practice and ever growing global litigation in this new field of practice is multifaceted, dynamic, interactive, complex and challenges business leaders, markets and even lawyers to think outside the box in order to address a challenging relationship between business, markets and society. This is where business strategy meets risks. Or instead, this is where risks eat a business strategy. As a result, business leaders, shareholders and their advisors are now required to integrate a 3D internal and external view and assessment on how to address, prevent, mitigate and remediate the social and environmental impacts (risks) of private sector operations in complex environments and with a collaborative and systems thinking approach.

Bar Associations in America and abroad have begun issuing specific guidance on how corporate lawyers should advice their clients incorporating human rights and sustainability standards. For instance, in a Mergers and Acquisitions (M&A) transaction, corporate lawyers are most likely to encounter questions dealing with social, environmental, human rights and environmental concerns. Those advocating on behalf of environmental and human rights organizations will find their work directly intersects with company law, securities law, investment law, governance, compliance, company law and alternative dispute resolution mechanisms to name a few sub areas.

Fast-forward 2020. The global COVID-19 pandemic has suddenly entered this space. It has done so highlighting the vulnerabilities and opportunities in the relationship between business, governments and society across the globe. Furthermore, the global pandemic is challenging all stakeholders not only to become relevant but to re-think, re-imagine and re-envision new models that seek engagement, resilience, addressing grievances, investment, economic recovery and accountability frameworks.

In practice, these global and ever growing litigation trends are also challenging traditional company-led corporate social responsibility (CSR) and ethics programs that have been associated with both philanthropic, corporate citizenship and company-sponsored activities that give back to societies. While many of these programs have achieved several levels of success, for many sectors in society they remain as corporate public relations or green wash exercises and demand more transparent, accountable and remediation responses. The stakes are high.

Litigation, a growing movement towards mandatory human rights and environmental due diligence and reporting requirements and other types of social demands are challenging companies to be very purposeful and accountable on how they address the environmental, social and governance negative impacts (for some) or violations (for others) of their

LAW 1884 v00 Constitutional Aspects of Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1884 v00)
J.D. Seminar (cross-listed) | 2 credit hours
Since the 1970s, environmental law has provided an important context for the development of constitutional doctrines. These developments have accelerated in recent years as environmental issues have risen to the forefront of the political debate and received increased attention from parties across the political spectrum. This course focuses on recent jurisprudence, and current developments in environmental law that relate to constitutional issues. To that end, students will examine recent agency rules, appellate briefs, and court decisions. At the outset we will discuss constitutional limits on Congress's power to enact statutes addressing environmental harm. We will then turn to how courts interpret Congressional delegations of authority to administrative agencies including separation of powers issues. Finally, we will address constitutional limits on judicial review. The course will also include conversations with guest speakers from the federal government, state government, and private sector who have worked directly on developing the challenged actions and litigating the cases we will discuss.

The course materials will include agency regulations and guidance documents, excerpts of merits briefs and oral argument transcripts, as well as published opinions.

LAW 1747 v00 Corporate Purpose and Environmental, Social and Governance (ESG) Issues Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1747 v00)

J.D. Seminar (cross-listed) | 2-3 credit hours

In a seminal 1970 essay, economist Milton Friedman famously wrote that a corporate executive's responsibilities are solely to the company's stockholders and that the stockholders' desires are for the corporation "to make as much money as possible." Many credit this essay with inspiring a widely held notion that a corporation's purpose is to make money for its stockholders without considering the interests of the greater society. Others, including some investors, have argued that corporations should be evaluated on issues beyond their financial performance, and in recent years many of these issues have been grouped under the acronym "ESG," standing for a corporation's environmental, social and governance practices. Conditions and events such as climate change, the pandemic, the BLM movement, voting legislation and growing economic inequality have heightened ESG awareness. Notable business groups, academics and others have explicitly or implicitly rejected the Friedman position and have argued that corporations have significant ESG-related obligations.

This seminar will consider issues related to the purpose of a corporation and its obligations to its stockholders and the larger group of stakeholders, the fiduciary duties of corporate directors in the context of ESG, agency issues associated with differing interests of stockholders and management, the role of the SEC and other regulators in corporate ESG matters, considerations of investors focused on ESG issues and their ability to influence corporate ESG actions, reporting of ESG-related information by companies and ratings of companies on the basis of that information and the impact of ESG considerations on corporate performance and profitability. We will also consider particular ESG issues and how corporations have addressed them. There is no textbook for the seminar. Readings will include legal, academic and general articles and materials on the subjects being covered.

Course Goals/Student Learning Outcomes:

The primary objectives of this course are for students to develop an understanding of the often-conflicting considerations that affect a corporation's handling of ESG issues and the perspectives of investors who make investment decisions on the basis of ESG considerations. This will include an understanding of state corporate law fiduciary considerations, the application of federal securities, labor, banking and other laws to ESG activities and the impact of corporate governance principles. Students completing the course should be in a position to advise clients and colleagues on these considerations.

Mutually Excluded Courses: Students may not receive credit for this course and Sustainability for Big Law and Big Business.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1551 v00 Decarbonizing the Energy Sphere: A Federal Regulatory Approach (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1551 v00)

J.D. Seminar (cross-listed) | 2 credit hours

Burgeoning climate concerns, abetted by technological advances, have permitted new federal regulatory strategies to reduce carbon emissions in the energy sphere. Relying mostly on precedents less than four years old, this course will explore environmental policy involving wholesale energy sales, transmission of electricity, and transportation of natural gas. We will apply the legal framework of statutes organic to the Federal Energy Regulatory Commission as a starting point to examine incentives and impediments to new wind and solar generation and strategies such as carbon pricing. The operation and continuing relevance of the Public Utility Regulatory Policy Act in competitive wholesale markets with also be examined. The course will further address how seemingly local concerns, such as rooftop solar, may implicate federal energy regulation and policy interests. Turning to pipelines, we will examine how National Environmental Policy Act, Clean Air Act, and Clean Water Act requirements affect authorization of new construction, applied concepts of environmental justice, law and policy regarding export of liquified natural gas, and potential remedies for pipeline construction subsequently found to have been unlawfully authorized, among other topics.

Decarbonizing the Energy Sphere: A Federal Regulatory Approach will provide students the foundation to critically assess the balance of environmental values and ubiquitous consumer demands, such as reliability and affordability. Case readings will be paired with a policy text to undergird discussions of means within the broader investment and technological context to achieve environmental objectives. Our examination of policy options will be informed by consideration of a broad array of stakeholder interests. By gaining exposure to major environmental controversies in federal energy regulation, students will gain deep practical knowledge and develop insights into the formulation of decarbonization strategies.

To provide opportunities to apply course concepts and materials, students will participate during class time, and with ample advance notice, in oral argument and judging. By creating an outline in support of scenario-based legal positions and arguing for them in a supportive environment and reaching a determination in the context of a well-defined legal controversy, students will gain experience in the advocacy and evaluation of complex, contemporary legal issues where federal energy and environmental law intersect.

Recommended: Administrative Law.

LAW 1860 v00 Energy Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1860 v00)
J.D. Course (cross-listed) | 3 credit hours
This course covers the foundational legal and policy frameworks for energy systems in the United States, including: the management, development, transportation, and use of energy resources; the generation and transmission of electricity; and the future of energy systems. Throughout the course, students will engage with enduring themes of energy law: markets v. regulation; governance choices (including federalism); and the law's approach to climate change and social justice with respect to energy resources. The professor will use a traditional textbook as well as contemporary case studies to offer students opportunities to test and apply their knowledge throughout the course.

Learning Objectives:

- Upon the conclusion of the course, students will be able to comprehend, apply, analyze, and synthesize key energy-related statutes and regulations administered by the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Environmental Protection Agency, and the Department of Energy, as well as typical frameworks administered by state public utility commissions and other state energy agencies.
- Students will also be able to engage the core themes of energy law to analyze and critique existing legal regimes and new policy proposals.

Mutually Excluded Courses: Students may not receive credit for this course and Energy Law and Policy.

LAW 1472 v00 Energy Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1472 v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course will present the framework for the governance of energy production, distribution and use in the United States, and provide a foundation for future coursework on these subjects. While the course will focus primarily on U.S. law, it will address some international subjects and examples. Topics will include the evolving U.S. fuel mix and market dynamics, utility restructuring and grid modernization, roles of state and federal governments, the role of different policymakers and regulatory bodies in overseeing U.S. energy systems, relevant environmental laws, and emerging policy issues. There are no prerequisites, although experience with administrative law or environmental law would be beneficial.

Learning Objectives:

1. Substantive expertise
   - The physical nature of the energy system (how it is produced, distributed, and used)
   - Common terminology and acronyms related to energy and its regulation
   - Key statutes and regulations applying to energy production, distribution and use, and key cases interpreting this legal framework
   - Current issues being debated in energy law
2. Understanding of governance structure
   - The roles and responsibilities of different policymakers and regulators (e.g., economic regulators, environmental regulators, natural resource managers, legislators) and how they relate to each other
   - State and federal responsibilities in overseeing the energy system
3. Legal and policy skills
   - How to explore questions of regulatory authority by state and federal agencies
   - How to write analytically about legal and policy questions

Recommended: Administrative Law, Environmental Law.

Mutually Excluded Courses: Students may not receive credit for this course and Energy Law.

LAW 2009 v01 Energy Markets in Transition (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 2009 v01)
LL.M Seminar (cross-listed) | 2 credit hours
Energy markets are transitioning rapidly toward a lower carbon future in response to federal and state initiatives and the sentiments of activists, consumers and investors. This transition is creating business opportunities and legal challenges not only for new entrants, such as the providers of renewable energy, energy storage and distributed energy resources, but also for incumbent market participants, such as utilities, pipelines, natural gas producers, independent power producers and large energy consumers. The course will focus on the economic regulation of physical energy markets by the Federal Energy Regulatory Commission (FERC), along with the interplay involving the Congress, federal and state regulators, market participants and other stakeholders. We will examine five main areas: (i) the foundational laws (the Federal Power Act and Natural Gas Act) and legal doctrines governing FERC's regulation of physical energy markets and the non-discriminatory transmission of electricity and natural gas by wire and pipe; (ii) the impact of restructuring wholesale electric power and natural gas markets pursuant to those laws; (iii) energy market enforcement and compliance policies, derived in large part from securities market regulation; (iv) what generation, transmission and pipeline infrastructure will be needed to ensure reliability and resilience as we transition to a lower carbon future; and (v) "hot topics" such as carbon pricing in organized wholesale electricity markets, the shale gas revolution, federal-state conflicts, pipeline and electric transmission infrastructure development and cost allocation, and integrating distributed resources and renewables Students will gain an appreciation for the legal and market challenges confronted by market participants during this transition. One or more sessions will feature guest lecturers. There will be no final examination. Instead, each student's grade will be based on a final paper that takes a position on a key legal or policy issue and defends that position persuasively, several short quizzes during the semester, and class participation.

