ENVIRONMENTAL AND ENERGY LAW LL.M.

Our Environmental & Energy Law LL.M. degree gives students the opportunity to explore environmental, energy, natural resources, land use, and food law. The curriculum melds diverse and rigorous pedagogy with practical, real-world opportunities available only in Washington, D.C.

During the first semester, students enroll in a specialized Environmental Lawyering Seminar. This seminar is designed to facilitate high-level idea exchange, cohort-building among classmates, and the opportunity to engage with our world-renowned faculty in a small setting.

Throughout the year, students design a course-load tailored to their areas of interest within the environmental and energy law arenas. Students are also required to complete an internship or a practicum course to hone practical legal skills. Such opportunities abound in every aspect of environmental and energy law, including options in private firms and energy companies. Congress, courts, governmental agencies, international organizations such as the World Bank, UNEP; and other non-governmental organizations are all nearby. Also, the Georgetown Climate Center (http://www.georgetownclimate.org) gives students the chance to work on cutting edge climate and energy policy issues.

As scholars and practitioners, the environmental and energy law faculty (http://www.law.georgetown.edu/academics/academic-programs/graduate-programs/degree-programs/environmental/Faculty.cfm) at Georgetown Law provide critical legal knowledge and real-world experience to prepare our students for success. A snapshot of our faculty's influence at home and abroad includes authoring winning briefs in landmark Supreme Court cases, such as Massachusetts v. EPA, serving on international bodies including UNEP's International Advisory Council on Environmental Justice and the World Bank’s Inspection Panel, serving in senior policy posts at the U.S. EPA, state and local government agencies, and advising the National Science Foundation and California Air Resources Board. In addition to several committed full-time faculty members, Georgetown Law's exceptional adjunct faculty are among the nation's leading practitioners of environmental and energy law and policy. From these experts, our students gain practical skills and first-hand insights into some of the most compelling and current issues, such as renewable energy and hydraulic fracturing.

Finally, our students are also encouraged to take advantage of the numerous on-campus opportunities to engage with our well-established environmental law community (https://www.law.georgetown.edu/academics/academic-programs/graduate-programs/degree-programs/environmental/upload/2016_environmental-law.pdf), our environmental law journal (http://www.law.georgetown.edu/academics/law-journals/gelr), environmental law society, panelists representing different careers, and guest speakers who are drawn by Georgetown’s location and reputation each year.

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<tr>
<th>Requirement</th>
<th>U.S.-Trained Students</th>
<th>Foreign-Trained Students</th>
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<tbody>
<tr>
<td>Total Credits Required</td>
<td>24</td>
<td>20</td>
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<tr>
<td>Specialization Credits</td>
<td>18</td>
<td>14</td>
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While not required, it is strongly recommended that foreign-trained students enroll in U.S. Legal Research, Writing, and Analysis.

Contact Information
To learn more, please contact:
Sara Colangelo, Director of the Environmental Law and Policy Program
Phone: (202) 661 - 6543
Email: Sara Colangelo (sac54@georgetown.edu)

Please address any questions about admissions the Office of Graduate Admissions (http://www.law.georgetown.edu/admissions-financial-aid/graduate-admissions). (https://dev.law.georgetown.edu/admissions-aid/graduate-admissions)

Search LL.M Environmental Courses (http://curriculum.law.georgetown.edu/course-search/?program=program_92)

**LAW 025 v00 Administrative Law** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20025%20v00)

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 1349 v00 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201349%20v00)
J.D. Course (cross-listed) | 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 first-year elective by the same name or the first year electives, The Regulatory State or Legislation and Regulation, or Government Processes, or Legislation and Regulations: Law, Science, and Policy.

LAW 029 v00 Advanced Environmental Law: Climate Change (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20029%20v00)
Project-Based Practicum | 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 “clients” 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 professor and advisors to develop professional-quality work products that can be shared with outside “clients.” 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.
**LAW 127 v00 Advocacy Tools for Public Interest Lawyers**

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 necessary techniques to become highly effective advocates for social change. The purpose of the class is to help students develop creative advocacy approaches and learn to think beyond litigation and 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 issues 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.

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 567 v00 Animal Protection Litigation**

J.D. Practicum | 4 credit hours

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course explores the process of public interest litigation in an effort to better understand the status and treatment of animals in the courts. Students will participate in a two-hour/week seminar and also undertake 10 hours/week of fieldwork in the twenty-attorney litigation unit at the Humane Society of the United States.

**SEMINAR:** The seminar offers a practical survey of litigation and legislative efforts on behalf of animals at the local, state, and national level. The course will address the historical status of animals in the law; the current application of animal protection laws to wild animals, animals confined in factory farms, exhibitions, and laboratories, and companion animals; legislative efforts and citizen initiatives to strengthen animal protection laws; the role of international conventions and other laws concerning trade in animals and animal products; the limitations on implementation and enforcement of animal laws; and the impacts of free speech, religious expression, and other Constitutional provisions on animal protection statutes. Utilizing an interdisciplinary approach that combines administrative law, environmental law, consumer protection, and other related public interest fields, the seminar will examine why some public interest litigation campaigns succeed and others fail; explore how to construct an effective public interest litigation strategy; and teach students how to develop innovative uses of existing laws to expand legal protections for animals.

**FIELDWORK:** Students will work closely with the Humane Society of the United States’ in-house litigation group to find new and creative ways to ensure that all animals receive the legal protections they deserve. As part of the fieldwork, students will work on a variety of cases in state and federal courts throughout the country, including actions to protect cougars, wolves, grizzlies and other wildlife, to curb unscrupulous breeding of, and cruelty to, companion animals, to improve the treatment of animals used in research, and to prevent the systematic mistreatment of animals in factory farms. The docket is extensive and interdisciplinary, and involves cases being pursued jointly with other public interest groups, including environmental protection, consumer protection, public health, labor, and sustainable agriculture organizations.

**Prerequisite:** 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).

**Recommended:** Administrative Law.

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

**Note:** This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This course is suitable for evening students who can attend the weekly seminar and conduct 10 hours of fieldwork/week during normal business hours. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork must be completed during normal business hours. The two-credit seminar portion of this practicum will be graded. The two credits of fieldwork are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as this practicum. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not withdraw from a practicum course without permission from the professor.
**LAW 3060 v00 Business, Human Rights and Sustainability** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203060%20v00)

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 U.N. Guiding Principles on Business and Human Rights (UNGPI) in 2011, the 2012 U.N. Rio + 20 Sustainable Development Conference, the UN Sustainable Development Goals. These developments were followed by a series of multi stakeholder (governments, private sector, investors and civil society networks and organizations) and specific industry driven initiatives. 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 sector specific or multi stakeholder in nature, the regulation, policy, practice (and even litigation) is multifaceted, dynamic, interactive, complex and challenges lawyers to think outside the box to solve these problems. Bar Associations in America and abroad have also issued 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. Lawyers working on national, regional and hemispheric security and defense will also likely encounter these challenges and will have to advice their governments and organizations on how to develop strategic cross-sector collaborations to counter and address these challenges with a security-defense framework and approach. Those advocating on behalf of environmental and human rights organizations will find their work directly intersects with company law, securities law, investment law and company law to name a few sub areas of practice. Conflicts arising out of environmental and natural resources management, local affected communities and human rights concerns require now more than ever legal responses and the integration of soft skills such as collaboration, multi stakeholder facilitation and engagement, conflict management and transformation to better address context specific challenges.

