

COURSE OUTLINE



TERM:	Fall 2015	COURSE NAME:	ENVIRONMENTAL LAW
INSTRUCTORS:		COURSE NO:	LAW 335
E-MAIL:		SECTION NO.:	
PHONES:		COURSE CREDITS:	3
OFFICES:			
INSTRUCTIONAL HRS PER WEEK:	4	LABORATORY HRS PER WEEK:	0

COURSE PREREQUISITES:

LAW 101, LAW 110, and LAW 210
OR
45 credits of 100 level or higher coursework

REQUIRED TEXTS:

Meinhard Doelle & Chris Tollefson, *Environmental Law: Cases and Materials*, 2nd ed (Toronto: Carswell, 2013)

Yoriko Otomo & Edward Mussawir, *Law and the Question of the Animal*, (London: Routledge, 2013)

Instructors' Lecture Notes, Articles and Model Problems posted on Moodle.

RECOMMENDED TEXTS:

Jamie Benidickson, *Environmental Law*, 4th ed (Toronto: Irwin Law, 2013)

David R Boyd, *Unnatural Law* (Vancouver: UBC Press, 2003)

REFERENCE TEXTS:

Lynda Collins and Heather McLeod-Kilmurray, *The Canadian Law of Toxic Torts* (Toronto: Canada Law Book, 2014)

Elizabeth Fisher, Bettina Lange and Eloise Scotford, *Environmental Law: Texts, Cases and Materials*, 2nd ed (Oxford: OUP, 2013)

COURSE FORMAT AND EXPECTATIONS:

In addition to work done in the classroom, it is expected that students will do required reading and some assignments at home and will use online resources and materials provided through Moodle. Three of the four instructional hours will be in the classroom and the fourth hour will be a combination of at home and online work using Moodle. Instructions for accessing Moodle will be given in class.

COURSE OUTCOMES:**General Outcomes:**

To allow students to learn the principles and practices of environmental law in Canada. The course will focus on the main areas of protection of the environment – traditional tort law, environmental regulation, environmental assessments and international agreements. Students will gain a thorough knowledge of the current problems in enforcing environmental protections, and in particular in relation to important topics such as biodiversity, climate change and the enforcement of international standards in bi-national and transnational law. Students will also critically assess both the effectiveness and, more fundamentally, the effect of Canadian and international environmental law.

Specific Student Learning Outcomes:

For students to demonstrate the ability to:

- a) effectively describe and explain the principles and rules of environmental law, including those relating to:
 - private property rights,
 - interjurisdictional disputes, and
 - international law.
- b) analyse and apply the common law and statutory rules, principles and practices in the enforcement of environmental standards, including:
 - the law of animals,
 - the rights of economic actors in resource industries,
 - the law of the sea,
 - provincial and federal laws; and
 - the rights of indigenous peoples.

ABILITIES*		LEVELS
COMMUNICATION	C1 Effectively describe and explain the relevant common law and statutory rules, principles and exceptions	1→6
	C2 Prepare written and oral analyses of problems and cases	1→6
ANALYSIS AND DECISION MAKING	A1 Research the case law and statutory rules, principles and exceptions	1→6
	A2 Apply the national and international environmental laws, sustainability principles and the unique factual situations facing nations and economic interests today	1→6
SOCIAL INTERACTION	S1 Work in study groups to analyse and synthesize the relevant case law and statutory rules, principles and exceptions	1→5
CITIZENSHIP AND GLOBAL PERSPECTIVES	G1 Discuss current events relating to environmental law on a local, national and international level	1→3

*See Faculty of Business & Professional Studies – Our Commitment to Skills and Abilities and to Assessment and Constructive Feedback for a description of CAPabilities and the six Levels of Comprehension.