LAW 142 v02 Energy Problems Seminar: Climate Change and Other Energy Issues (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 142 v02)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar considers economic, political, and legal aspects of current problems in the petroleum, natural gas, electrical, nuclear, coal and alternative energy industries with particular focus on global warming and the impact of climate change policies on energy use in the United States and abroad. In addition to the connection between global warming and energy, the seminar will examine: (1) the nexus between U.S. energy policy and Middle East wars and diplomacy; (2) the future of energy deregulation; (3) tensions between state and federal efforts to address energy issues; and (4) the problems and prospects of introducing new fuels and fuel sources, including nuclear, hydrogen, and renewables, into the U.S. and world economies. As these subjects sweep across the entire economy, they touch upon several fields of law: administrative law, antitrust, constitutional law, environmental law, oil and gas law, public utility regulation, and international law (both public and private).

Note: This seminar requires a paper. Students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement. The 3 credit section is open to J.D. students only and non-degree students may not enroll.

LAW 1702 v00 Environmental Advocacy Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1702 v00)
J.D. Seminar (cross-listed) | 3 credit hours
In a warming world, environmental advocacy is more important than ever. This course explores an array of discourses – from art, literature, religion, and psychology, to science, economics, and law – and an array of strategies – from direct action, to community building, to lawsuits – environmental advocates might embrace in pursuing their cause. We will explore the potential contributions of non-legal environmental discourses and strategies to legal argument, and the potential contributions of law to these discourses and strategies. One basic aim of the course is for you to see the possibility that progress on environmental protection might come through discourses other than law and through strategies other than lawsuits, while also appreciating the profound role law plays in shaping the environment we have today. Another is to help you think about what kind of advocate you hope to be.

Recommended: Recommended but not required: Prior or concurrent enrollment in environmental law, natural resources law, or international environmental law.

LAW 1855 v00 Environmental Justice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1855 v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This discussion seminar will explore topics in environmental justice from a range of perspectives, including historical accounts of the environmental justice movement, contemporary proposals as to how to respond to unfolding ecological crises, relevant case law and litigation, proposed legislation, domestic and international advocacy efforts, as well as imaginative literature and creative nonfiction. Our goals will be to arrive at a deeper understanding of pressing environmental problems, and, most important, to generate an array of compelling answers to the question, "what is to be done?"

We will begin by exploring accounts of our current environmental crises, their causes and impending consequences, and studying the beginnings of the environmental justice movement, which has sought for several decades to confront the racial and economic inequity of ecological harm. Our second meeting will explore several compelling contemporary proposals to address our current circumstances, ranging from domestic legislation and international diplomacy to organizing for a Global Green New Deal. In our third meeting we will focus on obstacles that impede meaningful change, both economic and political frameworks as well as legal efforts to preserve the status quo. Next, we will turn to creative nonfiction that explores various ways to think and work against these barriers towards a more sustainable and just future. Our fifth meeting will consider imaginative literature and art addressing the climate crisis to further expand our own imaginative horizons. Following our efforts to understand the potential and limits of past efforts to realize greater environmental justice, our sixth meeting will examine recent work addressing future possibilities for social movement advocacy, domestic and international organizing, litigation and legislation, and pushing for more fundamental changes to structures of collective governance and social life. In this penultimate week, we will read work associated with ecofeminist movements, indigenous environmental justice formations, the Black Hive of the Movement for Black Lives, the Sunrise Movement and other contemporary movement formations. In our final meeting, each seminar participant will share with the group a brief account of one additional idea and course of action they believe to offer an especially powerful response to our shared question, "what is to be done, now?"

Note: FIRST AND SECOND CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1274 v02 Environmental Justice: Law, Policy & Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1274 v02)
J.D. Seminar (cross-listed) | 2 credit hours
This course will introduce the concept of Environmental Justice in a variety of contexts, along with the specific legal challenges and remedies that arise from constitutional rights, statutory requirements, or executive actions. It will explore the frameworks that inform the analysis of environmental justice issues, including how an environmental justice lens can be applied to a wide range of areas to ensure access and equity focus efforts to resolve these complex issues.

Learning Objectives:

The primary learning objective for this course is to introduce to students how to incorporate environmental justice principles into their perspective and analyses of legal and policy issues. The course will seek to accomplish this through developing the following skills/competencies: (1) developing frameworks for answering fundamental environmental law questions and how environmental justice law can be used to enhance problem-solving to answer those questions; (2) identifying and applying existing laws and remedies to resolve environmental justice issues; and (3) developing creative environmental legal problem solving that addresses inadequacies of current law and its enforcement.

Recommended: Environmental Law.

LAW 146 v01 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 146 v01)
J.D. Course (cross-listed) | 3 credit hours
This course covers the key laws developed to control pollution. The main focus of the course is on current statutes, including the National Environmental Policy Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Superfund Act (CERCLA and SARA), and the Clean Air Act. Other statutes, such as the Oil Pollution Act, as well as climate change, are addressed briefly. Common law and pre-1970s efforts to develop law to obtain control are also reviewed. Relying on their practical experience, the instructors address application and interpretation of the statutes, Congressional actions to extend and modify the statutes, regulatory implementation of the statutes by executive agencies, enforcement policy and practice, the role of states, citizens' groups and industry, and private efforts at clean-up. The professors use problems to help students understand the practical application of the statutes in real-world contexts.

Strongly Recommended: Prior or concurrent enrollment in Administrative Law.

LAW 146 v08 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 146 v08)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v10 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 146 v10)
J.D. Course (cross-listed) | 3 credit hours
Between New Year's Day in 1970 and December of 1980, Congress enacted most of our major federal environmental statutes. To this day, these laws, as amended, form the core of this country's approach to addressing environmental problems. All of the laws aim to achieve cleaner water, air, and land, while at the same time taking very different approaches to doing so. This course will introduce you to the major federal statutes on environmental protection, including but not limited to the Clean Air Act, the Clean Water Act, and the Superfund law. You will come to understand the basic regulatory goals and mechanisms of these laws. You will also learn how one might choose among these goals and mechanisms in fashioning environmental policy. Ideally, you will come away with an informed judgment about how far we have come in protecting the environment and how far we still have to go.

Recommended: Administrative Law or a first-year elective on legislation and/or regulation.

LAW 528 v03 Environmental Law and Justice Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 528 v03)
J.D. Clinic | 12 credit hours
Please see the Environmental Law and Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/our-clinics/environmental-law-and-justice-clinic/) for more detailed information about the program.

For registration-specific supplemental materials, please see the Environmental Law and Justice Clinic PDF (https://georgetown.app.box.com/s/dz21lrvqnc7zvtivy2g6meoxsrn52ppk/).

For information about clinic registration, please see the Clinic Registration Handbook (https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88/).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 156 v01 Environmental Research Workshop (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 156 v01)
J.D. Seminar (cross-listed) | 2-3 credit hours
Students in this class will have an opportunity to study, comment on, and develop scholarship of their own regarding environmental law and policy. The class will include introductory materials and discussion about attributes and methods of environmental scholarship. Then the workshop will introduce you to some of the best academic scholars in environmental law who will present a work-in-progress. In both advance written comments and through workshop discussion, students will engage presenting scholars regarding their scholarship. Depending on the presenters' paper subjects and others' availability, the workshop might also include a few classes with responsive comments from an outside visitor from government, not-for-profits, law firms, businesses, or legal academe.

Students can fulfill their Georgetown Law upper level writing requirement with an opportunity to produce substantial, publishable legal scholarship on a topic related to environmental, energy, or natural resource law, broadly defined, and receive three credits for their efforts. All students will provide all speakers and the professor with at least brief (no more than one page) of advance comments and questions. Two credit students will provide more in-depth comments to three speakers and the professor, with such comments expected to be five pages in length and reflect careful reading of both the paper and, as necessary to provide knowledgeable comments, draw on selective delving into other scholarly or primary materials relevant to, or referenced in, the presented paper. Our last session together will include a bit of debriefing, but will mainly be a session for three credit students to present their drafts and receive comments.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 213 v01 Federal Indian Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 213 v01)
J.D. Course | 2 credit hours
This course examines the body of law dealing with the status of the Indian tribes, their special relationship to the federal government, and the governmental policies underlying it. It will also focus on the legal interrelationships among tribal, state, and federal governments, tribal gaming and economic development, and tribal rights to natural resources.

LAW 1202 v01 Food and Drug Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1202 v01)
LL.M Seminar (cross-listed) | 2 credit hours
This course will introduce students to the foundational laws and policies governing the production and distribution of foods, drugs and medical devices in the United States, focusing on the Federal Food, Drug, and Cosmetic Act (the "Act") and the role of the Food and Drug Administration in enforcing the Act. The course will cover key concepts and definitions -- e.g., "food," "drug," "labeling" -- and federal statutory provisions designed to assure that such products are not adulterated or misbranded. Students will also receive an overview of the different agencies that have jurisdiction over foods, drugs and devices on the state and federal levels, as well as an introduction to the ways in which such agencies exercise their authority through rulemaking, guidance and enforcement activity.

LAW 1298 v00 Global Anti-Corruption Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1298 v00)
J.D. Seminar (cross-listed) | 2 credit hours
In 1977, the United States adopted the Foreign Corrupt Practices Act ("FCPA") to combat bribery of foreign public officials. As with many U.S.-led initiatives, it was seen at the time as naïve, quixotic, myopic, and doomed to failure. A little more than 20-years later, the Organisation for Economic Co-operation and Development ("OECD") adopted its Convention on Combatting Bribery of Foreign Public Officials, and as required by the Convention, the countries of Western Europe promptly adopted organic statutes modeled, in large measure, on the FCPA.

In the ensuing decade and a half, prosecutions of corporations for foreign bribery have become perhaps the most important prosecutorial priority for the Department of Justice ("DOJ") and Securities & Exchange Commission ("SEC") and certainly the most financially lucrative U.S. prosecution initiative. Transnational investigations have become a staple of these prosecutions. All 10 of the largest FCPA prosecutions have occurred since 2008; of these, eight have involved foreign corporations.

