Environmental Law

In this subject, CALI has Lessons and Podcasts. There are also Casebook Correlations available on the CALI website to aid you in assigning lessons.

CALI Lessons:

Citizen Suits Under the Clean Water Act

This exercise provides a comprehensive review of federal environmental citizen suits, focusing on the citizen suit provision of the Clean Water Act. The student is presented with a series of hypothetical violations of the Clean Water Act and is asked questions regarding whether judicial review is available under the citizen suit provision of the Act for those violations, the jurisdictional or procedural limits that are placed on review, and limits on the type of relief that is available.

Lesson Completion Time: 1 - 1.5 hours

Author: Stephen Johnson, Professor of Law, Mercer University School of Law

Clean Air Act Stationary Sources and Criteria Pollutants

This Lessonette® exercise will introduce you to the technology-based emissions limitations for the criteria air pollutants that apply to stationary sources regulated under the Clean Air Act. It can act as an introduction to the subject, or you can use this Lessonette interactive tutorial as part of a review of Clean Air Act stationary source regulation at the end of your studies of the Clean Air Act or before your final exam. No outside resources are required to complete this Lessonette exercise. However, this Lessonette assumes that you are already familiar with Clean Air Act "stationary sources" in general; if you aren't, you should complete the Lessonette entitled "Regulated Sources Under the Clean Air Act" before continuing this Lessonette.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Clean Air Act Stationary Sources and Hazardous Air Pollutants

This Lessonette® exercise will introduce you to the technology-based emissions limitations that apply to stationary sources regulated under the Clean Air Act that emit hazardous air pollutants (HAPs). It can act as an introduction to the subject, or you can

use this Lessonette interactive tutorial as part of your review of Clean Air Act stationary source regulations at the end of your studies of the Clean Air Act or before your final exam. No outside resources are required to complete this Lessonette exercise if you connected to the web as you complete it. Otherwise, you will need the list of hazardous air pollutants found at section 112(b)(1) of the Clean Air Act, 42 U.S.C. section 7412(b)(1).

This Lessonette assumes that you already understand the differences between Clean Air Act stationary sources and Clean Air Act mobile sources. If this distinction is unfamiliar to you, you should complete the Lessonette entitled "Regulated Sources Under the Clean Air Act" before completing this Lessonette.

Lesson Completion Time: 30 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Clean Water Act Jurisdiction

This lesson can serve as either a comprehensive introduction to, or a comprehensive review of, the elements of Clean Water Act jurisdiction. It refers to cases that you may have studied in your Environmental Law course, but knowledge of the cases is not required in order to complete the lesson. In addition, no prior knowledge of the Clean Water Act itself or of the implementing agency regulations is necessary in order to complete this lesson, although the lesson can also reinforce your understanding of the elements of Clean Water Act jurisdiction if you have already studied those elements.

Finally, this lesson allows you to improve your skills in looking up statutory provisions, if you so desire. If you wish to use the Statute Look-Up mode of this lesson, you should have with you a copy of the Clean Water Act before you begin. You will not need any regulations in order to complete the Statute Look-Up mode.

If you do not have a copy of the statute, or do not wish to look up the relevant provisions of the Clean Water Act, this lesson will supply all of the statutory language that you need.

Lesson Completion Time: 1.5 hours (2.5 hours in Statute Lookup Mode) **Author:** Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Clean Water Act Permitting Basics

This lesson is an introduction to the types of Clean Water Act permits, the terms of a permit, and the effect of a permit. It can function either as an initial introduction to this subject or as a review of material covered in class.

However, this lesson will make more sense if the student is already familiar with the basics of Clean Water Act jurisdiction. It is therefore recommended that the student review Clean Water Act jurisdiction or complete the lesson entitled "Clean Water Act Jurisdiction" before attempting this lesson.

Lesson Completion Time: 1 hour

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Climate Change 1: Introduction to Climate Change

Climate change is the major emerging environmental law problem of the 21st century. However, understanding the legal issues surrounding climate change, both internationally and domestically, will be easier if you have a basic comprehension of what climate change is.