EVALUATION PROFILE:

Assessment			CAPabilities Assessed			
Method	%	Ind/Grp	C	A	S	G
Midterm Exam	30%	I	C1, C2	A2		
Final Exam	30%	I	C1, C2	A2		
Group Project	20%	G	C1, C2	A1, A2	S1	G1
Research Paper	20%	I	C1, C2	A1, A2	S1	G1
TOTAL	100%					

COURSE CONTENT/SCHEDULE:

WEEKLY COURSE CONTENT	
WEEK	CONTENT
PART I – DOMESTIC LAW	
1	<p>THE COMMON LAW</p> <p>In this introductory lecture students examine the traditional common law approach to environmental law – the application of tort law principles to private disputes. We examine the strengths and shortcomings of this approach, the place of class action lawsuits and the question of “common law public rights” in relation to environmental degradation.</p> <hr/> <p>Required Readings: Doelle & Tollefson, EL, pp. 67-91, 140-146, 150-156.</p>
2	<p>JURISDICTION OVER THE ENVIRONMENT</p> <p>Within the Canadian federation, jurisdiction is divided between federal and provincial and federal and territorial governments. There is also the inherent jurisdiction of Indigenous Peoples and their rights to a sustainable future. Students examine the often conflicting goals and challenges that face Canadian societies on the question of jurisdictional rivalries.</p> <hr/> <p>Required Readings: Doelle & Tollefson, EL, pp. 160-191, 223-226, 228-236. Instructors’ materials</p>
3	<p>ENVIRONMENTAL REGULATION</p> <p>Environmental regulations are daunting to understand. This lecture introduces the various regulatory models in Canadian law and analyses their suitability and success. The lecture also looks at governance-based and goal-based models of legal regulation and their prospects for successful adoption in Canada.</p> <hr/> <p>Required Readings: Doelle & Tollefson, EL, pp. 316-339, 285-297, 279-285. Instructors’ materials</p>

WEEKLY COURSE CONTENT	
WEEK	CONTENT
4	<p>COMPLIANCE AND ENFORCEMENT</p> <p>This lecture and set of readings looks at the prosecution and enforcement of environmental charges, and the strategies and methods used to enforce environmental standards in Canadian law. Students will also examine so-called “citizen enforcement” and the place of public and private actions that influence the enforcement of environmental laws.</p> <hr/> <p>Required Readings: Doelle & Tollefson, EL, pp. 360-390, 414-426, 353-358.</p>
5	<p>JUDICIAL REVIEW</p> <p>Administrative decisions and judicial review of those decisions form one of the core areas of environmental case law in Canada. This lecture looks at the issues raised both by the decision-making authority of administrative tribunals and the place of superior courts in reviewing those decisions. A question is asked: is it time for an Environmental Court of Canada?</p> <hr/> <p>Required Readings: Doelle & Tollefson, EL, pp. 437-449, 455-467, 478-481.</p>
6	<p>ENVIRONMENTAL ASSESSMENTS</p> <p>Federal legislation governing environmental assessments has undergone significant changes in the past five years, particularly with the introduction of the revised <i>Canadian Environmental Assessment Act</i> in 2012. Many believe it is not an improvement. This lecture will examine this question, particularly in relation to the economic development of resources in Western Canada.</p> <hr/> <p>Required Readings: Doelle & Tollefson, EL, pp. 497-521. Instructors’ commentaries and model questions.</p>
7	MID-TERM WEEK
	PART II – SPECIAL ISSUES
8	<p>PARKS AND PROTECTED AREAS</p> <p>Another main historical means for environmental protection has been the setting aside of public parks and protected areas, including protected marine areas. This lecture examines the current challenges facing these forms of environmental protection.</p> <hr/> <p>Required Readings: Doelle & Tollefson, EL, pp. 598-610, 620-626, 633-638. Otomo and Mussawir, LQA, pp. 1-9, 54-70.</p>