This course will cover the development of U.S., international, and foreign initiatives against public-official bribery. Because (at least in the US) most of these cases have been resolved without litigation, we will focus on critical, unresolved issues, such as the FCPA's definition of a foreign "instrumentality" and a "foreign official," as well as the scope of U.S. extra-territorial jurisdiction. In addition to addressing the substance of foreign and international laws and conventions, we will explore the critical issues that arise from the growing trend in trans-national investigations and prosecutions, including double jeopardy, res judicata, and international data collection.

We will explore these issues through fact-based, real-world scenarios drawn, in large part, from the "Bonny Island" case, which involved a scheme by four international corporations to bribe three successive Nigerian presidents (as well as a constellation of lower-ranking officials) to secure multi-billion dollar contracts for the construction of an LNG facility in Nigeria. We will use this factual setting to frame class participation and in-class exercises and projects, with the goal of sharpening critical thinking, tackling complex legal questions in concrete factual settings, and honing advocacy skills.

Learning Objectives:

We have the following expectations of learning outcomes:

1. We expect each student to achieve mastery of the basic concepts underlying the US Foreign Corrupt Practices Act, including the basic statutory terms, the elements of the various offenses, and the scope of U.S. jurisdiction. In our experience, it is impossible to fully understand and discuss more challenging questions about the scope or application of the statute without mastery of the fundamentals.
2. We expect each student to gain an understanding of the roles and policies of the U.S. enforcement authorities, the Department of Justice and the Securities and Exchange Commission, and the manner in which FCPA cases are investigated, prosecuted, and defended, as well as how the U.S. enforcement agencies would approach a problem and what outcomes are likely to result.
3. We expect each student to gain an understanding of the global enforcement landscape for anti-corruption. Students are expected to achieve a basic understanding of the OECD Convention on Bribery, other international anti-bribery conventions, and the leading state laws, including the Brazil Clean Companies Act, the UK Bribery Act, and the French Sapin II. Students will also gain an understanding of the role of the World Bank and other multi-lateral development banks in the worldwide scheme.
4. We expect students to learn the basic principles of anti-corruption

LAW 216 v02 Historic Preservation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 216 v02)
J.D. Seminar (cross-listed) | 2-3 credit hours
In recent decades, the preservation of historic buildings, neighborhoods, and landscapes has become a significant basis for regulation of private property, as well as an important motive for public and charitable ownership. In the District of Columbia, for example, there are over 25,000 buildings and 60 historic districts protected. This seminar examines the theory and practice of historic preservation. The practical focus of the course will be on the nationally significant law and institutions in the District of Columbia and how they might be improved. Students will have opportunities to hear from recognized preservation experts and architects, visit several districts, attend public proceedings of the DC Historic Preservation Board, and meet with actual participants in controversial preservation battles. Each student must complete a substantial original research paper, as the seminar satisfies the upperclass writing requirement.

Recommended: Constitutional Law and/or Land Use Law.

Note: J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the two-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 240 v01 International Business Negotiations (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 240 v01)
J.D. Seminar | 3 credit hours
This course is structured around a semester-long, simulated negotiation exercise in which the students in this class will represent a US pharmaceutical company (KJH Pharmaceutical Corporation) and the students in a similar class, at the University of Dundee in Scotland, will represent an African agricultural production company (Malundian Cassava Corporation). The two companies are interested in working together to exploit a new technology developed by KJH Pharmaceutical that uses the cassava produced by Malundian Cassava Corporation. The form of their collaboration could be a joint venture, a licensing agreement or a long term supply contract. The negotiations will take place through written exchanges and through live negotiation via videoconference. Substantive law issues related to the transaction, as well as negotiations strategy and related issues, will be addressed in this class.

The purpose of the course is to provide students with an opportunity (i) to gain an introduction to transactional law and experience the sequential development of a business transaction over an extended negotiation, (ii) to study the business and legal issues and strategies that impact the negotiation, (iii) to gain insight into the dynamics of negotiating and structuring international business transactions, (iv) to learn about the role that lawyers and law play in these negotiations, (v) to give students experience in drafting communications, and (vi) to provide negotiating experience in a context that replicates actual legal practice with an unfamiliar opposing party (here, the students at Dundee).

The thrust of this course is class participation and active involvement in the negotiations process. Students are expected to spend time outside of class, working in teams, to prepare for class discussions involving the written exchanges as well as preparing for the live negotiations. Class discussions will focus on the strategy for, and progress of, the negotiations, as well as the substantive legal, business and policy matters that impact on the negotiations. Grades will be based on participation in the exercises, students' diaries, and a final paper.

Recommended: Prior or concurrent enrollment in Corporations.

Mutually Excluded Courses: Students may receive credit for this course and the graduate course International Negotiations Seminar (LAWJ/G-958). Students may NOT receive credit for this course and the J.D. course International Negotiations Seminar (LAWJ/G-240) or the graduate course International Negotiations (LAWJ/G-3029).

Note: This course is open to J.D. and LL.M. students.

Students may not withdraw from this class after the add/drop period ends without the permission of the professor. Due to the coordination with the class in Dundee, Scotland, this class does not cancel even if Georgetown Law is closed. In the event of a weather closing, this class will be held via Zoom.

LAW 240 v02 International Business Negotiations (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 240 v02)
J.D. Seminar | 3 credit hours
This simulation course is structured around a semester-long negotiation exercise in which the students on one team of lawyers will be negotiating with students on another team of lawyers. One team will represent an African agricultural production company (Malundian Cassava Corporation) and the other team will represent a multi-national pharmaceutical company (KJH Pharmaceutical Corporation). In the simulation, the two companies are interested in working together to exploit a new technology developed by KJH Pharmaceutical that requires use of a plant crop (cassava) produced in Malundi and sold by Malundian Cassava Corporation. The form of their business collaboration could be a joint venture, a licensing agreement, or a long-term supply agreement. The negotiations will take place through written exchanges and through face-to-face negotiation sessions. Substantive legal topics related to the transactions, as well as to the process of international negotiation and related issues, will be covered in this course.

The goals of this course are (i) to introduce students to transactional law and practice, (ii) to provide negotiations training and experience in the context of international transactional practice, and (iii) to develop legal-practice skills. Students will apply their legal and non-legal knowledge in the role of lawyers negotiating an international business transaction, within the controlled environment of the classroom.

This experiential course is built around active involvement in the transactional negotiations process. Students may expect to spend some time outside of the class meetings working in teams to prepare the written exchanges and prepare for the negotiations. Class meetings will focus on the strategy for and the process of the negotiations as well as on many of the substantive legal, business and policy issues that arise in the course of business negotiations. Grades will be based on 1) written self-evaluation "journal" entries and 2) a final paper (see "Course Requirements" below).

Recommended: Prior or concurrent enrollment in Corporations and Contracts.

Mutually Excluded Courses: Students may receive credit for this course and the graduate course International Negotiations Seminar (LAWJ/G-958). Students may NOT receive credit for this course and the J.D. course International Negotiations Seminar (LAWJ/G-240) or the graduate course International Negotiations (LAWJ/G-3029).

Note: This course is open to J.D. students only.

In addition to the 2-hour Monday classes, this class has five Saturday sessions (see times below). These sessions are devoted to the live negotiations. Due to the Saturday sessions, the Monday sessions will end earlier in the semester. NOTE: In the event of a weather closing, this class may be held via conference call dial-in.

LAW 3032 v00 International Energy Arbitration (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3032 v00)
LL.M Course | 2 credit hours
The course begins with an introduction to international energy arbitration, followed by discussion of the future of the international energy industry as it transforms to meet the imperatives of climate change. The next section concerns the industry's value chains, life cycles, and commercial relationships. An extensive presentation on the legal framework for international energy arbitration covers international laws and norms, national constitutions, national petroleum laws and regulations, and the historical development of upstream host government petroleum contracts and petroleum fiscal systems. To place the subject of host government contracts in its proper setting, the next section describes resource politics and resource cycles and examine the legal status of host government contracts. Segments on contract stabilization and choice of law come next.
Identification of the types of upstream host government disputes sets the stage for discussion of the early international oil and gas arbitration awards, from there to several modern international oil and gas arbitration awards, and finally to contemporary energy disputes with host governments. The course then examines commercial disputes arising out of joint operating agreements, gas contracts, and LNG sales contracts. It concludes with a discussion of U.S. court enforcement of energy awards relating to projects in Colombia, Mexico, Laos, and India. For those students considering international energy arbitration as a career, the course materials end with the professor's advice on how to build an international energy arbitration practice.
The course provides in-depth knowledge of the main types and key drivers of international energy disputes, including disputes that may arise during the energy transition, and the substantive issues involved in their resolution, not only to aid in understanding the international energy industry, its business relationships and contracts, its broader legal framework, and its disputes, but to build better advocates to represent international energy companies and host governments in these contentious proceedings.
To aid students to learn and retain important facts and features about the international energy industry and its disputes, the course materials contain 19 sets of Key Take-Aways, which appear after each section of materials, except those sections comprising only a few slides.

Recommended: Prior or concurrent enrollment in an introductory international arbitration course would be helpful but not necessary.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety unless the professor has excused their absence. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. While the first three days of this course meet during the Fall add/drop period, a student may only drop this course without a transcript notation prior to the start of the second class session by submitting a written request to the Office of the Registrar. After the start of the second class session, a student must seek permission from an advisor to withdraw.

Note: This course is a mandatory pass/fail and will not count toward the

LAW 145 v00 International Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 145 v00)
J.D. Course (cross-listed) | 3 credit hours
The course focuses on international law applicable to the leading environmental and natural resource issues. It provides a framework for identifying and addressing the legal issues, links international law with relevant national laws, and focuses on ways to strengthen compliance with international obligations. The course covers climate change, ozone depletion, transboundary pollution and hazardous waste disposal, fresh water (both surface and ground water), marine resources, biodiversity, the links between human rights and environment and between environment and trade, and the financing of sustainable development. Special attention is given to cutting edge issues, such as synthetic biology and ecocide as an international crime.

Learning goals for this course: To enable students to become effective counsel, litigators, negotiators, arbitrators, judges, or legal advisors on a broad range of international environmental problems; to understand international instrucments and negotiations; and to be able to apply legal concepts developed in the course within different national settings for implementing international law.