This lesson, the first in a series, presents an overview of what climate change is and why it matters to environmental law. In particular, this lesson will look at the causes of climate change and the impacts that it is having and will have on the environment.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Climate Change 2: Mitigation: The International Dimension

Climate change mitigation refers to methods to reduce emissions of greenhouse gases and/or to reduce the growing concentrations of greenhouse gases in the atmosphere. This lesson looks at the international framework for addressing climate change mitigation, as established in the United Nations Framework Convention on Climate Change (UNFCCC) and its protocols.

This lesson assumes that the student has a basic familiarity with climate change but little or no exposure to the UNFCCC. The lesson consists of 15 questions.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Climate Change 3: An Introduction to and Overview of Climate Change Adaptation

This lesson is the third in the climate change series. It is designed to introduce students to the concept of climate change adaptation -- that is, the processes whereby humans respond to the ecological changes that climate change is causing.

This lesson is the companion lesson to "Climate Change 2: Climate Change Mitigation," which covers the concept of alleviating climate change through the reduction of greenhouse gas concentrations in the atmosphere. Students will benefit from completing these lessons in order.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Climate Change 4: Addressing Climate Change Through the Common Law

As of the beginning of 2010, Congress had not enacted comprehensive federal legislation to address climate change. Nevertheless, a number of plaintiffs--mostly non-governmental organizations, or NGOs--have been using litigation to attempt to educate the public and prompt effective responses.

This lesson examines the litigation that has used common law to address climate change, reviewing both the theories used and the success of those cases. It consists of 16 questions and assumes that students are unfamiliar with most of the common-law climate change litigation; no prior knowledge of the specific cases is required. However, students should have a general familiarity with certain basic common-law causes of action, especially nuisance.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Climate Change 5: Addressing Climate Change Through Existing Environmental Statutes

This is the last of five CALI lessons on climate change. It explores the ways in which litigants and agencies have tried to use existing federal environmental statutes -- the

Clean Air Act, the National Environmental Policy Act (NEPA), the Endangered Species Act, and the Clean Water Act -- to address climate change.

If you are unfamiliar with climate change, you should complete the CALI lessons entitled Climate Change 1, Climate Change 2, and Climate Change 3 before attempting this lesson. Climate Change 4, which discusses the use of common law to address climate change, is interchangeable in sequence with this lesson.

This lesson assumes that the student has a basic familiarity with the federal environmental statutes discussed above. However, it does not assume that the student knows the relevant cases.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Commerce Clause Issues in Environmental Law

Focusing on the Clean Water Act and the Endangered Species Act, this lesson gives a brief overview of the ways in which federal environmental and natural resources law can raise issues regarding the federal government's constitutional authority to regulate pursuant to the Commerce Clause of the U.S. Constitution. In particular, it looks at the possible limitations on the federal government's Commerce Clause authority as a result of the U.S. Supreme Court's 1995 decision in United States v. Lopez and as a result of federalism and land use considerations.

This lesson consists of 12 questions. Students should have some familiarity with the federal Endangered Species Act and the federal Clean Water Act before beginning this lesson.

Lesson Completion Time: 45-60 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Constitutional Aspects of Environmental Law: Federal Preemption

This lesson discusses the role of federal preemption in the implementation of environmental law. Specifically, when do federal environmental and natural resources statutes preempt, or displace, state laws on similar subjects? When are states free to enact their own environmental protections? What is the relationship between federal environmental law and state torts?

This lesson consists of 15 questions and is intended to work both as a review for students who have already studied these issues and as introduction for students new to the concept of federal preemption in environmental law.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Constitutional Standing in Environmental Citizen Suits

This lesson provides a review of the constitutional requirements for standing in federal courts that citizen plaintiffs must fulfill in order to bring environmental citizen suits in the federal courts. These requirements apply to citizen suits brought pursuant to either citizen suit provisions in specific environmental or natural resources statutes, such as the Clean Water Act and the Endangered Species Act, or the federal Administrative Procedure Act.

This lesson assumes that students have already studied standing in their Environmental Law or Administrative Law courses.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

ESA Basics

This lesson will introduce you to, or allow you to review, the major provisions of the Federal Endangered Species Act: section 4, 16 U.S.C. section 1533, which governs listings of endangered and threatened species; section 7, 16 U.S.C. section 1536, which imposes obligations on Federal agencies to protect endangered and threatened species; and section 9, 16 U.S.C. section 1538, which prohibits all persons from "taking" or trading in endangered and threatened species.