WEEKLY COURSE CONTENT	
WEEK	CONTENT
9	<p>TOXIC TORTS</p> <p>This lecture reviews the principles that students first studied in the Introductory Lecture and looks at the significant environmental risks posed in British Columbia by environmental spills. We assess these risks in light of the remedies available at common law and the regulatory regimes we have studied so far. When it comes to protection, how far is far enough?</p> <hr/> <p>Required Readings: Special Materials on Environmental Spills.</p>
10	<p>ENDANGERED SPECIES</p> <p>Species at risk reflect the degradation of the natural environment and extinction of species is an ongoing tragedy. Gone is gone. This lecture, connected with the next, considers the magnitude of species loss and the measures currently undertaken to slow or stop species loss. Some of these measures relate to habitat protection, while others relate to species protection or enhancement. At its centre, this topic focusses on the relationship of humans to other species, and the shortcomings of human understanding.</p> <hr/> <p>Required Readings: Doelle & Tollefson, <i>EL</i>, pp. 650-660, 716-730, 709-715. Otomo and Mussawir, <i>LQA</i>, pp. 10-34, 89-101.</p>
11	<p>HUMAN CONSUMPTION OF PLANTS AND ANIMALS</p> <p>Human consumption governs the degradation of biodiversity; from the use of animal products in musical instruments, the use of plants in herbal medicines, to the hunting of animals for ivory, oils, bone and organs. Humans consume animal and plant species on a vast international scale. Can law make a difference?</p> <hr/> <p>Required Readings: Otomo and Mussawir, <i>LQA</i>, pp. 133-148, 166-174. Instructors' materials on the Law and Economics of Food.</p>
PART III – TRANS-NATIONAL LAWS	
12	<p>INTERNATIONAL ENVIRONMENTAL LAW</p> <p>Following upon the discussions from the previous lectures on endangered plants and animals, we now turn our attention to international mechanisms for the protection of the environment. We look at the impact of international protocols, conventions on biodiversity and the status and effects of bi-national agreements.</p> <hr/> <p>Required Readings: Doelle & Tollefson, <i>EL</i>, pp. 2-9, 10-20, 39-43, 52-60.</p>

WEEKLY COURSE CONTENT	
WEEK	CONTENT
13	<p>CLIMATE CHANGE</p> <p>Finally, we will look at the widest global consequence of human actions – planetary climate change. Students will study climate change in relation to each of the main topic areas we have covered in this course: the rules of tort law, the division of powers between Canadian governments, judicial review, environmental assessment, biodiversity, and international law. Where is law?</p> <hr/> <p>Required Readings: Doelle & Tollefson, EL, pp. 747-756, 776-779, 819-827, 829-838.</p>
14-15	FINAL EXAM PERIOD

UNIVERSITY POLICIES AND EMERGENCY PROCEDURES

Capilano University has policies on Academic Appeals (including appeal of final grades), Student Conduct, Cheating and Plagiarism, Academic Probation and other educational issues. These and other policies are available on the University website.

Emergency Procedures are posted in every classroom. Students are directed to review these.

FACULTY OF BUSINESS & PROFESSIONAL STUDIES POLICIES

In addition to the policies of the University, the Faculty of Business & Professional Studies has the following policies governing the management of our classes and curriculum.

Attendance

Regular attendance and punctuality are both essential and expected due to the nature and format of the course materials.

Cheating and Plagiarism

Cheating is an act of deceit, fraud, distortion of the truth, or improper use of another person's effort to obtain an academic advantage. Cheating includes permitting another person to use one's work as his or her own. Plagiarism is the presentation of another person's work or ideas as if they were one's own. Plagiarism is both dishonest and a rejection of the principles of scholarship. Information about how to avoid plagiarism by proper documentation of sources is available in the Library, the Writing Centre and University website.

Penalties for Cheating and Plagiarism

A grade of '0' for an examination, quiz or assignment or 'F' for the course may be assigned if cheating or plagiarism has taken place. First incidents deemed by the instructor to be particularly serious or second or subsequent incidents of cheating and plagiarism will be dealt with under the provisions of the University Policy on Cheating and Plagiarism (see the University website). All students should familiarize themselves with the University Policy on Cheating and Plagiarism as such behaviour can result in suspension from the University.

Incomplete Grades

Incomplete grades will not be given unless special arrangements have been made with the instructor prior to the date set by University Administration.