Recommended: International Law I: Introduction to International Law

LAW 1544 v00 International Environmental Law in Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1544 v00) (Project-Based Practicum)
J.D. Practicum (cross-listed) | 4 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of Professor Vidal. This project-based practicum course will involve work with different environmental organizations on international environmental law and policy issues, providing opportunities for students to navigate the reality of international negotiation, policymaking and international advocacy. Students will participate in a two hour/week seminar and work on 10 hours/week of project work.

SEMINAR: This practicum offers a unique opportunity to influence global environmental policy. Through this course, students will learn to do the following: (i) understand and formulate positions on specific issues in international environmental law through application of general knowledge and targeted research; (ii) develop and implement influencing strategies for advancement of international environmental law through ongoing global policy processes; (iii) communicate effectively and engage appropriately with an international community encompassing different cultures, approaches, and perspectives; and (iv) consolidate lessons learned to support improvement and inform further work in international environmental law. To help achieve these goals, the seminar will feature visiting experts from the international environmental legal community and discussions on practical approaches to influencing global environmental policy.

PROJECT WORK: Students will work on a specific international environmental process over the course of the semester, providing direct support to a specific international organization, party or observer. Topics that students have worked on in previous semesters include, the enforcement of domestic legislation implementing the Montreal Protocol (with ELI); the ongoing negotiation of a new international instrument on marine biodiversity in areas beyond national jurisdiction (with IUCN); comparative analysis of national and regional frameworks addressing corruption and human rights violation in extractive industries (with ELI); and research into global best practices for mangrove conservation and sustainable use (with WWF).Students' specific activities may include preparing background documents and informational materials in support of an ongoing project; following international discussions and participating as appropriate (e.g., in online discussion fora); drafting policy statements, interventions and motions; organizing intersessional meetings or side events; compiling and analyzing information on commitments (Nationally Determined Commitments, National Biodiversity Strategies and Action Plans, Sustainable Development Goals Voluntary Commitments, etc.); joining (virtually or in person) meetings with members of delegations; and/or developing analyses that result in policy-influencing pieces at the regional and international levels.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Prior or concurrent enrollment in International Law I: Introduction to International Law.

Mutually Excluded Courses: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

Note: This practicum course is open to LL.M. students.

This practicum may be suitable for evening students who can commit to attending class and participating in 10 hours/week of project work. This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10

LAW 1231 v00 International Law Seminar: Poverty Reduction and Accountability (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1231 v00)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar examines efforts to reduce poverty in countries and problems of accountability in doing so, whether in international institutions, national institutions, or the private sector. Considers various approaches to accountability. Covers issues of compliance, good governance, human rights, corruption, environmental sustainability, and experience with various accountability mechanisms in international institutions. Includes two simulations in which students must address accountability issues.

Learning goals for this course: To understand the difficulties of reducing poverty within countries and the legal issues associated with bringing accountability to doing so. Students should be able to develop insights that can be applied in both the public and private sectors.

Recommended: A basic course in public international law.

LAW 2021 v00 International Oil & Gas Industry: Legal and Policy Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 2021 v00)
LL.M Seminar (cross-listed) | 1 credit hour
The scramble to secure steady supplies of inexpensive energy to generate electricity and to power industry and transport has defined much of the twentieth and, thus far, twenty-first centuries. Climate change and renewable energy (appropriately) dominate the discussion today, particularly in the developed world, but, absent a major unforeseen technological breakthrough, non-renewable sources such as oil and natural gas are still expected to meet the majority of the world's energy needs for decades to come (according to the US Energy Information Administration, 82% of energy consumed worldwide will still come from non-renewable sources in 2050).

The oil and gas industry lies at the intersection of global business, international law, geopolitics, the environment and particularly in the developing world, economic development. This seminar will address the international legal norms and public policy principles that have shaped, and continue to guide, this industry. It is designed for students interested in careers in energy, energy policy, project finance, international arbitration, environmental regulation or development – whether for a law firm, energy company, NGO, international organization or government – as well as students simply interested to learn more about an industry that impacts our daily lives in countless ways.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

LAW 1799 v00 International Trade and Investment Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1799 v00)
J.D. Course (cross-listed) | 3 credit hours
This three-credit course introduces students to the legal and policy aspects of international trade and investment law, two pillars of international economic law that have developed dispute settlement systems. These two areas of law affect a broad array of national legislation, regulation, and administrative practice, as well as other areas of international law and policy, such as development, human rights, climate change, and other environmental issues. Both trade law and investment law have raised anxieties regarding their linkages, effects, and overlaps with non-economic issues. The United States, European Union, China, and many other countries have actively engaged in litigation and new negotiations in both fields of law. In international trade law, governments bring legal claims against each other for breaches of obligations, while private lawyers work with private commercial interests behind the scenes and often directly on behalf of governments. International investment law, in contrast, provides direct rights to private foreign investors to bring claims against governments. These disputes are proliferating and sometimes overlap with international trade law claims. In the past, the U.S. always sought protection for its investors in developing countries, but with shifts in the global economy, the U.S. increasingly became subject to such suits by foreign investors. This course will introduce students to both of these areas of international law practice.

LAW 966 v01 International Trade Law & Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 966 v01)
LL.M Course (cross-listed) | 2-3 credit hours
Examines international trade laws and regulations and World Trade Organization agreements affecting international trade, and the relationship of the General Agreement on Tariffs and Trade 1994 and other international agreements to U.S. law and practice. Considers, in detail, the U.S. antidumping, countervailing duty, safeguards (Section 201) laws and regulations and the WTO agreements that establish multinational standards applicable to the use of those remedies. Examines the WTO agreements on services, intellectual property, and technical barriers to trade. Examines the statutory remedies, particularly Section 301, that are available to address foreign restrictions on U.S. exports of goods, capital, services, and intellectual property. Analyzes the U.S.-China "trade war" and resulting tariffs and agreements. Evaluates the role of Congress, the U.S. Trade Representative, and other U.S. agencies in setting trade policy and overseeing administration of the trade laws. Analyzes the WTO procedures for dispute resolution and key WTO panel and Appellate Body decisions. Reviews free trade agreements, including the U.S.-Mexico-Canada Agreement, as well as bilateral investment treaties. The course includes a weekly discussion of current events affecting international trade law and regulation.

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. course, International Trade or World Trade Organization: Law, Policy and Dispute Settlement.

Note: The 3-credit section of this course meets the "List A" requirement for the WTO certificate program.
The two-credit class requires a final exam; the three-credit class requires a paper. J.D. students must register for the three-credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement for JD students. The paper requirements of the two-credit section will not fulfill the Upperclass Legal Writing Requirement for JD students.

LAW 1770 v00 International Trade Rules and Climate Change Seminar - Can the Two Get Along? (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1770 v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
Global climate change is most significant environmental challenge of the 21st century. Because the emissions of greenhouse gases (GHGs) result from virtually every kind of economic activity -- driving a car, heating a home, operating a cement factory, raising chickens -- any policy aimed at reducing emissions will have significant and broad-based impacts on domestic economies around the world. And because most of those economic activities involve the movement of goods, services, people or intellectual property rights across international borders, policy actions taken in response to climate change can implicate global trading rules.

As countries around the world adopt different approaches to addressing the threat of climate change, the risk of conflict between basic rules governing international trade and measures taken to control GHG emissions rises. This seminar will explore those overlaps and potential for conflict versus the opportunity for the global trading system to contribute to the reduction in GHG emissions. The course will include a survey of the basic international rules touching on climate change, including the Paris Agreement, underlying UNFCC documents, the UN's sustainable development goals, human rights agreements and the basic international trade rules of the World Trade Organization (WTO) and key regional agreements, including the EU treaties and the USMCA. It will examine a number of the key issues at the intersection of trade and climate, including whether and under what conditions countries can impose a carbon border adjustment mechanism that is consistent with the WTO rules; the increasing use of government subsidies to promote the development and use of green technologies and whether new rules on subsidies are needed to regulate them; the increased clamoring for the sharing of cutting-edge green technologies, notwithstanding the WTO's intellectual property rules; the growing volume of cross-border trade in electricity and the expansion of renewable energy and intellectual property rights feeding into internationally-operated smart grids; the need for the development of accepted and enforced standards for "green" finance; and the implications of climate change for human rights and immigration policies as rising sea levels, severe droughts and extensive fires force massive migrations.

The seminar will also explore the areas in which the trading system could make a positive contribution to the fight against GHG emissions, including the options for limiting fossil fuel and fishery subsidies and supporting the financing of renewable energy facilities. In addition, it will examine whether the current exceptions to the trading rules provide sufficient policy space for innovative approaches to climate change.

Learning Objectives: The primary objective of this course is for students to develop an understanding of the potential for conflicts between trade measures and trade rules with efforts to restrain or tax GHG emissions, along with WTO-consistent policy and financial options to support the fight against climate change. The course will give students to opportunity to develop cutting-edge proposals of significant value to political and thought leaders around the world about how best to use the trading system to support climate mitigation and adaptation measures.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement.

Only the 2-CR section will fulfill the WTO & International Trade Certificate List B requirement. Only the 3-CR section will fulfill the WTO & International Trade Certificate List C requirement.

LAW 959 v00 International Trade, Development & the Common Good (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 959 v00)
LL.M Seminar (cross-listed) | 2-3 credit hours
This course will examine the connection between trade law and development, including aspects of international and regional trade agreements, comparative law, and diverse areas of market regulation at the national level. Overall, the seminar will highlight the role of law and regulation as a driver for sustainable development and inclusive growth and link broader legal frameworks and policy debates with the needs of individuals and enterprises. It will engage students in ways in which economic law can help encourage sustainable and inclusive development and will assess challenges associated with legal and regulatory capacity and the uneven implementation of laws in practice. Cross-cutting and inter-disciplinary approaches in the field, such as socio-legal approaches, human rights, food security, the UN Sustainable Development Goals (SDGs), and gender and trade will also be discussed throughout the seminar.

The seminar will take place in three phases. In Phase I, the seminar will explore the historical and institutional relationship between trade and development, including World Trade Organization (WTO) disciplines, regional trade agreements (RTAs), and other relevant international legal frameworks. Phase II will focus on different issues and will cover a number of substantive aspects of trade and development in depth, all of which impact stakeholders and communities and hold greater potential to contribute to the common good. Specific areas of focus will include domestic market regulation and investment, non-tariff measures, regulation of services, trade facilitation, agriculture, labor and environment, intellectual property rights, gender, and digital trade. Phase III of the course will consist of an in-class exercise to apply the theory and substantive legal approaches discussed in Parts I and II in the context to practical trade and development challenges.