No prior familiarity with the ESA is necessary to complete this lesson. However, this lesson can also serve as a review of the ESA at the end of your course's unit on the ESA, or at the end of the term.

Lesson Completion Time: 1.5 hours

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

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FIFRA Basics

This lesson reviews the basic components of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It works best as a review of materials covered in a Hazardous Waste or Toxic Torts class, but it can also serve as an introduction to the statute.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

International Environmental Law: Implementing the Convention on International Trade in Endangered Species (CITES) in the United States

International environmental law covers many subjects. For the most part, however, international agreements on environmental subjects, such as the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) must be implemented through the domestic law of signatory countries. For example, the United States implements CITES through the federal Endangered Species Act.

This lesson provides an introduction both to CITES and to the Endangered Species Act's implementation of that Convention. No prior knowledge of CITES is required; however, this lesson assumes that you are familiar with the ordinary workings of the Endangered Species Act. If you are not familiar with that statute, you may want to complete the CALI lesson entitled "ESA Basics" before continuing with this lesson.

In addition, if you are completely unfamiliar with principles of international law, you may want to complete the CALI lesson entitled "Introduction to International Law for Environmental Law Students" before continuing with this lesson.

Lesson Completion Time: 30 to 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Introduction to Administrative Law for Environmental & Natural Resources Law Students

This lesson presents the basics of administrative law for students taking Environmental Law or Natural Resources Law who have not taken Administrative Law.

Lesson Completion Time: 30 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Introduction to International Law for Environmental Law Students

This Lessonette® interactive tutorial will introduce American environmental law students to general principles of international law, with some examples of how such principles create and influence international environmental law.

Lesson Completion Time: 30 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

NEPA Basics

This lesson addresses the National Environmental Policy Act (NEPA), the first major federal environmental law. It is designed to reinforce your understanding of the basic structure and requirements of NEPA. The exercise consists of twenty multiple choice or true/false questions, and it is designed as a summary of NEPA. The exercise assumes that the user has knowledge of the basic structure and requirements of NEPA. The questions will illustrate the broad impact of NEPA praised by Senator Chaffee, as well as the limitations of the law identified by the Council on Environmental Quality. The NEPA statute, regulations, and scores of NEPA documents from EPA, the White House and other federal agencies are available on the Web, and the lesson links directly to those sites.

Lesson Completion Time: 2-3 hours

Author: Stephen Johnson, Professor of Law, Mercer University School of Law

RCRA Hazardous Wastes

This is an overview of the ways in which wastes become designated as "hazardous wastes" under the federal Resource Conservation and Recovery Act (RCRA), emphasizing the EPA's regulations governing RCRA hazardous wastes. Students should complete the lesson on RCRA "Solid Wastes" before completing this lesson.

This lesson can serve either as an introduction to RCRA hazardous wastes or as a review of that subject after it has been covered in an Environmental Law or Hazardous Waste course. It also provides experience in reading EPA RCRA regulations.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

RCRA Solid Wastes

The federal Resource Conservation and Recovery Act (RCRA) regulates hazardous wastes from "cradle to grave." However, RCRA's regulatory provisions apply only to "solid wastes."

This short lesson explores the definition of "solid waste" for RCRA purposes. The lesson does not require any prior knowledge of RCRA, but it can also serve as a review of RCRA's primary trigger after that topic has been covered in an Environmental Law or Hazardous Waste course.

Lesson Completion Time: 20 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Regulated Sources Under the Clean Air Act

This Lessonette® exercise will introduce you to the categories of sources of air pollution that the Clean Air Act regulates, including stationary sources, mobile sources, and indirect sources. You will learn about the statutory definitions for each of these sources and how to distinguish among these sources.

This Lessonette can be used as an introduction to the Clean Air Act or as the start of your review of Clean Air Act regulation. You do not need any outside materials to complete this Lessonette. If you are unfamiliar with the Clean Air Act, you should complete this Lessonette BEFORE attempting the Lessonettes entitled "Clean Air Act Stationary Sources and Criteria Pollutants" and "Clean Air Act Stationary Sources and Hazardous Air Pollutants."