Professional Behaviour

Students must demonstrate a professional attitude and behaviour toward work, fellow students and their instructors. Each student should demonstrate reliability, respect for and co-operation with colleagues. A willingness to work calmly and courteously under difficult conditions as well as a determination to achieve first-class work while meeting deadlines is necessary in the Faculty of Business & Professional Studies. Students should have respect for equipment and systems. Students should display a constructive response to criticism.

Copyright Policy

Students are expected to familiarize themselves with and abide by the University's Copyright Policy. The University's Copyright Policy is published in the University website.

SCHOOL OF LEGAL STUDIES POLICIES

In addition to the University and Faculty of Business & Professional Studies policies, the School of Legal Studies has the following policies governing the management of our classes and curriculum.

Missed Exams and Quizzes

Missed exams or quizzes will receive a grade of "0" unless PRIOR arrangements (wherever possible) are made with the instructor. Permission to make up an exam will only be given in extraordinary situations such as illness of the student or the death of a close family member. A doctor's certificate, or other proof supporting the reason for the absence, may be required.

English Usage

All assignments are marked for correct English usage, proofreading and formatting.

PARALEGAL PROGRAM COURSE LEVEL POLICIES

In addition to University, Faculty of Business & Professional Studies, and School of Legal Studies policies, the following policies govern the management of this Paralegal Program course and its curriculum.

Grading Profile

A+	90-100%	B+	77-79%	C+	67-69%	D	50-59%
A	85-89%	B	73-76%	C	63-66%	F	0-49%
A-	80-84%	B-	70-72%	C-	60-62%		

Assignments

Homework assignments are due at the **start of class** on the due date unless otherwise advised by your instructor. Late assignments will only be accepted if prior approval for a late submission date has been given by the instructor.

Participation Grades

If course participation is part of the evaluation profile, the grade is based on the student's participation in weekly classroom or online discussion forums. Both the frequency and the quality of the student's comments, questions and observations are important factors in determining course participation. The quality of participation is determined by, among other things, the relevance, insight and clarity of the remarks. Course participation is also determined by the student's willingness to work with other classmates in a productive, prompt and respectful manner.

In-Class Testing

Please note that the use of electronic tools such as calculators and cell phones, or other resources such as written materials, is not allowed during tests, quizzes, and exams, unless expressly authorized by the instructor.

Express additional clarification/expansion of departmental or course level policies may be provided at the discretion of the instructor.



CAPILANO UNIVERSITY VISION, MISSION AND GOALS

UNIVERSITY VISION

Students are drawn to our dynamic and unique programs, passionate faculty, welcoming staff, and close-knit learning environment; graduates are independent learners, thinkers, and doers actively contributing to their communities.

UNIVERSITY MISSION STATEMENT

We are a teaching-focused university offering a wide range of programs and services that enable students to succeed in their current studies, in their ongoing education, in their chosen careers, in their lifelong pursuit of knowledge, and in their contribution as responsible citizens in a rapidly changing and diverse global community.

UNIVERSITY GOALS

Arising from the Mission statement, the Institutional Goals are broadly defined as the general areas of success that are desired for all students. From the Mission, the Institutional Goals are:

- Student success in ongoing education
- Student success in chosen career
- Student success in lifelong pursuit of knowledge
- Student success in contributing as responsible citizens in a rapidly changing and diverse global community

In order to support student success in these areas, the institution has identified seven broad learning outcomes for students in all programs.

These **institutional student learning outcomes** are:

1. Self-directed learning, awareness, and responsibility
2. Up-to-date information gathering and research skills
3. Communication skills
4. Quantitative reasoning ability
5. Group and social interaction skills
6. Creative, critical, and analytical thinking skills
7. Community/global consciousness and responsibility



FACULTY OF BUSINESS & PROFESSIONAL STUDIES

MISSION STATEMENT

To provide students with the necessary skills and abilities to be immediately effective in their employment or further studies, and to possess a sound basis for future progression in their chosen career, in the lifelong pursuit of knowledge, and in their contribution as responsible citizens in a rapidly changing and diverse global community.