This course will first examine the core instruments of the business, human rights and sustainability field of practice and different multi stakeholder approaches and sector specific initiatives and their efforts to integrate both international hard and soft law as part of regulatory, self-regulatory policies and practice. Secondly, it will look at how the specific industries are leveraging these mechanisms and tools to address risk management, facilitate conflict prevention, generate sustainable solutions and access to remedy. Lastly, it will provide students with a set of tools and resources for how to conduct a stakeholder mapping and assessment, human rights risk assessment, natural resources assessment and strategies for stakeholder consultation, facilitation and engagement. As a result, students will be able to apply all these hard and soft law, tools and resources to the case based-scenarios they will be assigned to develop and present in class and then submit a final written research memo addressing good practices and challenges.

At the conclusion of this course, students will demonstrate the capability:

1. To distinguish between relevant applications of the Business, Human Rights and Sustainability frameworks of international hard and soft laws, in the context of environmental, social and human rights challenges across industries and different actors.

2. To assess critical human rights, environment and natural resources challenges currently faced in different contexts through a multi stakeholder, perspectives, lens approaches.

3. To analyze and research how different tools and resources can be

**LAW 982 v00 Cross-Border Commercial Regulation: Aviation and Maritime Law** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20982%20v00)

LL.M Seminar (cross-listed) | 2 credit hours
This seminar examines U.S. and international law applicable to aviation and maritime services worldwide. It includes the transportation of both passengers and cargo by air as well as sea. It reviews the evolution and progress made in international law liability conventions (Warsaw, Montreal 1999, Athens 2002) that are applicable to passengers and cargo involved in air as well as sea transport and mishaps/disasters. It examines the emerging applicability of both environmental and security laws and treaties in this area. In the context of public international law, the seminar focuses on the 1944 Chicago Convention and the evolution of restrictive bilateral air transport agreements into the current system of bilateral and multilateral open skies agreements that govern the movement of most passenger as well as cargo airlines of all nationalities throughout the world. The seminars will be likely application of U.S. and E.U. competition laws and policies is studied, particularly as they currently govern the developing practices of code sharing among international airlines and comparable global alliances among shipping lines. Also examined are the legal as well as economic (and practical) consequences of these alliances. Finally, the seminar examines the area of aircraft hijacking and the steps the international community has taken to meet these threats.

**Recommended:** Conflict of Laws: Choice of Law; International Law I: Introduction to International Law (for foreign-educated students, knowledge of these topics from home country study or practice is sufficient.)

**LAW 969 v00 Derivatives Regulation** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20969%20v00)

LL.M Course (cross-listed) | 2 credit hours
The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) fundamentally transformed the regulation of the derivatives markets, particularly with respect to the previously unregulated swaps market. The transition to this new regulatory framework has presented new legal issues and operational challenges for market participants, including companies using swaps to hedge or mitigate commercial risk, swap dealers and other intermediaries, and entities operating market infrastructures, such as exchanges, clearinghouses, and new “swap execution facilities.” This course will focus on the regulation of derivatives under the Commodity Exchange Act, as amended by Dodd-Frank, and as implemented by the Commodity Futures Trading Commission, including an examination of the legal, regulatory and operational issues facing market participants and their responses in implementing this new regulatory structure. This course is designed as a “Derivatives 101” equivalent, providing a broad overview of the regulation of derivatives from a U.S. legal perspective that will serve as a foundation for more advanced coursework and reading. The course will include an in-depth look at the new regulatory requirements and issues with respect to (i) market transparency and integrity, such as preventing market manipulation, disruptive trading practices, and so-called excessive speculation; (ii) the increasing use of automated trading systems and high-frequency trading in commodity markets; and (iii) the interplay between Congress, the federal market regulators, and the entities subject to financial market regulation. Students will be presented with the same questions of law confronting attorneys advising entities trading in derivatives markets, regulators, and the courts.

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**Conflict of Laws: Choice of Law; International Law I: Introduction to International Law (for foreign-educated students, knowledge of these topics from home country study or practice is sufficient.)**

**LL.M Seminar (cross-listed) | 2 credit hours**

**LL.M Course (cross-listed) | 2 credit hours**

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**Cross-Border Commercial Regulation: Aviation and Maritime Law**

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**Derivatives Regulation**

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**LL.M Course (cross-listed) | 2 credit hours**

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**LL.M Seminar (cross-listed) | 2 credit hours**

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**Recommended:** Conflict of Laws: Choice of Law; International Law I: Introduction to International Law (for foreign-educated students, knowledge of these topics from home country study or practice is sufficient.)
LAW 847 v00 Developing & Financing Infrastructure Projects
http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20847%20v00
LL.M Course (cross-listed) | 3 credit hours
This course will use recent transactions involving infrastructure projects (domestic and international) to illustrate the legal techniques and financial issues involved in project development and financing. The course will address case studies involving energy projects, telecom, toll roads, mining, ports, airports, other infrastructure and professional sports facilities. Class discussion will include analysis of how project risk analysis is done and review of key documents used to develop, construct and finance projects. Students will participate in simulated contract negotiation and drafting exercises representing designated parties to a transaction. Coverage will include different sources of financing, including banks, capital markets, ECAs and multinational entities. There will be both a final examination (open-book) and a short drafting exercise that will be graded. Classes 11/12 will be a half-day Special Offsite Negotiation Workshop on a Saturday, for which the class will be divided into groups to negotiate a financing term sheet for a model transaction.

The required course textbook is:

Additional case studies, such as Henry A. Davis, ed., Project Finance: Practical Case Studies, Second Edition (two volume set: Volume I – Water and Power, and Volume II – Resources and Infrastructure), and other materials not in the above publication will be provided.

Learning objectives:

The course is based on four major themes and aims to teach students to analyze issues in light of each theme: (i) allocation of risk, (ii) non-recourse or limited recourse arrangements, (iii) effective contract structures, and (iv) financeability. The class will focus on both theory (risk analysis and mitigation) and practice (critiquing and drafting agreements). Both the written assignment and the workshop will focus on practical matters relating to practice issues.

Mutually Excluded Courses: Students may not receive credit for both this course and Domestic and International Project Finance & Development: Case Studies; or the J.D. course, International Project Finance; or International Project Finance and Investment and Project Development and Finance.