Readings will be drawn from a variety of viewpoints and sources – law review articles, white papers, academic journals, newspapers and magazines, and excerpts from books – and will cut across trade and economic law, inclusive economic development, and business. The readings will highlight different aspects of the legal and regulatory environment in the context of encouraging sustainable and inclusive development globally and at the grassroots level. Discussion questions will be provided for each session, which can be used as the basis for class preparation

The course will also incorporate short, practical case studies that illustrate how different issues in trade, development, and economic regulation can be applied from the perspective of different stakeholders (entrepreneurs, countries, and communities). Seminar members will be asked to assume roles in discussion of these case studies, which will count towards class participation and lay the groundwork for the final paper. Questions to guide the case study analysis will also be provided.

In addition to the readings assigned for each session, optional background readings will be included for students wishing to explore a topic in greater depth (additional background reading is recommended for students who have not taken a trade law course, but the course does not have any prerequisites).

Note: Only the 3-CR section will fulfill the WTO & International Trade Certificate List C requirement.

This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 272 v00 Land Use Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 272 v00)
J.D. Course (cross-listed) | 3 credit hours
This course explores the variety of ways in which the law attempts to resolve conflicts among land uses, as well as plan and regulate the impacts of different land use patterns. Topics will include common law; state, regional, and local planning; zoning; environmental controls; growth management; historic preservation; restrictions relating to residential development; and constitutional limits on land use regulation. Particular emphasis will be placed upon analysis of the political and economic context of land use law.

LAW 292 v07 Law and Development (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 292 v07)
J.D. Course (cross-listed) | 3 credit hours
This three-credit survey course is designed to introduce students to the different dimensions of law and development, integrating legal, historical, academic, and practical models and approaches. The course will cover a range of issues and substantive areas of law, including economic and social development and rule of law approaches; human rights law; comparative law; peace and security; international economic law (including trade, finance, aid, and investment); labor, environmental, and health law; market regulation; institutional models for advancing law and development; gender; and sustainable development. It will also examine the increasing role of technology and data in law and development and the connection between law and the United Nations Sustainable Development Goals (SDGs). Throughout the semester, the course will explore how different areas of law address questions of equity, inclusiveness, vulnerability, and environmental sustainability. There are no prerequisites for this course, and it is intended to be both an introduction to law and development and a complement to other course offerings at Georgetown Law.

The course is divided into three parts. The first part begins with an exploration of the foundations of law and development, including an examination of the issues, debates, and academic literature. This portion of the course will examine the role of governments and institutions in law and development (including the World Bank, WTO, IMF, UN system, donor organizations, regional organizations, and others), as well as how rules are designed and implemented from the perspective of individual and community stakeholders. Part I of the course will also highlight the evolution of different approaches, theories, and models within law and development, including economic approaches (structural change approaches, dependency theory, neoclassical/neoliberal approaches, endogenous growth theory, post-Washington consensus models, and others), promotion and criticism of rule of law approaches (legal pluralism, institutionalism and new institutional economics, constitutionalism, international vs. national law approaches, legal empowerment, informality, and others), and current movements such as law and political economy and TWAIL (Third World Approaches to International Law).

The second part of the course will introduce students to the different substantive dimensions of law and development. This segment will allow students to both understand the legal foundations of different aspects of law and development and explore intersections between different areas of law as they relate to development, highlighting the cross-cutting nature of law and development. Topics will include human rights law, international economic law (finance, investment, and trade), conflict and resource control, gender and development, corruption and development, development assistance, and law and development aspects of health, environment, and climate change.

The third part of the course will focus on issue-based and regional case studies, allowing students to apply what was covered in the first two parts of the course in different contexts and explore ways in which law has been – or could be – a driver for development. Issue-focused case studies will include land tenure and contracts, labor, agriculture and food security, intellectual property rights, and data and development. Regional case studies will include Africa, Asia (with some focus on China and India, among other countries), and Latin America. In this part of the course, students will also assess which law and development approaches have been best suited to different circumstances, economies, cultures, and communities.

Learning Objectives

The course has several interconnected learning objectives:

LAW 1903 v00 Law and Sustainability Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1903 v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
An ever-increasing flow of capital into Environmental Social Governance (ESG) investment funds has inspired private ordering that looks to shareholder proposals, institutional investor agendas, proxy voting guidelines, and ESG ratings as tools for mitigating the public impacts of corporate activities. A new generation of shareholders departs from wealth-maximizing norms and professes to care about corporate impacts on environment and society. Their investment practices and expectations challenge the traditional terms of corporate governance. This seminar surveys leading theories of corporate purpose, examines various private law efforts to promote corporate stakeholderism, and interrogates challenges that arise through the pursuit of social welfare using the tools of corporate law and governance.

Learning Objectives: At the end of this seminar, students should:

1. Be familiar with the general approaches to the study of law and legal reasoning;
2. Demonstrate the ability to identify and understand key concepts in substantive law, legal theory, and procedure;
3. Have the ability to write a competent legal analysis and/or effective transactional documents;
4. Demonstrate the ability to conduct legal research;
5. Demonstrate communication skills, including oral advocacy and/or negotiation skills;
6. Demonstrate an understanding of the interdisciplinary nature of law and the contributions that other disciplines can make to the study of law.

Prerequisite: Corporations.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1542 v00 Law, Policy, and Practice of Disasters and Complex Emergencies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1542 v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course is a "disaster law" simulation based on the post Hurricane Katrina legal reforms, particularly the Post Katrina Emergency Management Reform Act. That bill, along with ones passed in response to Hurricane Sandy, reorganized the United States emergency management system and highlighted the particular issues of vulnerable groups.

This simulation course will give students an in-depth experience of working on disaster law issues in the context of a legislative inquiry and hearing. Students will conduct mock interviews, review legislation and legal precedent, and then conduct a legislative hearing to determine whether further changes to the law are necessary. This course present students with the opportunity to work in an emerging area of law, honing their legal skills with a focus on disaster victims and vulnerable populations.

Prerequisite: Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Environmental Law or similar course or clinic

Strongly Recommended: Administrative Law or Legislation Clinic

Note: In Spring 2024, this seminar will meet on 4/6, 4/7, 4/12 and 4/13.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 324 v00 Maritime Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 324 v00)
J.D. Course (cross-listed) | 2 credit hours
This course surveys various principles and aspects of admiralty and maritime law of the United States, including: the historical and constitutional bases for its existence; the admiralty and maritime jurisdiction of the courts; the substantive law of maritime contracts and maritime torts; the application of criminal law at sea; the laws governing carriage of goods and passengers by sea; the public order of the oceans at the national and international levels; protection of the marine environment; and federal-state maritime issues. Consideration is given not only to the current state of the law in these areas, but also to related U.S. government policies and international and comparative law issues.

LAW 922 v01 National Security & the Law of the Sea (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 922 v01)
LL.M Course (cross-listed) | 2 credit hours
This course reviews the basic principles of international law related to the many exclusive and inclusive uses of ocean space, especially on those critical issues affecting U.S. national security. Students will develop a comprehensive understanding of the legal regimes governing the ocean, from internal waters and other coastal zones through the regimes of the high seas, and an overall appreciation for U.S. ocean law and policy, based on relevant principles of international and national law. Topics include navigation and overflight rights, living and non-living ocean resources, military and law-enforcement activities, protecting the marine environment, marine scientific research, the law of naval warfare, and the formal and informal processes for developing ocean policy and for resolving international disputes. Students will research and engage in class discussions on a number of problems involving national security issues and the use of ocean space, including resources on the continental shelf, maritime terrorism, military exercises, maritime transportation systems, at-sea trafficking in illicit drugs, piracy, weapons of mass destruction, collection of intelligence, and naval rules of engagement.

Recommended: International Law I: Introduction to International Law (or the equivalent International Law I).

Mutually Excluded Courses: Students may not receive credit for both this course and the course formerly known as Oceans Law and Policy.

LAW 1619 v00 Natural Resources and Energy Law and Policy Practicum (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1619 v00) (Project-Based Practicum)
J.D. Practicum (cross-listed) | 4 credit hours
This course will give students an experiential learning experience in the field of natural resources and energy law and policy. Students will work individually or in groups on real-world legal and/or policy problems related to natural resources or energy for clients or stakeholders currently engaged in this rapidly changing subject area.

The seminar portion of the course covers the key elements of natural resources and energy law and policy related to the experiential learning projects. Students will study the relevant statutes, case law, and underlying policies relating to these natural resources and energy issues. The course is primarily domestic in its focus, but some topics and examples of international natural resources and energy law and policy will be included. During the course, students will draw on pertinent and practical legislative and administrative materials.

Throughout the semester, we will focus on building real-world legal and policy skills. We will discuss the successes and failures of natural resources and energy law and policy, the trade-offs between preservation and development, future prospects for effective resource management and conservation, and the skills needed to effectuate successful outcomes on behalf of clients.

This is a four-credit course, with two credits awarded for the two-hour weekly seminar and two credits for work outside of class on experiential learning projects. The class is designed to be appropriate for both law students and public policy students.

Course Goals:

1. The course is intended to help you develop your legal skills. During the experiential portion of the course, you will develop legal skills by working on a real-world legal or policy problem for a client. You will prepare a written analysis appropriate for delivery to the client. You will also prepare an oral presentation of your work, including findings and recommendations for the client. In undertaking this project, you will develop in-depth expertise on a natural resources issue as assigned.
2. In preparing the written analysis for your client, you will have an opportunity to hone your legal writing and analytical skills. You will consider and determine how best to present your analysis and findings to the client in written form.
3. You will also develop your skills in oral communication as you prepare and deliver a formal oral presentation of your project for the class and also for your client.
4. By the end of this course, you should have a broad understanding of the overall legal framework for the administration of domestic natural resources. The focus will be on federal law and policy as it relates to the experiential projects being undertaken by the class, but you should also gain insights into selected state and international topics, particularly the interaction between federal and state law and policy.
5. The course should provide you with a context for evaluating ongoing and fast-changing legal and policy issues and controversies relating to energy and natural resources.

Mutually Excluded Courses: Students may not receive credit for this course and Natural Resources Law: Energy, Water and Land Resources. Students may not concurrently enroll in this practicum course and a clinic, or another practicum course. Students may concurrently enroll in this practicum course and an externship.

