

Indiana University
Request for a New Credit Certificate Program
To be Awarded by Indiana University School of Law – Indianapolis

Campus: IUPUI

Proposed Title of Certificate Program: Graduate Certificate in Environmental and Natural Resources Law

Projected Date of Implementation: January, 2012

TYPE OF CERTIFICATE: (check one)

- UNDERGRADUATE CERTIFICATES – These programs generally require 12-29 credits of undergraduate-level academic work.
- GRADUATE CERTIFICATES – These programs generally require 12-29 credits of graduate-level academic work or undergraduate academic work carrying graduate credit.
- POST-BACCALAUREATE CERTIFICATES –These programs generally require 12-29 credits of undergraduate-level academic work, although students enrolling in these programs must have completed their baccalaureate degrees.

I. Why is this certificate needed? (Rationale)

The Environmental and Natural Resources Law (ENR) Certificate will serve as a gateway for students wishing to work in the rapidly-expanding fields of environmental or natural resources law as well as related disciplines. The ENR Certificate will assure that professionals entering these fields from our Law School have the essential baseline education necessary to compete and lead effectively. It will also provide grounding to students pursuing upper level courses that are tied to their interests and to the unique challenges of the field.

The ENR Certificate will also signal prospective employers that a student has a serious interest in the field and has engaged in a rigorous course of studies providing a critical foundation for practice. In an increasingly competitive marketplace, this Certificate will assure that students who devote themselves to specialized learning in environmental and natural resources law are recognized for their achievement.

Beyond the direct professional benefits this Certificate will offer to students, the exposure to critical questions of how law responds to environmental and natural resource challenges facing policymakers, businesses, and the public today – challenges that feature in headlines and in public policy debates daily – will help students become better informed citizens and advocates regardless of their future work.

II. List the major topics and curriculum of the certificate.

A Certificate in Environmental and Natural Resources Law will be awarded to JD candidates who complete at least 6 approved courses totaling at least 15 credit hours in Environmental and Natural Resource Law and closely-related subjects while maintaining a minimum grade point average as specified below.

To qualify for a Certificate in Environmental and Natural Resource Law, a JD candidate must satisfy all general requirements for the JD degree, and also:

1. Complete three required core courses (Environmental Law; Natural Resources Law; Administrative Law)
2. Complete at least two upper level courses from the approved list (see Part II, above)
3. Complete at least one research or experiential capstone course from the approved list (see Part II, above)
4. Maintain a cumulative 3.2 GPA in all of the required core and upper level courses applied toward the Certificate,¹ and 3.0 GPA overall.

Note that the cumulative credit hours for requirements (1), (2) and (3) above must be at least 15.

ENR Certificate Major Topics and Curriculum (all of the listed courses are already approved to be taught at IU School of Law – Indianapolis)

Required Core Courses – Must take all of the following
Environmental Law [LAW-891] (3-4 cr.)
Natural Resources Law [LAW-717] (3 cr.)
Administrative Law [LAW-647] (3-4 cr.)
Upper Level Courses – Must take at least two of the following:
Animals and the Law [LAW-640] (2 cr.)
Climate Law and Policy [LAW-641] (3 cr.)
Environmental Justice [LAW-TBD] (2 cr.)
Law of Hazardous Waste Regulation [LAW-665] (2 cr.)
International Environmental Law [LAW-754] (3 cr.)
Land Use [LAW-740] (2 or 3 cr.)

¹ This cumulative Certificate-relevant course GPA requirement means that a student who has a low score in a core or upper level course that would otherwise apply toward the Certificate may take additional upper level courses and elect to use them to meet Certificate requirements (thus counting the grades from upper level courses in which they performed better to meet the 3.2 cumulative GPA requirement for Certificate-relevant courses). The student must have a minimum of 15 Certificate-relevant courses (identified in Part II, above) with a 3.2 cumulative GPA. This ability to elect upper level Certificate-relevant courses does not affect the basic requirement of a 3.0 GPA overall in the JD program.

Toxic Tort and Environmental Law [LAW-611] (2 or 3 cr.)
Water Law [LAW-882] (2 cr.)
Special Topics in Environmental Law [LAW-700] (variable cr.)
Research or Experiential Capstone – Must take at least one of the following
ACrE (Advanced Course Related Experience) [LAW-803] (variable cr.) [environmental or natural resource topic] [with topic approval of ENR faculty]
Externship [LAW-802] (2 cr.) [Environmental Advocacy Placement]
Supervised Research [LAW-661] (variable cr.) [environmental or natural resource topic] [with topic approval of ENR faculty]
National Moot Court Competition [LAW-750] [environmental topic] (1 cr.)
Law Review Note [LAW-800] (1 cr.) [environmental or natural resource topic] [with topic approval of ENR faculty]
Law and State Government Placement [LAW-802] (2 cr.) [w/ environmental or natural resource agency] [with topic approval of ENR faculty]
Civil Practice Clinic [LAW-808] (2 cr.) [environmental or natural resource topic] [with topic approval of ENR faculty]