LAW 1290 v00 Energy and Environment Seminar: Hydraulic Fracturing
http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201290%20v00
J.D. Seminar (cross-listed) | 2 credit hours
This seminar will examine the many policy and legal implications of the explosive growth of hydraulic fracturing, which has dramatically increased U.S. oil and gas production through the application of new drilling technology. As a foundation for this examination, the seminar will begin with the nuts-and-bolts of fracturing technology, how it differs from conventional production methods and what environmental impacts it can cause. The seminar will then focus on how fracturing is reshaping the U.S. energy production map and affecting energy prices and markets domestically and internationally. The seminar will then address a set of case studies that bring into focus key areas of legal and policy debate. Areas to be covered include: Is the science sufficient for policymakers to make thoughtful decisions to authorize or ban fracturing? What should the federal and state roles be in regulating fracturing and how much authority to control fracturing exists at the federal and state levels? Should individual cities and towns be allowed to ban fracturing or should that decision be made by states for all their communities? Is increased production of natural gas due to fracturing a positive or negative development from the perspective of addressing the global warming threat? In addition to writing papers, students will be divided into teams that will prepare classroom presentations about how key states have grappled with the challenges posed by hydraulic fracturing.

Prerequisite: Prior enrollment in at least one of the following courses: Environmental Law or Energy Problems Seminar: Climate Change and Other Energy Issues or Energy Regulation: A Practical Approach (formerly Economic Regulation of Energy).

LAW 1455 v00 Energy Law
http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201455%20v00
J.D. Course (cross-listed) | 3 credit hours
This course examines in detail the regulatory regimes governing the sale and delivery of energy in the United States. The focus will be on the economic regulation of electricity and fossil fuel markets. Students will develop a working understanding of how electricity, oil and gas markets are regulated: i.e., how federal and state regulatory commissions regulate price and competition in interstate energy markets under the Federal Power Act and the Natural Gas Act, respectively, and in intrastate markets under analogous state laws. Other topics will include (i) how the law is evolving to address the rapid growth in renewable generation, (ii) the move toward increasing competition and market pricing in energy markets, (iii) the siting of natural gas pipelines and electric transmission lines, (iv) state regulation of oil and gas production, including fracking, (v) rules governing the development of LNG terminals, and (vi) disputes over the pricing and regulation of distributed energy resources (such as rooftop solar or demand response), and more.

Mutually Excluded Courses: Students may not receive credit for both this course and Energy Law and Policy.
LAW 1472 v00 Energy Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201472%20v00)
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 both this seminar and Energy Law.

LAW 142 v02 Energy Problems Seminar: Climate Change and Other Energy Issues (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20142%20v02)
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.
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LAW 1347 v01 Energy Regulation: A Practical Approach (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201347%20v01)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar focuses on the practical application of core and extended legal principles applicable to the electric, natural gas, and oil transportation industries. We will address challenges associated with the formation and implementation of energy policy by examining regulatory reforms and judicial decisions that continue to shape investment and operations. Taking a holistic approach that embraces financial, technological, and environmental factors, we will explore efforts to enhance the touchstones of fairness, efficiency, reliability, adequacy, and enforcement in domestic energy industries.

Several key statutes form the framework of federal energy law, including the Federal Power and Natural Gas Acts. We will extend a survey of the organic development of these statutes to the policy framework the Federal Energy Regulatory Commission has devised to achieve national goals. Foundational constitutional guideposts such as the Commerce Clause and Federalism will frame discussions while cost of service ratemaking, market-based rates, and market manipulation, with case examples and attendant legal principles, will be introduced. Diverse doctrines such as Mobile-Sierra and Chevron, among others, are considered to explore their impacts in areas such as wholesale price formation and agency initiatives, respectively.

By discussing norms of agency practice, we help students gain insight into current and evolving practices and legal developments along the production-transmission-distribution continuum. A special emphasis is placed on environmental considerations and technical innovation. Introduction and analysis of smart grid, demand response, low carbon goals, and other growing initiatives will be presented to connect recent regulatory preoccupations to new challenges. Concepts such as cost causation and undue preference will be studied in contemporaneous contexts to convey the dynamics of rapidly evolving technologies, industry economics, and politics. In sum, the seminar’s emphasis on the practical application of energy law concepts will help students spot issues and assess controversies in the energy sphere.

The seminar will include two practical oral exercises, wherein students will prepare and present argument or negotiation positions in a mock setting and receive feedback on performance. The second exercise will be graded. There is no final examination; students will write a final paper on an energy law topic of their choice. Schedules permitting, there will be a visit to FERC and discussion with Commission staff. Grades will be based on class participation, the second practical oral exercise, and the final paper.

This seminar does not fulfill the Upperclass Legal Writing Requirement.

LAW 2009 v01 Energy Trading and Market Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202009%20v01)
LL.M Course (cross-listed) | 2 credit hours
Energy markets are dynamic and growing rapidly, creating new business opportunities and legal challenges not only for traditional energy companies such as utilities, pipelines, natural gas producers and independent power producers, but also for newer market entrants including investment banks, demand response providers, smart grid and renewable energy companies, storage providers, hedge funds, and large industrial and commercial consumers of natural gas and electricity. The course will focus on the economic regulation of physical energy markets by the Federal Energy Regulatory Commission (FERC), primarily the regulation of transmission, price and competition in the electric and natural gas markets. We will examine six main areas: (i) restructuring and deregulation under the Federal Power Act and Natural Gas Act; (ii) the current model of energy market enforcement and compliance derived, in large part, from securities market regulation; (iii) the legal, regulatory and market responses to ongoing challenges, including market based pricing, market structure and the prevention of market manipulation and market power abuse; (iv) foundational laws and policies governing energy markets and non-discriminatory transmission by wire and pipeline of the electricity and natural gas commodities; (v) “hot topics” such as the shale gas revolution, the impact of subsidies for certain resources, pipeline and electric transmission infrastructure development and cost allocation, and integrating demand resources and renewables; and (vi) the constant interplay among Congress, federal and state energy regulatory agencies and market participants. Students will gain an appreciation for the legal and market challenges confronted by market participants. Some 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, two quizzes during the semester, and class participation.
LAW 1277 v00 Environmental Dispute Resolution Seminar
This course focuses on legal strategies to regulate and remediate environmental harms. It 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.