Note: This is a four-credit course, with two credits awarded for the two-hour weekly seminar and two credits for work outside of class on experiential learning projects. The course is graded.

LAW 329 v00 Natural Resources Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 329 v00)
J.D. Course (cross-listed) | 3 credit hours
This course surveys the laws governing the ownership, conservation, exploitation, and preservation of renewable and non-renewable natural resources, such as wildlife, wilderness, parks, rangeland, water, minerals, and forests. The course explores the philosophical, constitutional, historical, and economic underpinnings of natural resource law as well as the role of interest groups in natural resource policy formulation. Current issues, such as those relating to takings and federalism, are also examined.

LAW 329 v01 Natural Resources Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 329 v01)
J.D. Course | 2 credit hours
This course surveys the federal laws, regulations, and constitutional provisions

governing the ownership, conservation, exploitation, and preservation of renewable and non-renewable natural resources, such as public lands, wildlife, wilderness, parks, rangeland, fish, and forests. The course explores the philosophical, historical, and economic underpinnings of natural resource law. Emphasis will be placed on how agencies address natural resource issues and how courts resolve disputes in this area. Current issues, such as those relating to renewable energy and biodiversity, will also be examined.

LAW 3077 v00 Oil and Gas Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3077 v00)
LL.M Course (cross-listed) | 2 credit hours
This seminar will provide an overview of oil and gas law, from its traditional roots in the common law of property and contract to more recent developments in administrative law and regulations. We will learn about how the law has shifted from a focus on production to a concern for safety and the environment. The course goal is to introduce students to the topics involved in the practice of oil and gas law, with an eye toward preparing for an oil and gas section of a bar exam (e.g., Texas). In addition to traditional issue such as surface management, drainage, royalties, and the oil and gas lease, we will consider modern-day complexities posed by exploration in the eastern United States, offshore drilling, and hydraulic fracturing.

LAW 508 v02 Policy Clinic (Harrison Institute for Public Law) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 508 v02)
J.D. Clinic | 8 or 14 credit hours
Students in the Policy Clinic provide services to make democracy work several policy themes. Recent projects include:

- *Community equity* – Combat gentrification and displacement in low-income communities of color, develop a community support fund, develop a community resilience hub.
- *Health and food* – Organize a consortium to improve working conditions in university food supply chains, expand access to oral health services, reinvent a better food chain for institutions (universities, hospitals, schools, and shelters), analyze social determinants of health (housing, food security, etc.) for state health officials.
- *Labor and human rights* – Organize a consortium to improve working conditions in university food supply chains (same as health above), protect worker rights in global supply chains for the FIFA World Cup and other mega-sporting events.
- *Trade and climate* – Develop mutually supporting climate and trade policies, develop options for international cooperation on climate policies through "climate clubs," recommend strategies to decarbonize steel production without violating WTO rules, and identify strategies for reducing greenhouse gas emissions while preserving manufacturing jobs.

Please see the Policy Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute/) for more detailed information about the program.

Learning outcomes for this clinic: Students are supervised, evaluated and graded on three skill sets, each of which has specific evaluation criteria in the Policy Clinic Operations Guide. (https://www.law.georgetown.edu/wp-content/uploads/2022/04/2021-22-Policy-clinic-operations-8-12-21-v3.docx)

1. *Management and professionalism* – includes "managing up" with supervision meetings, initiating self-evaluation, managing effort and deadlines, collaborating, and expectations in a professional culture.
2. *Analysis and strategy* – covers legal, policy and strategic analysis. It includes identifying issues that require analysis, learning the context efficiently, using diverse sources to avoid bias, explaining analytic methods, using a logical framework, and drawing conclusions that meet client needs.
3. *Communication, writing and speaking* – includes organizing documents and presentations, meeting audience needs for context and decision-making, relating analysis through stories and examples, presenting visual information, and editing for plain language, clarity, and English style.

Recommended: Legislation and Administrative Law. Also, for climate projects: Local Government Law; and for trade or human rights projects: International Law I, International Trade (various titles), World Trade Organization: Law, Policy and Dispute Settlement, and International Human Rights.

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 2054 v00 Regulation of Commodities and Derivatives Markets (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 2054 v00)
LL.M Seminar (cross-listed) | 2 credit hours
This course will focus on US federal and state laws and regulations affecting commodities (*e.g.*, energy, GHG emissions, agriculture, metals, forex, cryptocurrency) and the related derivatives (*i.e.*, swaps, futures, and options) markets. Topics include: (1) overview of the origins of derivatives and commodity trading generally; (2) the concepts of hedging and speculation; (3) the evolution of the Commodity Exchange Act of 1936 (CEA); (4) the current jurisdiction of the Commodity Futures Trading Commission (CFTC) and the Securities and Exchange Commission (SEC) in the post-Dodd-Frank world; (5) application of commodity trading and derivatives statutes, regulations and Congressional proposals for new products, such as bitcoin, blockchain and other FinTech innovations; (6) analysis of energy and emissions-based derivatives as well as ESG and climate change mitigation policies; (7) discussion of recent developments in exchange trading, such as De-Fi and event contract trading; (8) registration and regulation of market participants, such as brokers, hedge fund operators, investment advisers, swap dealers, cryptocurrency intermediaries; (9) administrative and injunctive enforcement powers involving violations of the CEA; (10) current developments in self-regulatory oversight; (11) documentation of derivatives (e.g., ISDA) and commodity transactions; and (12) foreign market access to commodity and derivatives trading and developments in the EU and Asia.

Students who complete this course will have a solid understanding of the CEA and CFTC's rules and regulations under the CEA as well as federal relevant cases. In addition to learning the black-letter law, the students will learn how derivatives and commodities markets work in the US and overseas and how securities, energy, emissions, agricultural and financial markets interact with these markets. Through a series of in-class exercises culminating with the final paper students will develop their research, analytical and writing skills.

Recommended: Bankruptcy, banking.

Strongly Recommended: Securities, corporations.

LAW 1194 v00 Renewable Energy Seminar: Policy, Law and Projects (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1194 v00)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar provides an overview of the policy and legal frameworks driving the growth of the U.S. renewable energy industry (primarily in the wind and solar sub-sectors); the key contractual documents necessary to develop and finance wind and solar power projects; and the legal and market issues facing the renewable energy sector going forward. After becoming familiar with the policy and market landscape for renewable energy projects in the U.S., students (working in groups) will review a set of hypothetical project documents to analyze potential risks and mitigants for a typical project financier. Students will summarize their findings and present to an "investment committee" comprised of practitioners active in the renewable project development and finance industry.

Learning Objectives:

1. Develop baseline knowledge of key state and federal laws and policies impacting the development and financing of wind and solar energy projects in the U.S., and the interplay between such different levels of regulation.
2. Demonstrate an ability to analyze and explain a particular state's regulatory regime in respect of the development of certain renewable energy projects located therein.
3. Develop an understanding of the main legal documents (a) governing project development and (b) for project financing, and key provisions (including risks and mitigants, and market commercial terms) for each.
4. Demonstrate an ability to, in cooperation with an assigned team, utilize such background knowledge to analyze a specific set of wind or solar project development documents, including the risks and proposed or actual mitigants in respect of the development and financing of such project.

LAW 403 v04 Rule of Law and the Administration of Justice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 403 v04)
J.D. Seminar (cross-listed) | 2 credit hours
This course offers students an opportunity to learn the definitions of "rule of law" and how to reform legal and judicial systems, including measuring the impact of those reforms. The field of rule of law reform is an expanding area of practice, be it focused on strengthening the concept of 'Rule of Law' and its indicators or to achieve certain economic, social and/or political goals.

The course begins by reviewing various definitions of what is meant by "rule of law", recognizing that different institutions, governments, public and private sectors want to promote reforms to legal/judicial systems perhaps seeking the same end, but through different ways. The course uses a case study methodology, including specific sessions with U.S. and foreign judges and other rule of law practitioners active in reform efforts. Topics include: Democracy and the rule of law; Access to justice; Criminal justice and Criminal procedural reform; Court administration and Case management; Commercial court reform; Alternative dispute resolution (ADR); Judicial independence and Accountability; National security and Transitional justice; Indicators to measure the rule of law; and a discussion of the role played by legal actors in addressing corruption, both within and outside the legal system.

We will consider the rationale behind rule of law reforms by examining experiences around the world, including in the United States. We will see how reforms may target more competitive market economies, stronger law enforcement, gender equality or social justice. We will learn the impact of an increase in demand from users of justice systems who want improved services, not only "formal" justice users in courts, but informal justice services like paralegals and chieftaincy also. The course will also address the often overlapping or inconsistent agendas of donors, international organizations (e.g., United Nations, World Bank, Inter-American Development Bank, IMF, USAID, U.S. Military, among others) in the discussion and analysis.

Learning Objectives:

At the end of the course. Students will have acquired an understanding of the various definitions of 'rule of law' and the factors leading to and preventing successful reform efforts.

At the end of the course, students will have acquired some understanding of the differences and similarities among international organizations and their approaches to Rule of Law to be able distinguish varying objectives (e.g. democracy promotion, economic development, human rights and social justice, anti-corruption and law enforcement).

At the end of the course, students will have acquired a vocabulary and understanding of overlapping (and even inconsistent agendas) to be able to identify the "drivers" of reform and provide inputs for the design or evaluation of Rule of Law reform efforts.

Recommended: International Law I: Introduction to International Law is suggested but not required. Familiarity with international organizations would be useful but not required.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 1314 v00 Social Entrepreneurship, Impact Investing, and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1314 v00)
J.D. Seminar | 2 credit hours
This class is for students who wish to become lawyers to pursue positive social impact, whether they enter into private practice or pursue traditional public interest legal jobs. This class explores the nexus of social entrepreneurship, impact investing, and the law. The syllabus generally covers three parts: (1) revisiting the role of the three traditional sectors of society (nonprofit, government, business/private) in addressing the world's most pressing problems; (2) new legal forms for social enterprises; and (3) how social enterprises engage in impact investment transactions.

Traditionally, the public has relied on the government to tackle society's major social issues. Eventually, the nonprofit sector began to play a larger role where the government was either unable or unwilling to take action. But today, there is a growing recognition that no one sector alone can address today's most pressing problems. Now, the private sector is beginning to play an even larger role by applying market-based solutions to address traditional social problems at greater scale and sustainability, such as economic inequality, climate change, and access to basic resources like clean water and energy. This includes a growing recognition that businesses can also be used as a "force for good."