III. What are the admission requirements?

Any JD candidate enrolled at IU School of Law – Indianapolis is eligible to seek the Certificate by filing a “Notice of Intent to seek Certificate in Environmental and Natural Resources Law” in a form approved by the Law School Recorder’s Office. This form should be completed and filed during or before a student’s penultimate semester prior to graduation. In order to complete the ENR Certificate, students must meet minimum GPA requirements, and thus students who file a notice of intent will be counseled to give attention to their GPA in order to assure that they have a reasonable prospect of completing the Certificate while meeting minimum GPA.

IV. List the major student outcomes (or set of performance based standards) for the proposed certificate.

Learning objectives

The Certificate’s overall objective is to offer students an opportunity for in-depth study and analysis of legal, theoretical, and policy perspectives on how the law addresses (or should address) national and international environmental and natural resource challenges. This includes economic, ethical, and ecological approaches to environmental and natural resources regulation as well as the role of cost-benefit analysis, risk assessment, ecosystem services, and environmental justice and equity concerns. Students will be introduced to basic constitutional considerations and the structure of environmental and natural resources law within the modern administrative state, and – through the core course in Administrative Law – they will have a fundamental understanding of how that

administrative state works in a broader context. Through the basic required course in Environmental Law students will become closely familiar with a representative selection of federal statutes, including the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, and “Superfund.” Through the basic required course in Natural Resources Law, students will better understand the role of agencies in natural resource management, the protection and conservation of species, habitat, and non-living land and water resources, as well as the regulation of mineral and forest resources. Students will also better understand institutions for the enforcement of environmental law, including mechanisms for citizen suits and public interest litigation within a democratic system. Upper division courses and the research/experiential capstone requirement will allow students to pursue in-depth study of specific topics and thus gain deeper knowledge of environmental and natural resource laws and institutions in which they have a particular interest.

Learning Outcomes

Upon successful completion of this course of study, a student should be able to:

- Identify and describe key **environmental and natural resource challenges** in the United States
- Explain the **policy frameworks and principles** that inform environmental and natural resources law, and critique how these frameworks and principles advance (or fail to advance) efforts to address key challenges
- Describe the **constitutional basis** for federal and state environmental and natural resources regulation in the United States as well as the constitutional limitations on regulatory authority
- Describe and apply **core U.S. environmental and natural resource laws and institutions** addressing: environmental impact; water quantity and quality, air quality; hazardous waste management and liability; endangered species and critical habitat; mineral and forest resources; and the relative role of federal and state governments and citizens in implementing these laws
- Describe mechanisms for the **enforcement** of environmental and natural resource laws, including the role of citizen suits and public interest litigation
- Understand the importance of **standing** in public interest litigation brought by citizens groups, and in litigation brought by state attorneys general
- Critically analyze the public discourse relating to **key current issues in environmental and natural resources law**, such as climate change, environmental justice, and water scarcity, and describe alternative approaches to addressing climate concerns under existing legislative schemes and through the common law

The market need for graduates with these skills and abilities was determined by assessing employment trends and regulatory developments in environmental and natural resources law and through interviews with practitioners and government officials working in the environmental and natural resources law field. IU Law – Indianapolis graduates are regularly employed in this field and are called upon to have mastered these skills and abilities. Practitioners and officials alike confirm the value of having graduates with these skill sets prepared to enter the workforce and take an active role from day one. Demonstrated employment opportunities exist in private legal practice, the corporate sector, government (with a range of offices and agencies at the state, local, national, and international level), and within the non-profit sector. The Law School is in contact with network of over 150 alumni already practicing environmental and natural resources law and related fields in each of these sectors. Strengthening the course of studies in this area through a Graduate Certificate will only increase the opportunities for future graduates of the Law School.

V. Explain how student learning outcomes will be assessed (student portfolios, graduate follow up, employer survey, standardized test, etc.) and describe the structure/process for reviewing assessment findings for the purpose of ensuring continuous improvement of the certificate.

Student learning outcomes will be assessed in the first instance by reviewing overall course performance by students who are pursuing the ENR Certificate. A required minimum GPA (3.0 overall for the JD and 3.2 in Certificate-required courses) will serve as both a baseline and a motivator for student attention to the rigors of each class.

Each student will also have a member of the ENR faculty assigned as a Certificate Advisor and these faculty members will rely upon individual counseling to guide student curriculum choices, promote deeper understanding of course themes, and counsel decisions about the students “capstone” experience.

