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.

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 to 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)

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Search LL.M Environmental Courses (http://curriculum.law.georgetown.edu/course-search/?program=program_92)
LAW 025 v06 Administrative Law
J.D. Course | 3 credit hours
There is no more fundamental course in law school than administrative law. This course introduces you to the modern administrative and regulatory state. You will come to understand both the tremendous power exercised by administrative agencies and the significant constraints (legal and political) under which they operate. You will learn to identify the design features that might make an agency constitutionally problematic, the factors that make one type of decision-making framework more appropriate than another, the prerogatives and limits of agencies in interpreting the statutes they are charged with administering, and agencies’ prerogatives and limits in adjudicating facts and exercising policymaking discretion. You will also learn to identify the factors that affect the availability and timing of judicial review of agency action.

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

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

LAW 1349 v00 Administrative Law
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
J.D. 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 professors. 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 professors 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. Students work with professors 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 567 v00 Animal Protection Litigation [(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20567%20v00)] (Fieldwork 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 wide 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 Louis Fine (fine@law.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 permitted. Interested LL.M. students should email Louis Fine (fine@law.georgetown.edu) to request admission.
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.

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.
LAW 1347 v01 Energy Regulation: A Practical Approach

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 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 along the production-transmission-distribution continuum. Introduction and analysis of smart grid, demand response, low carbon goals, and other recent developments will be presented to connect current 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.

Recommended: Prior or concurrent enrollment in Energy Law or Energy Law and Policy.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 146 v09 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v09)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy 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.

LAW 146 v08 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v08)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v07 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v07)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v06 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v06)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v05 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v05)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v04 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v04)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v03 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v03)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v02 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v02)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v01 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v01)
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 Toxic Substances Control 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 1277 v00 Environmental Dispute Resolution Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201277%20v00)
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: Prior or concurrent enrollment in Administrative Law. 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.

Environmental and Energy Law LL.M.
LAW 2077 v00 Environmental Lawyering (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202077%20v00)
LL.M Seminar | 1 credit hour
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 Law LL.M. program and is restricted to LL.M. students admitted to that program.

LAW 156 v01 Environmental Research Workshop (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20156%20v01)
J.D. Seminar (cross-listed) | 3 credit hours
The Environmental Research Workshop has three primary objectives: to (1) acquaint students with some of the best contemporary scholarship in environmental, natural resources, and energy law; (2) create an intellectual forum at Georgetown that brings together some of the nation’s foremost academic scholars with law- and policy-makers in the fields of environmental, natural resources, and energy law for the exchange of ideas, and to allow students to participate in that forum; and (3) provide students with an opportunity to produce some substantial legal scholarship on an environmental, natural resources or energy law-related topic. The centerpiece of the course is a series of workshop meetings, during which a leading academic or practitioner will present a paper or other written material, followed by commentary. Previous workshop speakers have included nationally recognized scholars writing about market-based regulation, risk analysis, environmental justice, climate change, endangered species, statutory interpretation, and other timely topics. Commentators have included a federal appellate judge, a Deputy Solicitor General, the general counsel for the U.S. Environmental Protection Agency, and the Counsel to the Secretary of the Interior, among others. Students will have an opportunity to present drafts of their papers to the class and respond to questions about them.

Students can fulfill their Upperclass Legal Writing requirement by producing a substantial piece of scholarly writing. Any student wishing to do this must register for the three (3) credit section of the course. JD students have the option of enrolling in the course for two instead of three credits. Those who pursue the two-credit option will not be responsible for preparing a substantial scholarly paper. They will instead draft the equivalent of three 4-5 page more detailed written critiques of papers being presented by the outside speakers. These critiques will be shared with the outside speaker. The paper requirements of the 2-credit section will not fulfill the Upperclass Legal Writing Requirement.

Prerequisite: Prior or concurrent enrollment in the basic survey class in environmental law, natural resources law, or international environmental law. Exceptions may be made with the consent of the Professor.

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 178 v02 Federal Courts and the Federal System (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20178%20v02)
J.D. Course (cross-listed) | 3 credit hours
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.

Note: This is a required course for the Food and Drug Law Certificate.

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. 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.
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 43 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: 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.

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

LAW 3032 v00 International Energy Arbitration (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203032%20v00)
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: A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.
International Human Rights Law

This course focuses on international law applicable to the leading environmental and natural resource issues. The course covers climate change, ozone depletion, transboundary pollution, hazardous wastes and chemicals, biodiversity, agriculture, fresh water, human rights and environment, environment and trade intersection, and financing of sustainable development. The course provides a framework for addressing the legal issues, links international law with relevant national laws, and focuses on ways to strengthen compliance with international obligations.

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.

LAW 814 v00 International Human Rights 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 internationally protected 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 norms in the practice of states. The course examines the development of the substantive law of human rights (including international treaty instruments, "soft law," and customary international law) and international, regional, and domestic systems of oversight and enforcement, focusing on UN organs such as the Human Rights Council and treaty bodies. The course includes treatment of the principles of international humanitarian law, and highlights selected contemporary and ethical problems in international human rights law such as genocide and torture, application of human rights norms to non-state actors (including corporations), universality of human rights norms 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. We also review the more recent treaty texts adopted by the United Nations General Assembly such as the Convention to Protect Against Enforced Disappearances and the Convention on the Rights of Persons with Disabilities.

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.
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 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 has defined much of the twentieth and, thus far, twenty-first centuries. Today, with Middle East politics and oil prices dominating the headlines, the issues that confront the international petroleum industry have come into sharper focus. The industry lies at the intersection of global business, 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 critical industry. Topics to be covered include: sources and uses of energy, oil & gas laws and contracts, maritime boundary disputes, and project financing of energy projects. This course is recommended for students interested in pursuing energy-related careers in government, professional services, industry (e.g., petroleum companies), or international development (e.g., the World Bank, United Nations, USAID).

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, anticorruption 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, anticorruption 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.
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 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 renewable energy. 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 Practicum.
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 electric power 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 electric 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 power projects in the U.S., students (working in groups) will review a set of hypothetical renewable power project documents to analyze potential risks and mitigants for a typical project investor. 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 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 (cross-listed) | 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 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: 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
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?

Note: This seminar requires a paper. J.D. students must register for the three credit section 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
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. 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.