Social enterprise and impact investing -- driven by social entrepreneurship -- represent two areas where the traditional lines between the traditional sectors are increasingly blurred. Social entrepreneurs are individuals who develop innovative solutions to some of the world's most pressing social and development problems. They often form social enterprises, which can be either for-profit or nonprofit entities that advance a double- or triple- bottom line approach (i.e., the pursuit of a profit, social and/or environmental objective). They also need to raise capital, often through impact investments, to grow their organizations. Through this course, we will explore the unique legal challenges and opportunities that social entrepreneurs and social enterprises typically encounter. We will also focus on the role that lawyers can play in advancing social change.

The topics we will cover include an analysis of the traditional role of the nonprofit sector and its limitations, the evolution of traditional for-profit legal forms and the use of tandem structures (the combination of both a nonprofit and for-profit entity), potential unintended consequences of relying on the private sector to provide traditional public goods, and the provision of and access to capital beyond traditional grants, including impact investing, blended finance, and pay-for-results structures.

Learning Objectives

This course will provide you with the analytical and communication (oral and written) skills as an attorney to effectively counsel social enterprises and to analyze the role of the law as a powerful tool to help social entrepreneurs achieve their objectives.

This course will utilize skill-building exercises in each class so that you have the opportunity to:

- improve written (final research paper) and oral (class participation) communication skills critical to good lawyering;
- apply the relevant laws and regulations that you have learned in other core law school courses to the specific legal challenges faced by social enterprises;
- exercise a multidisciplinary approach and understand how to apply existing bodies of law in different ways that address the unique needs of social enterprises;
- explore and critically examine the role of the law in social innovation; and

LAW 3147 v00 Sustainability for Big Law and Big Business (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3147 v00)
LL.M Seminar (cross-listed) | 2 credit hours
Sustainability issues such as climate change, human rights and racial justice have become the defining challenges of business. International corporations must navigate a complex web of regulatory and policy challenges to assure their long-term viability. In response to statutory, investor and customer pressures, Environmental, Social and Governance (ESG) factors are fundamental to how Boards and Senior Executives are valuing strategic opportunities and their overall risk profile. Lawyers will play an increasingly critical role in advising on trends related to: (i) the greater integration of sustainability within policy and legislation; (ii) the appetite of investors for ESG considerations within their investment portfolios; (iii) the demand for greater transparency and uniform disclosure; (iv) the growth of green and social impact investment products; and (v) the heightened calls for racial equity and social justice. This course will provide a general overview of the statutory and regulatory frameworks required to advise businesses on these ESG challenges and explore how evolving interpretations of "fiduciary duty" and "corporate purpose" may help or hinder the ability of business to make a meaningful impact on climate change and other social issues.

Learning Objectives:

At the conclusion of the class, students should be able to:

- Identify the key legal ESG issues involved in corporate transactions (investments, acquisitions and due diligence);
- Understand how risks can be mitigated related to climate change litigation and other ESG claims; and
- Evaluate the effectiveness of policy initiatives designed to increase the social impact of business.

Mutually Excluded Courses: Students may not receive credit for this course and Corporate Purpose and Environmental, Social and Governance (ESG) Issues Seminar.

LAW 945 v00 Taxation of Energy Markets (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 945 v00)
LL.M Course (cross-listed) | 2 credit hours
The energy industry has undergone dramatic change in recent years. The US power sector is undergoing a transformation from a coal-based sector to one that now has incredible diversity between natural gas, wind, solar and even nuclear energy now leading the way in new development. Likewise, the oil and gas sector has seen a revolution in responses to changing US energy policy and energy politics. More so than almost any other industrial sector, energy is highly influenced by the tax law. The economics of renewable and alternative energy is highly dependent on specific tax credits designed to encourage their development.

This course will examine these important areas of energy tax policy:

1. taxation of electric utility and natural gas markets (including tax changes flowing from deregulation of these markets),
2. tax subsidies and tax incentives for alternative energy development (including analysis of creative tax-planning structures designed to maximize the value of these incentives), and
3. new tax incentives included in the Inflation Reduction Act of 2022.

The course is designed to help students appreciate the role tax plays in the generation of energy in the US and issues confronted by tax practitioners in this rapidly changing environment. There will be a final examination at the end of the semester. Class attendance and participation is encouraged.

Prerequisite: Federal Income Taxation.

Recommended: Corporate Tax Law I or Corporate Taxation (formerly Taxation II).

Note: This course is part of the following graduate programs: Environmental and Energy Law LL.M.

LAW 1874 v00 Taxes and the Clean Energy Economy – Incentives for Clean Energy and Climate Action (the Inflation Reduction Act of 2022 and Beyond) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1874 v00)
J.D. Seminar | 1 credit hour
This seminar employs simulations to develop the skills specific to structuring, negotiating and drafting to address the federal income tax incentives for “clean” energy projects. The course examines multiple variations on “clean” energy tax issues, each with increasing complexity, including:

- Establishing and documenting eligibility for tax incentives for pre-and post-IRA projects;
- Legacy tax attribute monetization structures and post-IRA monetization transactions; and
- Acquisition and disposition transactions.

Students will be presented with different factual scenarios, relevant background materials, and a list of potentially applicable legal authorities. Each scenario will be addressed over two classes, with students in the first class analyzing facts to determine potentially relevant structures, including reviewing draft documents, and analyzing applicable law. Draft agreement mark-ups, memoranda or presentations will be due one week after class. An “issues list” or other “high-level” memorandum or presentation for the client mark-up may also be due. In the second class, students will present their recommendations and evaluations of tax benefits and costs to the client and interpret responses prepared by the opposing counsel. The students will work with instructors on the matter who will give out assignments, review written material, and otherwise coordinate the teams.

Prerequisite: Completion of all first year courses, except Property and Criminal Justice and the first-year elective.

LAW 1099 v00 The Art of Regulatory War Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1099 v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar focuses on "the art of regulatory war." How can lawyers and other stakeholders working at the regulatory intersection of law and politics gain advantage, use their different sorts of legal artillery and strength, and push regulatory disputes and tool choices into venues, modes, and postures that favor their clients' interests and possibly broader policy goals? What changes are underway regarding the nature of regulation, attitudes about the role of the administrative state, and ways regulatory wars are fought?

Subject to adjustment in light of legal developments and student interest, the seminar meetings will be organized around a mix of case studies and cross-cutting regulatory topics. For Fall 2024, the seminar will have a substantial advanced administrative law and risk and environmental regulation focus, but with some materials focused more generally on regulatory disputes, methodologies and strategies, and the role of the administrative state. Topic-based classes will likely select from among the following: critiques of assumptions of regulatory overreach and empire building; federalism and preemption as doctrines and terrains shaping regulatory disputes; theories of regulation and regulatory reform proposals; recent presidential and agency deregulatory and policy change efforts and judicial and scholarly responses; debates and shifting doctrine regarding deference regimes, especially if the Supreme Court in 2024 substantially changes longstanding deference regimes; implications and critiques of the "major questions doctrine" as recently embraced by the Supreme Court; the shift to market-based and experimental "rolling rule" modes of regulation; and "sound science" and "bought science" and the problem of regulatory lying. Case study subjects will likely include a mix of the following: my own research into the 1971-85 battles over the multi-billion dollar Westway project defeated by a small number of citizens; climate change regulatory developments; and court, regulatory and legislative battles over protecting "waters of the United States" under the Clean Water Act.

Readings will include diverse materials to illuminate the art of regulatory war, including court decisions, briefs, legislative and regulatory materials, statutory provisions, and scholarship. Students will before each class submit a few brief comments or questions about the readings, with class discussion building on those areas of interest. Students will have broad latitude to develop related paper topics based on their own interests and goals. During the last few weeks of the semester, we will conclude with students sharing and leading discussion of their draft papers, with students critiquing each other's drafts. There are no seminar prerequisites, but students interested in administrative law, constitutional law, economic and risk regulation, environmental law, energy law, legislation, law and politics, law and economics, litigation and other areas of public law should find the material of interest.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 3002 v00 The Law and Policy of the Energy Transition (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3002 v00)
LL.M Seminar (cross-listed) | 1 credit hour
Overview

This course will review the most critical policy, legal, and regulatory issues faced by the energy sector actors (coal, oil, gas, renewable energy sources, and minerals), such as governments, investors, corporations, insurers, and citizens when facing the challenges of the 21st-century energy transition. The discussion and analysis will take place considering the apparently competing perspectives of climate, development, and energy needs.
Through the different topics addressed in the course, we will analyze how volatile adherence to the rule of law worldwide, the increasing environmental and social challenges, corruption, and geopolitical challenges affect policymakers, legislators, regulators, and the private sector decision-making process. Energy players face long-term capital investment decisions in ever more rapidly changing environments. Legal counsel in these cases involves a substantial role in evaluating and mitigating risk as well as preventing and resolving disputes. The course will analyze the key legal and extra-legal (policy) factors that lawyers must understand to provide comprehensive advice. Although we will review some financing structures, this course is not a project finance or a specialized finance course. Due to the course structure that Georgetown gently accommodated due to my current professional obligations, this course could be considered an introductory overview of the most pressing issues discussed in energy law (an inherently international and transnational area of law) and how players are facing such challenges.
Format

We will have six discussion sessions or around 2,5 hours each, with one lecture introduction (approx. 30 min), discussion preparation in groups (approx. 30 min), discussion (approx. 1 hour), and debrief (approx. 30 min.):

- Discussion No. 1 - Emissions or fuels problem?
- Discussion No. 2 – Is the renewable energy increase possible?
- Discussion No. 3 – What is the best mechanism to accelerate the energy transition?
- Discussion No. 4 – How do we solve energy poverty? How do we guarantee energy security?
- Discussion No. 5 – Energy transition means economic diversification, right?
- Discussion No. 6 – A new world order? The role of international organizations, policymakers, legislators, and courts in the energy transition.

The discussions will be based on the following premises/problems (evidently, the premises could also be discussed during the course), where we will analyze the relevant policy and legal challenges. Finally, I need to explicitly state that all my expressions, written or verbal, are made in a personal capacity and do not necessarily reflect my employer's position.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class

LAW 1019 v00 The Law of Public Utilities: Bringing Competition to Historically Monopolistic Industries (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1019 v00)
J.D. Seminar | 2-3 credit hours
Our major infrastructural industries—electricity, gas, telecommunications, transportation and water—were historically controlled by monopolies. Since the 1980s, efforts to introduce competition into these industries have met obstacles. Battles before legislative bodies, regulatory agencies and courts, at the state and federal levels, have produced a distinct body of law. That body of law—the law of introducing competition into historically monopolistic industries—is the subject of this course.