J.D. Seminar (cross-listed) | 3 credit hours
The Environmental Dispute Resolution Seminar explores the characteristics of environmental disputes and, through various simulations, serves to sharpen students' skills in negotiation, litigation, client communication, persuasive writing, and oral advocacy. The Seminar will center around simulations based on a complex civil environmental law dispute that initiates as a negotiation, proceeds to litigation, and culminates in a court-ordered mediation with a third-party neutral. The course examines the roles lawyers play in each approach, as students assume the role of attorneys from a governmental agency, public interest organization, and outside counsel for a corporate defendant. Through the environmental law simulations, students will evaluate the utility and limitations of the negotiation, mediation, and litigation approaches to resolution. The Seminar will focus on developing each student's understanding of the strategic decisions an attorney must make during various phases of dispute progression and resolution, including pre-enforcement determinations regarding compliance counseling. Students will also write a major motion that will fulfill the Upperclass Legal Writing Requirement, submitting a draft for review and comment before the final product. Environmental Law is a prerequisite for this course.

Prerequisite: Environmental Law.

Strongly Recommended: Foreign-trained LL.M. students must have completed a course in U.S. civil procedure, and U.S. Legal Research Analysis & Writing is strongly recommended.

LAW 146 v08 Environmental Law
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 in-depth analysis of the key laws developed to control pollution: 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.

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 v09 Environmental Law
This course covers the key laws developed to control pollution: 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 key topics such as climate change, enforcement policy and practice, and the role of states, citizens' groups and industry are addressed briefly. The professor will use problems to help students understand the practical application of the statutes in real-world contexts.
LAW 2077 v00 Environmental Lawyering

This course will explore the many aspects of practicing environmental law – across media (water, land, air, and the energy sector), across levels of government (local, state, federal, international), and across scales (local land use to global climate change). It will also expose students in our specialized environmental LLM to many aspects of legal practice. For example, students will be introduced to litigation, client counseling, advocacy, rulemaking and policymaking for environmental and energy attorneys. Throughout the course of the semester, students will be introduced to several members of the Georgetown environmental law faculty and leading practitioners and will form a community among students in our environmental law LLM degree program. The course is organized as a seminar in which students are expected to write reflective essays informed by our readings and to participate actively in discussions. The grade will be based on class participation and reflective memos with extra weight given to a final summary memo. The course meets every two weeks over lunch throughout the fall semester.

Note: This course is required for the Environmental & Energy Law LLM program and is restricted to LLM students admitted to that program.

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 will result in a withdrawal.

LAW 178 v02 Federal Courts and the Federal System

This course addresses the role of the federal courts in our system of government, focusing on relevant constitutional and statutory provisions and jurisdictional doctrines and concepts. Representative topics include justiciability, congressional power to regulate the jurisdiction of the Supreme Court and lower federal courts, Supreme Court review of state court judgments, sovereign immunity, abstention, and habeas corpus.

LAW 3007 v00 Federal Environmental Litigation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203007%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
This seminar will focus on the several types of federal environmental litigation including: civil enforcement litigation, project approval litigation, citizen suits, Superfund cost recovery litigation, toxic tort litigation, and litigation related to the appeal of a rule-making decision.

The purpose of the course is to deepen the students' understanding of certain types of federal environmental litigation and to provide practical hands on litigation experience. The classes will include lectures on the substantive legal issues associated with these areas of litigation together with a practice exercise either in class or a courtroom setting to give students the opportunity to put the substance they learn into practice.

Students will be asked to draft a civil enforcement complaint based on a set of documents identifying a Clean Water Act violation. In the project approval litigation segment and/or the citizen suits segment, students will be given the opportunity to argue in a courtroom setting a motion for a preliminary injunction. In the segment on Superfund cost recovery litigation, the students will have the opportunity to argue a motion to dismiss in a courtroom setting. The segment on toxic tort litigation will explore the legal difficulties in proving liability and will give students the opportunity to examine the issues associated with getting relevant information into the trial record as evidence. The students will also have the opportunity to argue before a mock 3-judge panel in a Circuit Court of Appeals courtroom a rulemaking appeal.

Grading in this course will be based primarily on the brief on the environmental rule that will be the subject of mock court of appeals argument together with class participation. In addition, we will ask the students to prepare an outline for each oral argument and to submit the outlines for grading.

Prerequisite: for J.D. students: Civil Procedure (or Legal Process and Society).

Recommended: for LL.M. students: Prior enrollment in Civil Procedure or a course focused on federal court jurisdiction. Also prior enrollment in Environmental Law and Administrative Law.


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

LAW 1202 v01 Food and Drug Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201202%20v01)
LL.M Course (cross-listed) | 2 credit hours
This course will introduce students to the foundational laws and policies governing the production and distribution of foods, drugs, devices, cosmetics and dietary supplements 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 aduterated or misbranded. Students will also receive an overview of the different agencies that have jurisdiction over foods, devices and drugs on the state and federal levels, as well as an introduction to the ways in which FDA exercises its authority under the Act through rulemaking and guidance. Time permitting, there will be a portion of the course devoted to the extent to which third parties -- outside of the regulatory agency and the regulated business -- seek to influence policy and decision making through communications and lobbying.

LAW 1208 v00 Food Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201208%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
This seminar introduces students to the laws and regulations that govern our food. The seminar will primarily cover law at the federal level, including but not limited to such topics as the legal definition of food, rules on food labeling, standards for food safety, and regulation of genetically modified organisms. Beyond the law itself, we will consider the scientific, economic, and ethical principles implicated by legal decisions concerning food.

Prerequisite: Administrative Law or the first-year course, Government Processes, or the first-year electives, The Regulatory and Administrative State, Congress and the Administrative State, Legislation and Regulation, or The Regulatory State.

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.
LAW 216 v02 Historic Preservation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20216%20v02)
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: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 370 v02 Human Rights at the Intersection of Trade and Corporate Responsibility (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20370%20v02)
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 882 v08 International Arbitration
LL.M Course (cross-listed) | 2 credit hours
Examines United States, foreign, and international law and practice relating to international commercial arbitration, including the U.S. Federal Arbitration Act, the New York Convention on the Recognition and Enforcement of Arbitral Awards, the UNCITAL Arbitration Rules, and the arbitration rules of major arbitral institutions such as the ICC, JAMS, the ICDR, CIETAC, LCIA, HKIAC, and SIAC. The course focuses on the procedural law applicable to and the practical aspects of arbitration. It will cover such topics as enforcing arbitration clauses, conducting arbitration proceedings, judicial oversight of arbitration, choice of law, enforcing and setting aside awards as well as drafting dispute resolution clauses.

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

Mutually Excluded Courses: Students may not receive credit for both this course and International Commercial Arbitration, Introduction to Commercial Arbitration or the J.D. seminar, International Commercial Arbitration Seminar (CTLS course).

