COURSE DESCRIPTION AND OBJECTIVES

This course is intended to provide an introduction to legal concepts and processes involved in land use planning and environmental policy. In particular, the course is intended to give you exposure to court cases, statutes, and court decisions that set parameters for some of planning and environmental management’s key tools, including the comprehensive plan, zoning and other land use controls, eminent domain, conservation easements, and environmental impact assessments. When completed, you should have an understanding of the direction the courts have taken and are taking related to land use and environmental protection. Hopefully you will also have fun speculating on current urban development and environmental management controversies and how they might be affected by law.

In our legal system, law and the practice of law are based on precedent. To work with legal concepts requires that you develop skills in analyzing laws, cases, and the application of law to different situations or scenarios. Specifically, by the end of the course you should have:

- Gained an appreciation of the role law plays in implementing public policy
- Learned the basic context of land use and environmental law through exploration of statutes and case law; gained a legal vocabulary
- Gained an understanding of legal principles through reading US Supreme Court decisions related to land use and environmental law
- Honed fundamental skills in reading, researching, and working with cases, laws, regulations and other legal materials;
- Developed an understanding of the positive and negative consequences of developing and implementing regulatory controls.

READINGS

There are two required texts. Other readings will be available on-line in the electronic reader. Readings are a mixture of cases, texts, journal articles, and other essays/commentaries.


GRADING POLICY AND GRADING SCALE

The class will be conducted through a mixture of lecture, discussion, and in-class group work. There are seven components to the course grade. These are:
1. Individual Law School Brief with in-class case review 5 points
2. Video Summary and Reaction Essays (2 essays; 1 single-spaced page) 10 points
3. Current Controversy Legal/Analysis ( Essays) – 2 essays @ 15 points 30 points
4. Two Exams (Midterm at 20 points and Final at 25 points) 45 points
5. Class Attendance and Participation 10 points 100 points

Assignments are briefly described below.

Note that more detailed directions/assignments will be posted on the UVA COLLAB website and discussed in class; the descriptions below are simply intended to give you a sense of what you can expect to be doing over the semester.

Assignments must be turned in (hard copy, not electronic) at the beginning of class on the date due. In written composition, usage and punctuation count. The professor has several handouts of common (and unacceptable) mistakes that will result in a lower grade. Use these handouts when you write!

Late Assignments: Late assignments are a problem. They raise ethical issues (Equal protection: if I give you more time, do I need to give everyone more time?); they affect the pacing of the course (since assignments endeavor to build upon each other); and they raise the specter for the professor of being taken advantage of or played for a fool (did your grandmother really die?) On the other hand, I hate to read hastily scrawled, ill thought-out papers. Please endeavor to turn your papers in on time; it will make everyone happier. If you have a legitimate reason for a late paper, I will certainly consider extensions. But I do need to be approached before the assignment is due and not on the day that the assignment is due. If you turn something in without a previously agreed upon extension, late assignments will be reduced 10% by every day they are late.

ASSIGNMENTS

Assignment 1: Law School Brief

Objective: To give you a first experience in reading a legal ruling and distilling it down to its most significant points (the take away). Law school briefs are the building blocks to help you assemble an understanding of law and precedent.

Task: You will be assigned (via a sign up sheet) a central case in land use and environmental law. The case will be part of lecture one day in the class. You will be asked to present the case to your fellow students in class. The brief should be turned in on the day of the presentation.

Assignment 2: Video Essays

Objective: To give you exposure to the procedural side of land use planning (through the video Store Wars at http://virginia.kanopystreaming.com/node/126541 and a current controversy associated with land use and the First Amendment (through the video America’s Holy War, library link is not yet working.)

Task: You will need to watch the two videos. I will provide some questions to prompt your thoughts. But in general you will be asked to react to the video (summarize, identify what you considered the most striking / interesting / controversial parts, and identify the legal issues.)
Assignment 3: Current Controversy Analysis (2 substantial essays)

Objective: To help you think about how the law might apply to current controversies in land use and environmental policy.

Task: The professor will prepare a scenario based on real world facts. In the assignment you will analyze the situation, identify the critical legal issues, cite two cases of pertinence (and attach a law school brief for each one), and then speculate on the ultimate legal outcome. You legal reasoning and argumentation are most important in these assignments. As you will see, the best answer for many legal questions is “it depends.” So I want to know what it might depend upon!

Assignment 4: Exams

Objective: To ensure that you integrate the various elements of the course and complete the readings. The final exam will be cumulative. It will surely include an essay with a scenario (just like the current controversy analyses above).

Task: Complete an exam. Study questions will be issued; the exam will be a closed book, in-class exam held during exam week.

Assignment 5: Participation/Attendance

The class relies upon active participation from students. While attendance is part of the participation grade, being a warm body in the room is not enough to get full points in this. You will be expected to 1) come to class prepared with the readings completed (this will make all discussions more interesting!) and 2) participate in in-class discussions. Attendance is part of the participation grade.

GRADING SCALE

Grades will be assigned according to the UVa undergraduate scale.

COURSE WEBSITE

There is a COLLAB site for the course. I will use the website to communicate and post class information, including readings. I will also use it to keep track of grades. The powerpoints will be posted after class, not before; I also reserve the right to remove slides from the presentations as well. Why? I am grappling with the stupefying effect they seem to have on class participation and note taking.

POLICY ON LAPTOPS AND POWERPOINTS

This semester I am implementing two new course policies. The first is a “NO LAPTOPS OR ELECTRONIC DEVICES RULE.”

Why? The reasons are multiple: 1) Students have been known to text, shop, do email, and even watch videos while in class. This is irritating, rude and distracting. 2) It will make you a better student. There is some recent research on the differences in retention and learning between students who take notes with their computers and those who take notes longhand with a pen and paper. (See: http://pss.sagepub.com/content/early/2014/04/22/0956797614524581.abstract; you can undoubtedly get the full paper through UVa library. The New York Times also covered this in: http://www.nytimes.com/2014/06/03/science/whats-lost-as-handwriting-fades.html?_r=0.)
The Sage research article title alone “The Pen is Mightier than the Keyboard” should give you a sense of the findings. Manual note taking makes your brain work; laptops tend to result in verbatim transcripts.

The second policy relates to powerpoints. I will upload the powerpoints the day before class. You can print off the slides for note-taking purposes. They will be on-line for two weeks and then will be removed.

**ACADEMIC INTEGRITY AND DISABILITY ACCOMMODATION**

UVa has an honor code, which must be followed. Please sign each assignment using the honor code; it is displayed in the classroom so please also sign the in-class exams.

But just to drive some details home, all work done for the course must be your own. The work must be original and prepared for this class. Plagiarism is unacceptable. Copying the work of another and not citing it; lifting text from the Internet; or even presenting ideas that are not your own without proper attribution are all examples of plagiarism. Submitting work for this class that has been done for another class also counts as plagiarism, it is called “plagiarizing oneself.” Don’t do it!

If you have a disability and are in need of academic accommodations, please notify me as soon as possible to arrange needed support.