The “capstone” experience will call upon each enrolled student to complete a written or experiential project in the environmental and natural resources field tailored to that student’s interests and capabilities. Assessing student performance in this capstone experience will be an important indicator of the Certificate’s impact.

In addition to these assessment methods, a group of alumni advisors who practice and work in the environmental and natural resources field has been formed to guide the Law School as it develops its environmental program. This ENR Alumni Advisory Group will be called upon to assess the ENR Certificate curriculum and the performance of students within that curriculum on an annual basis through a careful review of courses (including syllabi), student performance (on a confidential basis), placement experience, and the response of employers to the work of Certificate holders, and the cohesiveness and relevance of the curriculum itself to current market needs and trends. The Advisory Group will critique the program with a view to strengthening its existing elements and helping to shape future course offerings and requirements. The Alumni Advisory Group

will also be asked to help identify experiential opportunities to offer practical experiences for students seeking to advance their knowledge outside the classroom.

VI. Describe student population to be served.

Students who are preparing for a future as an environmental or natural resource lawyer or leader will be the most directly benefitted. The course of study will also benefit students whose future work concerns property law, real estate development or transactions, corporate acquisitions, land use, energy policy or regulation, urban planning, transportation, agriculture, public health, and/or occupational safety, as well as those students interested more generally in public policy, public interest advocacy, or government at the state, local, national, or international level.

VII. How does this certificate complement the campus or departmental mission?

The ENR Certificate will complement the Law School mission by advancing students' understanding of the law in this highly complex and evolving field and by assuring that students have a meaningful foundation upon which to build their expertise. Because the curriculum is tied to issues that resonate at a local, state, national, and international level, students who complete the curriculum will become engaged with a transboundary epistemic community of environmental and natural resource law and policy experts. Those who complete the ENR Certificate will be better prepared to engage in influential scholarship and service as they pursue their careers. In addition, because environmental and natural resource concerns are at the core of sustainable development, the ENR Certificate will complement efforts to position IUPUI as a leader in sustainability. Understanding environmental and natural resource law requires a mastery of complex issues in natural science, social science, economics, and ethics – and the ENR Certificate will thus promote interdisciplinary and cross-disciplinary learning. Finally, because environmental and natural resource policy leaders are integrally involved in debating and informing critical policy choices, much of the scholarship advanced by the proposed ENR Certificate is expected to be translational.

VIII. Describe any relationship to existing programs on the campus or within the university.

The ENR Certificate is designed to directly complement the Doctor of Jurisprudence (JD) degree. In addition, it may be of particular interest to students taking joint degrees JD/MPA (Master of Public Affairs) and JD/MHA (Master of Health Administration), both of which are jointly administered by the School of Law and the School of Public and Environmental Affairs. Beyond these immediate connections, additional informal connections are possible with the Richard G. Lugar Center for Renewable Energy (which has recently conducted joint research on environmental law issues with School of Law faculty) and other complementary relationships may be developed.

All of the courses proposed for the ENR Certificate are presently taught or approved to be taught at the Law School, and the Certificate does not require the creation of any new

courses. While new courses will be proposed from time to time in the future in response to educational priorities, regulatory developments, and changes in the job market, the Certificate is designed principally as a means to tie existing courses together in an integrated and focused way rather than to expand course offerings.

IX. List and indicate the resources required to implement the proposed program. Indicate sources (e.g., reallocations or any new resources such as personnel, library holdings, equipment, etc.).

The ENR Certificate is specifically designed to create no new teaching demand on Faculty or University resources. It can be offered and sustained with existing Law Faculty teaching existing courses. Every course offered within this Certificate is already offered by regular faculty, and adjuncts supplement existing Certificate courses in only three areas.

There is flexibility to change and adapt the Certificate in the future, subject to approval but, as proposed, the Certificate capitalizes on existing strengths and resources. It will support student learning and professional aspirations by offering a market-signaling Certificate that can be applied in a range of practices, but with only marginal new administrative burdens.

X. Describe any innovative features of the program (e.g., involvement with local or regional agencies, or offices, cooperative efforts with other institutions, etc.).

The “capstone” course requirement will ensure that students complete at least one innovative and original project that is research-based or experiential. This can include placements with local, state, national government or international agencies as well as work with public interest organizations working on environmental and natural resource issues. Supervised research opportunities are limitless, and recent projects have included student assessments of environmental democracy, water policy, energy security, and the role of the press in shaping climate legislation. Current externship placement opportunities include government offices such as the Indiana Department of Environmental Management, the Indiana Department of Natural Resources, The Utility Regulatory Commission, the Office of the Attorney General, and public interest groups such as the Hoosier Environment Council, the Sierra Club, Save the Dunes, and Improving Kids Environment.