LAW 3032 v00 International Energy Arbitration
LL.M Course | 2 credit hours
The course begins with an introduction to International Energy Arbitration, followed by discussion of the International Energy Industry, its sources, segments, and players. Next comes the Science of Oil & Gas Disputes, an essential building block for any lawyer engaged in this field. An extensive presentation on the Legal Framework for International Energy Arbitration covers international laws and norms, national constitutions, national petroleum laws and regulations, and, in particular detail, the historical evolution of upstream host government petroleum contracts, including petroleum fiscal systems. To place the subject of host government contracts in its proper setting, the next section describes resource cycles and resource nationalism, as well as the legal status of host government contracts. Segments on contract stabilization and choice of law come next. The subject of international oil and gas dispute resolution explains the process and procedure for resolving these disputes through international arbitration, drawing on examples from actual international energy agreements and disputes. Discussion then moves to 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 moves to commercial disputes arising out of joint operating agreements, gas contracts, and LNG sales contracts. The final two substantive course subjects address disputes with host governments and with co-venturers over unitization / joint development of a common reservoir and decommissioning / abandonment of offshore production platforms and related facilities. Following a discussion of enforcement of energy awards, the final segments address advocacy in international energy arbitration and building an international energy arbitration practice. The course is designed to provide an in-depth knowledge of the main types and key drivers of international energy disputes, past and present, 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.

Recommended: Prior or concurrent enrollment in an introductory international arbitration course.

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 will 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.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.
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; natural resource issues of fresh water (both surface and ground water), marine resources, and 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 climate intervention.

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 and natural resource problems; to understand international negotiations; and to be able to apply legal concepts developed in the course within different national settings for implementing international law.

Out of the ashes of World War Two and the Holocaust arose the recognition of individual criminal responsibility for crimes against humanity under international law and a concomitant recognition of universal human rights. This course provides an intensive survey of international human rights law and practice, with a principal focus on interpretation and implementation of human rights obligations, commitments, and norms in the practice of states. The course has three main components: in the first unit, we examine the development of the substantive law of human rights (including treaties, customary international law, and non-binding international instruments). In the second unit, we examine implementation of international human rights in the international, regional, and domestic systems, focusing on UN organs such as the Human Rights Council and treaty bodies. Finally, in the third unit we look at the application of the substantive law and implementation mechanisms in the context of current issues in international human rights, including in the context of atrocities and the refugee crisis. The course highlights contemporary ethical problems in international human rights law such as genocide and torture, application of human rights obligations, commitments, and norms to non-state actors (including corporations), universality of human rights and cultural relativism, and the need to protect human rights while countering terrorism, including issues relevant to U.S. law and practice. Along the way we examine issues related to international immunities, impunity, human rights litigation under the U.S. Alien Tort Claims Act and Torture Victim Protection Act, and international criminal tribunals.

Recommended: International Law I: Introduction to International Law.

Mutually Excluded Courses: Students may not receive credit for both this course and International Human Rights Law, or the J.D. course, International Human Rights.

How can the international legal system address some of human kind's greatest weaknesses? This course provides an intensive survey of modern international human rights law and the legal institutions and systems of oversight that support it. Through a mixture of lecture and class discussion, we will look at how and why these mechanisms developed, and critically analyze how they -- as well as States, non-State actors, and individuals -- succeed or fail in practice to promote and protect human rights at the international, regional, and domestic levels. We will cover the foundations of the modern system including the International Bill of Human Rights and the Geneva Conventions, as well as subsequent developments including treaties and declarations regulating the use of certain weapons, prohibiting torture, protecting the rights of persons with disabilities, protecting refugees, promoting the rights of indigenous peoples, eliminating racial discrimination and discrimination against women, and establishing the international criminal court. We will also look at how “soft law” has developed to address emerging human rights-related fields such as corporate social responsibility and data privacy protection. Highlighting contemporary issues in international human rights, we will ultimately ask ourselves how current international human rights mechanisms can address today’s conflicts, including refugee crises, natural resource disputes, and international campaigns against terrorism.

Recommended: Prior enrollment in International Law I: Introduction to International Law (or equivalent).

Mutually Excluded Courses: Students may not receive credit for both this course and International Human Rights Law and Practice.

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

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.

Recommended: A basic course in public international law.

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 1024 v00 International Law Seminar: Water Resources (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201024%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
Fresh water resources are predicted to become increasingly scarce in some regions and a source of conflict. This seminar covers a broad range of issues in international water law, including surface and ground water allocation, water quality, water agreements and river basin institutions, human right to water, water markets, demand management, and links with international economic law. Water is viewed both as a source of conflict and as an opportunity for cooperation. Includes a simulated negotiation for an international river or transboundary aquifer problem, and a simulated dispute settlement. Draws upon domestic water laws in understanding international water law.

Learning goals for this course: To understand legal aspects of water resource issues and the basic hydrology underlying the issues; to be able to identify the interests of different countries and other actors in an international negotiation over a water issue and to fashion solutions by thinking out of the box; to understand water litigation and the needs of judges/arbitrators in dealing with water resource issues.

Recommended: A basic course in public international law is helpful.

LAW 2061 v00 International Litigation and International Arbitration: A Practitioner's Approach (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202061%20v00)
LL.M Course | 2 credit hours
This survey course introduces students to the traditional mechanisms used to resolve cross-border commercial disputes—international litigation and international arbitration—from the perspective of a practitioner. Among the topics examined are (1) the legal and practical advantages and disadvantages of litigation and arbitration, (2) key elements of international arbitration agreements (including the negotiation of those agreements), (3) key principles regarding the enforcement of international arbitral awards, (4) key treaties for international arbitration and international litigation, (5) principles and tactics involved in litigating and arbitrating against sovereigns, (6) the jurisdiction of US courts over foreign defendants in cross-border cases, (7) unique features of civil and common law courts in the resolution of international commercial disputes, and (8) the practice and strategic use of parallel international litigation and arbitration proceedings.

LAW 3029 v00 International Negotiations (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203029%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
The International Negotiation course will focus on the methods and objectives for successfully engaging in international negotiations. This course will include in-depth reviews and class discussions of negotiations conducted by governments, the private sector, non-governmental organizations, as well as international institutions. The course will provide important insight into the necessary preparations and research necessary to conduct international negotiations as well as a better understanding of the complexities and nuances of actual negotiations. The course will provide students an opportunity to review and dissect previous negotiations and prepare and conduct negotiations based on their understanding of what works and what does not. Discussions will focus on the most important aspects of negotiations — mutual understanding of the expected outcome, in-depth review of the expected positions of the parties, how to accurately understand the extent of any leverage and how to assess a successful outcome. Cultural, linguistic and other possible impediments to a successful negotiation will also be explored to provide students a full understanding of all that goes in to a successful negotiation.

