
Course Outline

Course: LAWS 3800A - Law of Environmental Quality

Term: Fall 2014

Prerequisites: 1.0 credit from LAWS 2201, LAWS 2202, LAWS 2301, LAWS 2302, LAWS 2501, LAWS 2502

Class: Day & Time: Tuesdays, 6:00-9:00 PM
Room: **Please check with Carleton Central for current room location**

Instructor: Mr Stephen Waxman, BA.LLB
Of the Bar of Ontario

Officers Hours: As a part-time professor, I will be available by telephone or e-mail to Discuss your paper topics or any other matters related to the course. I will also be available after each class, and can arrange individual On-campus interviews in Room B442 Loeb on an as-needed basis.

Telephone: 613-286-2788
Email: Stephen.h.waxman@gmail.com

Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE SYNOPSIS

The main purpose of the course is to enhance the students knowledge of the dynamics involved in the development and implementation of environmental law. The course will explore criminal and regulatory approaches, constitutional law, private law, environmental rights, international law and market-bases voluntary approaches. There will be an in depth study of planning (environmental assessment) as well as the interrelationship between environment and health.

The course will also explore the wide number of non-legal factors that can and do affect the achievement of environmental protection objectives through law including political technical obstacles.

EVALUATION

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

- 1. Research Paper 50% of Total Mark**
Length 12 to 15 pages
Due: Tuesday November 18, 2014

- 2. Final Examination 50% of Total Mark**
(Closed book- 2 hrs.)
(During formal exam period, December 10 – 21)

REQUIRED TEXT

Environmental Law, Jamie Benidickson. (Available in Carleton Bookstore)

CLASS SCHEDULE

September 09	Chapter1.Introduction: Course objectives, marking, exams, basic concepts The Role Government in Environmental Law
September 16	Chapter 2.Constitutional Allocation of Environmental Responsibilities
September 23	Chapter 6 Environmental Regulations and Approvals
September 30	Chapter7.Administrative Compliance Mechanisms
October 07	Chapter8.Offences, Prosecutions and Penalties
October 14	Chapters13and9.Corporate Environmental Obligations .Directors and Officers Liability. Liability for Environmental Harm
October 21	Chapter12.Environmental Assessment
October 27-31	School Break-No Classes
November 04	Chapters 11&13.Toxic Substances and Remediation and Restoration of Contaminated Lands
November 11	Chapters10&15.Environmental Law and the Citizen
November 18	Chapters16 and 18.Consultation and Reporting

November 25	Chapters 14&17. Endangered Species and Economic Instruments
November 25	Chapters 19&4. Climate Change and International Context.
December 02	Conclusions and Exam Review

Essay / Research Paper (50% of Final Mark)

Students will write an essay on a topic agreed upon by the instructor. The instructor will discuss in class a range of possible essay topics. The paper, worth 50% of the final mark, will be between 2500 and 3000 words. (10-12 double spaced typed pages). Maximum length is 3500 words or approximately 15 double spaced typed pages. The paper must be handed to your instructor at the end of class Tuesday, November 18th. Penalty The marking of the assignments will be in letter grades. Late assignments will be penalized at the rate of ½ full letter grade per day (e.g. original mark B: one day late B-, two days late C etc.). The paper should include a cover sheet, which should include the title of your paper, your name and student number. Please ensure that your paper is securely fastened. Do not use paper clip. Do not use plastic or other covers. Quality of expression is essential. Care must be taken to ensure proper spelling, grammar and style, as each will be taken into account in assigning a mark. Use headings for each section of your paper. Include a table of contents, with page numbers, for each section of your paper. The title should accurately reflect the subject matter of your paper. The introduction should include a position statement which is then explored in the paper. The introduction should define your topic and indicate the problem to be addressed. The body of the paper should include analysis, and demonstrate that you have done research and reading including course materials and other publications. Possible reform options should be explored. A conclusion which concisely and cogently summarizes your discussion is invaluable. Proper footnoting and bibliography are required. You may use any commonly accepted style.

Note that there are Instructional Offences: Assignments must be original. It is an instructional offence for any student to copy the work of another student or to submit work that is not his or her own. In relying on the ideas of others, it is important to acknowledge that you are doing so. This does not apply merely when you are paraphrasing or quoting the work of an author, but also when you are using your own words to describe the ideas of others. The onus is on each student to retain a copy of her or his assignment until the graded assignment is returned. This will avoid the risk of an assignment being lost.

Final Examination (50 of Final Mark) - Closed Book

Students will be tested on their knowledge and understanding of the Law Environmental Quality, as set out above. The final examination is based on the understanding of both assigned readings and lecture discussions.