OUR COMMITMENT TO SKILLS AND ABILITIES

The Faculty of Business & Professional Studies, through the delivery of this course, is committed to the development of skills so that students can perform the tasks of this discipline in an efficient and effective way.

In addition, through the delivery of all courses, the Faculty is committed to the development of core 'abilities' that will prepare students for future career progression in a chosen field. A well rounded graduate, in addition to being able to perform certain tasks, will have the following CAPabilities;

CAPability	Description
Communication	Selects, uses and integrates oral and written communication skills to develop informative, explanatory and persuasive presentations to a variety of audiences, demonstrating qualitative, quantitative and technological literacy.
Analysis and Decision-Making	Brings a unique perspective to the analysis of organizational issues through systematic thinking and the application and adaptation of frameworks and tools that assist decision-making
Social Interaction	Uses appropriate interpersonal and group theory to deal with interpersonal, team, stakeholder and professional situations to inform, persuade and influence others.
Citizenship and Global Perspective	Understands corporate social responsibility within organizational contexts and the social role and impacts of organizations. Integrates personal, professional and community values in a decision-making context as a member of an organization. Works effectively with interdependence and diversity by framing issues in the broader global context, understanding the social and cultural roots of business, governments and other organizations and by providing managerial support as part of a global strategy.

OUR COMMITMENT TO ASSESSMENT AND CONSTRUCTIVE FEEDBACK

The Faculty of Business & Professional Studies is committed to providing feedback that rewards excellence and motivates personal development. We use a mixture of personal, peer and professional assessment so that students have a diverse view of their progress in skills and abilities development. It is important to use feedback to enhance the quality of learning.

The assessment model is designed to give a fair reflection of the letter grade earned, as well as a road map for personal skill and ability development. For each skill and ability in the course students will be assessed as to the level of comprehension demonstrated. Grades are a function of how students have met course expectations as to those levels of comprehension.

SIX "LEVELS" of comprehension

KNOWLEDGE	
1. Recognize	Be able to identify the components of a framework or tool.
2. Define	Be able to describe the aspects of the components of the framework or tool.
APPLICATION	
3. Use	Be able to manipulate the framework or tool to cause a result.
4. Interpret Results	Be able to understand the result of the manipulation in a meaningful way.
JUDGMENT	
5. Situational Use	Be able to identify situations where the framework or tool should be applied, and then apply the framework or tool, including using the results effectively.
6. Adaptation	Be able to creatively adapt the framework or tool such that its use will maximized in a given situation.



PARALEGAL PROGRAM SCHOOL OF LEGAL STUDIES

MISSION STATEMENT

The mission of the Paralegal program is to provide students with the knowledge, skills, and values to obtain challenging careers as paralegals in law firms, corporate legal offices, government departments and agencies, and other legal settings. This mission supports the mission of the University to enable students “to succeed in their current studies, in their ongoing education, in their chosen careers, in their lifelong pursuit of knowledge, and in their contribution as responsible citizens in a rapidly changing and diverse global community.”

PROGRAM OUTCOMES

Knowledge

To provide students with an understanding of the basic legal concepts and procedures in major areas of the law, and to define the role students will play as paralegals in a professional working environment.

Skills

To provide students with training in research, analysis, writing, drafting and interviewing as applied in various legal contexts.

Values

To instill the importance of professional ethics in all practice contexts, and to provide an understanding of how paralegals contribute positively to the administration of justice and improve access to it.

STUDENT LEARNING OUTCOMES

Students completing this program will:

1. Demonstrate the ability to examine various legal problems by identifying appropriate areas of the law and sources to consult in commencing the process of legal analysis.
2. Demonstrate competence in researching legislation, case law and other secondary legal materials.
3. Summarize legal research findings in appropriate legal formats with clear and compelling analysis and conclusions.
4. Demonstrate competence in effective communication in legally relevant contexts such as presentations of case summaries, interviewing clients, and group presentations.
5. Prepare, draft and produce legal documents, including pleadings and other court documents, wills, corporate documents, or real estate documents.
6. Demonstrate an awareness of and ability to identify legal issues in a broad range of areas through an exposure to a variety of legal subjects.