Recommended: Prior enrollment in International Law, Conflicts

Strongly Recommended: Legal writing
LAW 240 v00 International Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20240%20v00)

J.D. Seminar (cross-listed) | 2 credit hours
This seminar seeks to develop skills and knowledge to participate in negotiations and in particular international business negotiations. Approximately a third of course time is devoted to the negotiating process and analysis of negotiation principles and dynamics. Another third is spent on the cultural, practical, legal and strategic elements of international business transactions. The balance is spent on a series of “mock” negotiations. Students, individually and in groups, experiment with different negotiating techniques and fact situations of increasing complexity. The course requirement is principally satisfied through preparation of a comprehensive negotiated agreement and follow-up memorandum. Heavy emphasis is placed on class participation, including the negotiations. The final negotiating problem requires substantial team work with others, including strategy, analysis, and preparation. Negotiations are carried on both inside and outside normal class time.

Recommended: Contracts.

Mutually Excluded Courses: Students may not receive credit for this course and the International Negotiations Seminar in the graduate program (LAW/J/G-958) or International Business Negotiations.

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

LAW 958 v00 International Negotiations Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20958%20v00)

LL.M Seminar (cross-listed) | 2 credit hours
After introductory lectures on negotiation theory and practice, the seminar students will be divided into teams for a series of simulated negotiations covering government-to-government, government-private and transnational private negotiations. Student performance in these negotiations and class discussions will comprise most of the course grade; no research paper or examination is required.

Mutually Excluded Courses: Students may receive credit for this course and International Business Negotiations. Students may NOT receive credit for both this course and the J.D. course, International Negotiations Seminar.

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.

LAW 2021 v00 International Oil & Gas Industry: Legal and Policy Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202021%20v00)

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. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students

LAW 928 v03 International Project Finance (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20928%20v03)

LL.M Course | 3 credit hours
This course examines legal, business and policy issues that arise in international project financings, particularly in emerging markets, and analyzes how such transactions are structured and negotiated and related risks are allocated. We consider the typical roles played by parties to such transactions (equity sponsors, lenders, customers, suppliers and host governments), interests associated with such roles, and how competing interests tend to be reconciled. We will focus on how negotiated arrangements are embodied in and supported by typical transaction documentation such as project documents, financing documents and legal opinions. Coverage will include illustrative local law and political risk issues. Selected international investment transactions, both actual and hypothetical, will be used to illustrate recurring themes.

Course requirements include participation in a simulated international project loan negotiation with outside experts serving as clients.

Recommended: International Business Transactions; Conflict of Laws: Choice of Law; Secured Transactions; Corporate Finance.

Mutually Excluded Courses: Students may receive credit for only one of the following courses: Developing & Financing Infrastructure Projects; Infrastructure Projects in Developing and Transition Countries; International Project Finance; International Project Finance and Investment; International Project Finance & Development: Case Studies; Project Development and Finance or Transacting International Finance.
Environmental and Energy Law LL.M.

**LAW 244 v01 International Trade** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20244%20v01)

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

This course will examine the international trading system and focus primarily on the law and policy of the World Trade Organization (WTO). We will consider the theoretical foundations of free trade and the international trade regime, its current institutional and legal architecture, and its economic and social effects.

The course will examine the basic mechanisms enabling trade liberalization including the principles of non-discrimination and the regulation on tariffs, quotas and subsidies. We will explore the relationship between WTO rules and domestic regulation, analyzing how the WTO has managed the tensions between trade liberalization and other values concerning the environment, health and safety, workers’ welfare, human rights and consumer choice. We will analyze several areas of economic liberalization beyond goods, including services, intellectual property, investment and migration. Throughout the course, we will evaluate whether WTO constraints on countries’ policy autonomy hinder their ability to pursue successful development strategies, particularly in light of the experience of emerging countries like China, India, and Brazil.

Finally, we will explore how regional trading blocks, including TPP-11, the new USMCA, and the “trade wars” pursued by the U.S. administration alleging national security considerations are reshaping global economic governance.

**Mutually Excluded Courses:** Students may not receive credit for both this course and International Trade and the WTO or International Trade Law or World Trade Organization: Law, Policy and Dispute Settlement; or the graduate course, International Trade Law and Regulation.

**LAW 244 v05 International Trade Law** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20244%20v05)

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

Economic interdependence between countries and across production chains has grown exponentially. Yet, today, economic globalization is under attack. In this context, existing rules on international trade, and negotiating fora to potentially change those rules, are key. This course focuses on the rules and institutions established under the World Trade Organization (WTO) as well as selected regional trade agreements. What are the benefits and risks of trade liberalization from legal, economic and political perspectives? How can trade liberalization go hand in hand with pursuing public policy goals such as protecting the environment or labour standards (“non-trade concerns”), job creation or promoting the economic development of poor countries? The course will offer an in-depth, practical knowledge of substantive WTO law drawing heavily on case law from dispute settlement practice. It will address the basic principles of trade in goods and trade in services as well as more specific WTO agreements on, for example, health measures, subsidies, trade remedies and intellectual property rights. The course will also focus on the unique WTO mechanism for the settlement of trade disputes, and especially on how it balances trade liberalization with non-trade concerns as well as how it copes with increasing trade tensions between OECD countries and emerging economies like Brazil, China, India and Russia.

**Mutually Excluded Courses:** Students may not receive credit for both this course and International Trade and the WTO or World Trade Organization: Law, Policy and Dispute Settlement; or the graduate course, International Trade Law and Regulation.

**Note:** There are no prerequisites for this course.

This course will meet 2 times per week in the weeks of September 3 - September 19 and October 15- October 31. In addition, there will be three classes taught remotely on October 10, November 7 and November 14.
LAW 966 v01 International Trade Law & Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20966%20v01)
LL.M Seminar (cross-listed) | 2-3 credit hours
Examines U.S. 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, escape clause (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. 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 North America Free Trade Agreement and the recent Trans-Pacific Partnership, 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 "Category 1" 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 959 v00 International Trade, Development & the Common Good (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20959%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
The seminar will explore the relationship between international trade and development policy and practice, both currently and historically. In particular, the seminar will critically investigate the link between trade and development that goes beyond a purely economic understanding and reaches questions of broad-based poverty alleviation, human rights, food security, environmental protections and even security and democratic reforms within and between nations. New, innovative approaches in the field, such as global value chains, impact investing, social entrepreneurship, spatial development and demand-driven policy reform will be introduced and discussed throughout the seminar. The purpose of the seminar’s exploration is to equip seminar members with the tools to integrate trade law and policy into a broader perspective on development (and vice versa) than that presented by economic analysis and current practice, in the hope of combining an understanding of the global trading system with expectations of its role in sustainable economic development.

The seminar will take place in three phases. In Phase I the seminar will explore the relationship between trade and development and how it relates to a common good. Phase II will explore several specific areas related to trade and development that are pertinent to the current debate. In Phase III, seminar members will apply the understanding gained in Parts I and II— in conjunction with their own research— in analyzing the relationship between trade and development in specific, concrete situations. This will include a brief presentation by each seminar member, as part of a larger panel, before the seminar. This phase will lay the groundwork for the final paper.