From the principles learned in the course, students have written papers on such diverse topics as renewable energy, internet, movie production, chicken slaughtering, student loans, pharmaceutical research, Uber, Flint's water crisis, utility corporate form, law school admissions, farms seeds and insecticide, Youtube, private space travel, rare minerals used in solar and wind facilities, Facebook, cloud storage, electric storage, and telemedicine at the VA. Some of these papers have made their way into professional journals or law journals.

Regardless of the industry or era, the regulation of infrastructural monopolies and their competitors has five common elements: its **mission** (to align business performance with the public interest); its **legal principles** (ranging from the state law on exclusive monopoly franchise to federal constitutional protection of shareholder investment); **policy flexibility** (accommodating multiple public purposes, from service reliability to environmental accountability to protection of vulnerable citizens); reliance on multiple **professional disciplines** (law, economics, finance, accounting, management, engineering and politics); and **formal administrative procedures**, such as adjudication and rulemaking.

Today, political challenges are causing policymakers to stretch regulation's core legal principles. Four examples of these challenges are: **climate change** (e.g., To what extent should we make utilities and their customers responsible for "greening" energy production and consumption?); **universal service** (e.g., Should we bring broadband to every home, and at whose cost?); **privacy** (How do regulators induce personal changes in energy consumption while protecting the related data from public exposure?); and **protection of our infrastructure from hackers, terrorists and natural catastrophes**.

Complicating these political challenges are two sources of constant tension: **ideology** (e.g., private vs. public ownership, government intervention vs. "free market"); and **state-federal relations** (e.g., Which aspects of utility service are "national," requiring uniformity; and which are "local," warranting state experimentation?).

This field has many jobs, as new issues emerge and as baby boomers retire. Lawyers play varied roles. They advise clients who are suppliers or customers of regulated services, represent parties before regulatory tribunals, advise those tribunals or their legislative overseers, and challenge or defend those tribunals on judicial review.

Note: The 3-credit Writing Requirement section of this course is restricted to J.D. students only. The 2-credit Paper section of this course is restricted to LL.M. students only.

LAW 1801 v00 Understanding and Combatting Corruption Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1801 v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
Objectives and Overview

Addressing corruption has become a global priority. The growing number of high profile cases involving the abuse of public power for private gain has generated moral outrage, particularly at a time of rising inequality. Moreover, there is an emerging consensus that systemic corruption not only undermines a country's economic performance but can also lead to political instability and armed conflict. The Course will examine the societal impact of public sector corruption and the efficacy of the criminal, regulatory and administrative steps that are being taken to address it, both at the national level and international levels. The Course will be interdisciplinary, focusing on the legal, political, economic and institutional dimensions of this highly complex problem.

Finding a universally accepted understanding of what we mean by "corruption" can prove elusive, and the course will begin by examining how lawyers and social scientists have approached this question. The course will then identify the environments that typically enable corruption to flourish, including natural resource economies and countries that are in economic and political transition. It will also assess the debilitating impact that corruption has on overall economic performance, inequality, poverty, political stability and national security.

Taking into account the above considerations, the course will identify the key ingredients of an effective anti-corruption strategy, emphasizing the importance of a holistic approach that includes not only effective criminalization and prosecution but also comprehensive regulatory and administrative reform. While legal obligations and best practices have been established at the international level that include many of these ingredients, evidence indicates that meaningful change only takes place when domestic conditions for reform are in place, which are often precipitated by a crisis. In that context, the course will include case studies of reform based, inter alia, on the experience of the IMF, focusing on the anti-corruption program implemented by Indonesia. Importantly, the course will also assess international efforts to address both the "supply" side of corruption (the provision of bribes to public officials by large corporations) and the problem of "concealment" (when banks in major jurisdictions assist in the laundering of the proceeds of corruption of foreign officials). These issues will be addressed through a close study of the OECD's Anti-Bribery Convention and the 40 Recommendations on Anti-Money Laundering and Combatting of the Financing of the Financial Action Task Force. Corruption within the political system will also be examined, including explicit bribery of politicians, conflicts of interests, and private financing of political campaigns (sometimes referred to as "legalized corruption"). Finally, the course will assess the merits of proposals to establish an International Court on Corruption.

Learning Outcomes

By the end of the course, students will have gained an understanding of those crimes that the international community does (and does not) generally accept as constituting corruption - and why there continues to be a debate on this important definitional question. They will also gain insight into the political and economic circumstances that most typically give rise to corruption and the debilitating impact that this problem can have on society. In terms of the design and implementation of an anti-corruption strategy, students will learn about the key elements of the most relevant anti-corruption conventions and international best practices, including the UN Convention Against Corruption. They will have sufficient knowledge to discuss in depth both the efficacy and limitations of these instruments, taking into account the importance of the domestic political environment. Students' understanding of these issues will be

LAW 1282 v00 Urban Laboratory: Land Use Planning Law in Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1282 v00)
J.D. Seminar (cross-listed) | 2 credit hours
Washington, DC, is undergoing its greatest physical and social transformation of the past half century. Students will engage with legal and planning issues of current real estate developments, analyzing issues of planning, zoning, historic preservation, environmental and other laws that are shaping the transformation. They will work in cooperation with students in Georgetown's program in Urban and Regional Planning to study and participate in real planning efforts, involving projects such as the redevelopment of Union Station and of the air rights over I-395. Students will write short analytic papers, some of which may be comments submitted to regulatory agencies. Some classes will be held at Georgetown's School of Continuing Studies or replaced by Saturday field trips.

Recommended: Prior or concurrent study of Land Use Law or Historic Preservation Law is recommended but not required.

LAW 1883 v00 Water Law in an Era of Climate Change (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1883 v00)
J.D. Seminar (cross-listed) | 1 credit hour
This course will introduce the legal principles governing the acquisition, use, and conservation of water resources, with an emphasis on the historic development of water allocation systems and the challenges posed by climate change. The course will first explore how states have developed competing allocation schemes — riparianism, prior appropriation, and hybrid systems —in response to local conditions and inquire how those systems can respond to changing climatic conditions. The course will next examine the federal government's role in water allocation through its various and competing interests, including, navigation, flood control, reclamation, conservation, and protection of Native American water rights. The course will also survey mechanisms for resolving water disputes between states, through interstate compacts and Supreme Court original actions, and among nations, through treaties and arbitration. The course materials will include case law, legislation, and academic commentary. Throughout the course, traditional water law principles will be examined in the context of current concerns over climate change.

Prerequisite: Property Law

Note: WEEK ONE COURSE. This seminar will meet for one week only, on the following days: Monday, January 8, 2024, through Thursday, January 11, 2024, 6:00 p.m. - 9:20 p.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 1515 v01 Water Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1515 v01)
J.D. Seminar (cross-listed) | 2 credit hours
This course provides a survey of the key elements of domestic water resources law and policy, as well as selected international topics. Students will study the relevant state and federal law, legal opinions and interpretations, and development of underlying policies relating to water resources. The course will provide an overview of the basic doctrines relating to water law – prior appropriation and riparianism, and will consider hybrid systems of water allocation developed to address today's needs and challenges. Students will examine the legal issues surrounding water as a shared regional resource in both domestic and international contexts. The course will review the law of federal and Indian reserved water rights. Finally, the course will address some of the pressing water resources topics of today, such as sustainable management and climate change adaptation in watersheds and river basins in the U.S. and around the globe. We will also address strategies and challenges for addressing future international and domestic water needs. Throughout the course, we will consider the successes and failures of water resources law and policy and prospects for effective water resources management, including conservation, infrastructure development, and the importance of sound science. Students will be expected to participate in class discussions, as well as to complete a final paper. This is a two-credit seminar.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Water Law Seminar: Allocation and Use in Times of Scarcity.

LAW 1827 v00 Wildlife and Ecosystems Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1827 v00)
J.D. Course (cross-listed) | 2 credit hours
This course will involve an in-depth study of the complex body of laws by which we protect or regulate wildlife, including laws that protect ecosystems and the habitats in which wild animals live. The course will provide an overview of the wildlife common law history that stretches across several centuries and will address wildlife-specific federal laws and their accompanying regulations, including the Endangered Species Act, Migratory Bird Treaty Act, Marine Mammal Protection Act, and Magnuson-Stevens Fishery Conservation and Management Act. The course will also cover civil and criminal enforcement, constitutional and Tribal issues that arise in wildlife cases, as well as international law, including the Convention on International Trade in Endangered Species.

LAW 611 v04 World Health Assembly Simulation: Negotiation Regarding Climate Change Impacts on Health (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 611 v04)
J.D. Seminar | 1 credit hour
This Week One simulation will introduce students to the science and impacts of climate change, including effects on health such as heat stress, vector-borne disease, and food security. It will provide students an opportunity to develop positions, advocate, conduct a simulated negotiation, and receive feedback to improve skills. The negotiations will take place as part of the World Health Organization's World Health Assembly. Students will represent countries and important civil society institutions in negotiating and crafting an international agreement pertaining to climate change and global health. They will have the opportunity to conduct research for their assigned country or organization, interview experts, develop strategy, negotiate, receive and incorporate feedback, and draft resolutions, treaties, or other legislative language. Our approach will allow students to go through not merely an academic negotiation exercise but to develop language that might be useful in the real-world context of the World Health Assembly.

Note: This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only. Details regarding the registration process will be provided to students during the fall semester via email, information sessions, and on the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations/). ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations/). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by **Monday, November 27, 2023 at 3:00 p.m.** After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

LAW 872 v00 World Trade Organization: Agreements, Negotiations & Disputes (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW 872 v00)
LL.M Course (cross-listed) | 2 credit hours
The course analyzes the World Trade Organization (WTO) and its agreements, including the General Agreement on Tariffs and Trade (GATT), and the substance and status of negotiations to amend the agreements. It concentrates on the coverage of the agreements, based on their text and interpretive guidance from key dispute settlement decisions. The course also reviews the relevant economic, policy and legal aspects of the international trading system.

Full-time and Visiting Faculty

Vicki Arroyo
William W. Buzbee
J. Peter Byrne
Sara Colangelo
Sheila Foster
Lisa Heinzerling
Aisha Saad
Robert K. Stumberg