The required and recommended readings extend well beyond traditional analysis of trade agreements and negotiations into law, economics, history and politics in an effort to raise not just technical questions about trade practice and law but to focus as well on the equitable political economy considerations inherent in the operation of the current system. Seminar members are encouraged to bring to the discussion resources and points of view beyond those recommended. In the third part of the course, seminar members will be offered the opportunity of engaging in a current topic concerning trade and development. At different stages throughout the seminar, leading scholars, practitioners and policymakers in the wider Washington, D.C. community may be included in the discussions.

LAW 272 v00 Land Use Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20272%20v00)
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 3002 v00 Legal and Regulatory Issues in International Oil & Gas and Extractive Industries (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203002%20v00)
LL.M Course (cross-listed) | 1-2 credit hours
This course will survey the numerous legal and regulatory issues faced by oil and gas and other energy and extractive industries, corporations, investors and government regulators in light of four dominant trends - volatile adherence to rule of law around the world, global interdependence of finance markets, the emergence of disruptive technologies and increasing environmental and social concerns and initiatives. Players of these industries face long term capital investment decisions in ever more rapidly changing markets. Legal counsel for all parties involved play a substantial role in the evaluation and mitigation of risk and in resolution of disputes related to both existing and emerging risks. Participants in the course will gain an understanding of oil and gas, energy and extractives transaction models around the world, emerging issues related to new technologies, international political risk, disregard of rule of law, anticiorruption and transparency, environmental concerns and the legal techniques utilized to mitigate such risks in areas such as contract drafting, joint venture strategies and regulatory compliance procedures. Topics will include a general explanation of the risk or opportunity and cases of specific transactions, development proposals or regulatory enforcement matters.

Participants in the course will gain an understanding of oil and gas, energy and extractives transaction models around the world, and of emerging challenges related to new technologies, international political risk, disregard of rule of law, anticiorruption and transparency requirements, environmental, social and climate change concerns, and the legal techniques used to mitigate such risks in areas such as contract drafting, joint venture strategies and regulatory compliance procedures.

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 will 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 1169 v00 Litigating at Regulatory Agencies: Roles, Skills and Strategies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201169%20v00) (Project-Based Practicum)
J.D. Practicum | 5 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 (and in this case, an outside client). This project-based practicum course will focus on regulatory agency litigation. Students will participate in a two hour/week seminar and carry out 15 hours/week of project work under the direction of the course professor.

Regulatory litigation covers a diverse terrain: from mergers of telecommunications monopolies to benefits for the disabled; from market manipulation by banks to fraud by physicians. It occurs at hundreds of administrative agencies, federal and state, employing thousands of lawyers in diverse roles. They organize proceedings, shape and draft expert testimony, conduct discovery, present and cross-examine expert witnesses, write briefs, draft opinions, defend or attack commission decisions in court, bring or defend enforcement actions, and shape regulatory legislation. Despite this diversity, all regulatory litigation should achieve the same outcome: an agency decision that serves a statutorily-defined public interest and holds up in court. This practicum course teaches students how to be effective participants in regulatory litigation, both as advocates for parties and as advisors to decision-makers. We will address two major questions: (1) What skills are required? and (2) How can lawyers shape the regulatory litigation process to serve the public interest rather than parties’ narrow private interests? We will address these questions through a seminar component and a project component, each informing the other.

SEMINAR: The seminar component will study the complete record of a litigated proceeding; if possible, one pending during the semester. The spring 2015 and spring 2016 classes dealt with the proposed acquisition of the local electric utility Pepco by the holding company Exelon, reviewed by the D.C. and Maryland regulatory agencies. For each stage in the proceeding (application, interventions, discovery, pre-filed testimony, design of hearing procedures, cross examination, settlements, briefing, deliberations, order-writing and judicial review), students will critique actual filings, and prepare their own versions in a simulated context (e.g., preparing discovery questions, conducting cross examination and presenting oral argument during judicial review). Further, using examples from other regulatory proceedings, we will compare litigation procedures and practices, with attention to the centrality of the evidentiary record, parties’ and the agency’s vulnerability to interest group pressures, procedural efficiency and fairness, and the tension between short-term gains and the long-term public interest. Other readings will give insights into the strengths and weaknesses of agency decision-makers—the knowledge of which is essential to litigation success. Practitioners will visit class to answer student questions about technique and strategy.

PROJECT WORK: The project component will consist of one or more of the following activities: (a) working directly with a regulatory litigator or decisionmaker in a pending regulatory action; (b) preparing for an agency client a 15-20 page analytical paper that offers solutions to some suboptimality in regulatory litigation procedure; and (c) observing and commenting on some aspect of a current adjudication at the Federal Energy Regulatory Commission (or other regulatory agency selected by the student), applying the skills and principles studied in class.

Prerequisite: 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 concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.
LAW 324 v00 Maritime Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20324%20v00)
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.

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 Oceans Law and Policy.

LAW 922 v01 National Security & the Law of the Sea (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20922%20v01)
LL.M Seminar (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 oceans, maritime rules of engagement, and naval 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.

Final exam only.

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 Oceans Law and Policy.

LAW 1619 v00 Natural Resources and Energy Law and Policy Practicum (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201619%20v00) (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.

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.

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 may also be required to withdraw from the seminar and project components. Students may not withdraw from 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 may also be required to withdraw from the seminar and project components. Students may not withdraw from the seminar and project components and may not take either component separately.

Students may not receive credit for both this course and Natural Resources Law: Energy, Water and Land Resources.
LAW 329 v00 Natural Resources Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20329%20v00)

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 1205 v00 Natural Resources Law: Energy, Water and Land Resources (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201205%20v00)

J.D. Seminar (cross-listed) | 2 credit hours
This seminar addresses key elements of natural resources law, with an emphasis on energy (non-regulatory aspects), water, and land resources. Students will study the relevant statutes, case law, and underlying policies relating to these natural resources. The course is primarily domestic in its focus, but some topics and examples of international natural resources law and policy will be included. During the seminar, students will draw on pertinent and practical legislative and administrative materials. The seminar will address the development of energy resources, including coal, oil and gas, and water resources. Another focus of the seminar will be water resources, including the laws impacting the allocation and availability of water in the eastern and western United States, water resources and climate change adaptation, and innovative approaches to restoring ecosystems on a watershed or river basin scale. Laws relevant to federal public land management will be examined. Throughout the seminar, we will discuss the successes and failures of natural resources law and policy, the trade-offs between preservation and development, future prospects for effective resource management and conservation, and global approaches to addressing these issues. This seminar is appropriate for students who have not previously taken Natural Resources Law and also for students who have taken the course but wish to delve more deeply into the subject matter.

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

LAW 3077 v00 Oil and Gas Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203077%20v00)

LL.M Course (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. In addition, the course will explore policy options and new business model innovations that have emerged as possible ways to create alternative sources of capital and project finance structures for renewable projects. 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 legal and finance 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 1194 v00 Renewable Energy Seminar: Policy, Law and Projects (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201194%20v00)

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. In addition, the course will explore policy options and new business model innovations that have emerged as possible ways to create alternative sources of capital and project finance structures for renewable projects. 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 legal and finance practitioners active in the renewable project development and finance industry.
LAW 1019 v00 Renewable Energy, Internet, Uber: Bringing Competition to Historically Monopolistic Industries (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201019%20v00)
J.D. Seminar | 2-3 credit hours
Our major infrastructural industries—electricity, gas, telecommunications, transportation and water—were historically controlled by monopolies. Introducing competition into these industries, an effort largely begun in the 1970s and continuing to this day, has been a struggle. Numerous battles before legislative bodies, regulatory agencies and courts, at the state and federal levels, has 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.

Regardless of the industry or era, the regulation of infrastructural monopolies and their competitors has had five common elements: its mission (to align utility 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 market structures—from monopolies to competition; and public purposes—from reliability to environmental accountability); reliance on multiple professions (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?).

In this field—in which there are many jobs as baby boomers hired in the 1970s retire—regulatory 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. Using Georgetown’s Zoom platform, students will have opportunities to interact with practitioners playing each of these roles.

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 1019 v02 Renewable Energy, Internet, Uber: Bringing Competition to Historically Monopolistic Industries (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201019%20v02) (Project-Based Practicum)
J.D. Practicum | 5 credit hours
This course addresses regulatory efforts to bring competition to markets historically dominated by regulated monopolies, particularly in the electricity, gas, telecommunications and local transportation industries. Students will participate in a two hour/week seminar and carry out roughly 15 hours/week of project work for an outside client (usually a regulatory agency), under the direction of the course professor.

SEMINAR: In the field of public utility regulation, lawyers operate at the intersection of multiple professions (economics, finance, accounting, management, engineering and politics); jurisdictions (50 states and several federal agencies); and ideologies (e.g., private vs. public ownership, government intervention vs. “free market”). Regardless of the industry or era, public utility regulation has three common elements: its mission (to align corporate behavior with the public interest), its body of law (ranging from state law on monopoly franchises to federal constitutional protection of shareholder investment), and its flexibility (accommodating monopolistic and competitive market structures). Today’s policymakers are stretching traditional public utility law to address frontier problems, such as climate change (Should we require utilities and their customers to reduce and “green” energy production and consumption?); universal service (Should we bring broadband to every home?); homeland security (How vulnerable is utility infrastructure?); and privacy (Can regulators induce changes in personal energy consumption without expose personal consumption data?). A constant is state-federal tension over jurisdiction (e.g., Which aspects of utility service are “national,” requiring uniformity, and which are “local,” warranting state experimentation?). The public utility field employs thousands of lawyers in diverse roles.

The seminar component will cover (a) the backbone law (state and federal enabling statutes, constitutional law, antitrust law, contract and tort law, administrative law); and (b) the array of formal and informal procedures (notices of inquiry, rulemakings, contested cases, deliberative decision-making, appellate review) available to decision-makers and parties seeking to influence them.

PROJECT/WORK: Each student will work with a senior decision-maker or advisor within a state or federal regulatory agency, or a public interest group, to solve a frontier policy problem in utility regulation. Past projects have involved electric vehicles, solar energy deployment, broadband investment, revocation of public utility franchises, data privacy, wireline telephone rate structures, and service quality standards in a developing country’s natural gas industry. Besides researching and solving substantive issues for the client, student papers and class discussions will address the lawyer’s role in (a) integrating multiple professional disciplines; (b) maneuvering within multiple jurisdictions and fora; and (c) assessing and improving regulatory agencies’ performance.

Prerequisite: 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 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, space permitting. Interested LL.M. students should email Louis Fine (fine@law.georgetown.edu) to request admission. This practicum course is suitable for evening students who can commit to attending the weekly seminars and participating in 15 hours of project work.
LAW 945 v00 Taxation of Energy Markets

LL.M Seminar (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 development of non-conventional energy sources, 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 energy is highly dependent on specific tax credits designed to encourage their development. For oil and gas, long-standing tax rules impact how investment decisions are made.

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

1. taxation of the oil and gas industry (including long-standing tax rules specific to exploration, production and refining of oil and natural gas)
2. taxation of electric utility and natural gas markets (including tax changes flowing from deregulation of these markets)
3. tax subsidies and tax incentives for alternative energy development (including analysis of creative tax-planning structures designed to maximize the value of these incentives).

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.

Prerequisite: Federal Income Taxation (formerly Taxation I).

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

LAW 1099 v00 The Art of Regulatory War Seminar

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

This seminar will focus 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 or their clients’ interests and broader policy goals? What changes are underway regarding the nature of regulation and ways regulatory wars are fought?

Subject to adjustment in light of legal developments and student interest, the seminar meetings will be organized around either case studies or topics. Topic-based classes will likely select from among the following: a class or two on federalism doctrinal shifts and debate over the values and functions of preemption and other sorts of federalism-linked allocations of authority; theories of regulation and regulatory reform proposals; cutting edge administrative law developments and debates; the shift to market-based and experimental “rolling rule” modes of regulation; “sound science” and “bought science;” behavioral economics and regulatory design; and “impact” litigation strategies. Likely case study subjects will include a few the following or other new case materials: 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 and legislative proposals and battles; regulatory responses to disasters; 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, congressional testimony, legislative and regulatory proposals, statutory provisions and scholarship. Students will have broad latitude to develop related paper topics. During the last few weeks of the semester, we will conclude with students sharing and leading discussion of their draft papers. 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: 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.

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 1282 v00 Urban Laboratory: Land Use Planning Law in Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201282%20v00)
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 1497 v00 Urban Law and Policy Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201497%20v00)
J.D. Seminar | 2-3 credit hours
This seminar will explore a range of legal and policy problems currently affecting American cities including housing and land use, concentrated poverty and racial segregation, expanded efforts to police crime, recent efforts to regulate harmful products (sugary drinks, tobacco, guns, unhealthy food), innovative efforts to encourage economic development, and strategies to expand social justice, among others. We will analyze the underlying social, economic, and political causes of these problems and the responses made by policymakers and courts. We will examine the limits of existing legal doctrines concerning local government powers at a time when local government units are being asked to take on more and more responsibility for improving society and regulating the conduct of citizens in local jurisdictions. Grades will be based on active participation in class discussion and a research paper. The last few weeks of the course will be devoted to student presentations of their research. Students seeking to use this course to satisfy the upper-level writing requirement must sign up for the three credit section.

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 J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

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 will result in a withdrawal. Laptops and tablets are not allowed in the classroom.

LAW 872 v00 World Trade Organization: Agreements, Negotiations & Disputes (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20872%20v00)
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.