Lesson Completion Time: 30 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

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Regulatory Taking Issues in Environmental Law

This lesson introduces students to one of the constitutional issues that can arise as a result of environmental and natural resources regulation: regulatory takings under the Fifth Amendment to the U.S. Constitution. It begins by giving students an overview of regulatory taking claims, their distinction from physical takings of private property, and some of the rules that apply in evaluating whether a regulatory taking has occurred. It then provides examples of how regulatory taking issues can arise in environmental and natural resources regulation, using the Clean Water Act's Section 404 program and the Endangered Species Act's Section 9 prohibitions as examples.

This lesson assumes that students have been exposed to regulatory taking issues in class but does not require detailed knowledge of regulatory taking law. This lesson also assumes that students are generally familiar with the federal Clean Water Act and Endangered Species Act., although it also supplies the immediately necessary information about both statutes.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Statutory Interpretation

This lesson introduces the student to the doctrine and processes involved in interpreting state and federal statutes. Statutes are a critical part of every substantive area of the law, so this is important background for every law student, lawyer and judge.

Lesson Completion Time: 30 minutes

Author: Ronald Brown, Professor of Law, Nova Southeastern University Shepard Broad

Law Center

Superfund Basics

This exercise provides a review of the liability scheme and defenses under CERCLA and briefly reviews the CERCLA cleanup process. The exercise begins when EPA discovers phenol contamination in drinking water wells of several residents of Springfield, Ames. Through a series of multiple choice questions, the student helps EPA choose a response action, identify potentially responsible parties, and decide which liable parties the agency should sue, for what damages, and under what authority. The student also helps liable parties prepare defenses and decide whether to file cross-claims or counterclaims against other liable parties. The exercise provides the student with a variety of resources to explore when the student makes those choices, including interrogatory responses, title information, newspaper articles, and a draft complaint. Many of the important statutory provisions are hypertext-linked to the questions for ease of reference.

Lesson Completion Time: 2 hours

Author: Stephen Johnson, Professor of Law, Mercer University School of Law

TSCA Basics

This lesson reviews the basic regulatory framework of the federal Toxic Substances Control Act. The lesson can serve either as a review of the statute or as an introduction to it.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Water Law Basics: Overview of Surface Water Law in the United States

This lesson provides students in a Water Law, Natural Resources, or Advanced Property with a basic review of the subject of water law and the two main water law systems in the United States. The lesson assumes that students are familiar with the subject of water law in general, the two main systems of water law in the United States, and the basic rules for each. Students who are less familiar with these topics should be advised that information about the law is generally presented in the feedback to questions, not in the questions themselves.

The lesson consists of 15 questions and should take about 30-45 minutes to complete. Students may want to complete this lesson BEFORE attempting other water law lessons in the CALI library.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Water Law Basics: Prior Appropriation

This lesson provides a review of the doctrine of prior appropriation, the water law system that dominates in the western part of the United States. It is intended for students that have already studied prior appropriation as part of a Water Law, Natural Resources, or Advanced Property course.

Students may want to complete the CALI lesson entitled "Water Law Basics: Overview of Surface Water Law in the United States" before starting this lesson.

This lesson consists of 15 questions.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Water Law Basics: Rights in Ground Water

Who has the right to pump and use ground water -- the water in underground aquifers? The various states in the United States have used a variety of rules to establish rights in ground water. As a practical matter, some of these rules have created problems because states didn't recognize that ground waters and surface waters are often connected.

This lesson provides a review of the five major doctrines that states have employed to decide who has what rights in ground water. It is intended to serve as a review of these doctrines for students who have studied ground water rights as part of a Water Law, Property, or Advanced Property course. The lesson consists of 15 questions.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Water Law Basics: Riparianism

Riparianism is the system of water law used in most eastern states in the United States to govern property rights in water. This lesson provides a review of the basic concepts of the doctrine of riparianism for students in Water Law or Property classes. It covers both common law riparianism and regulated riparianism.

This lesson consists of 15 questions.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Water Law: Equitable Apportionment

Equitable apportionment is the water law doctrine that governs the U.S. Supreme Court's allocation of interstate waters (usually interstate rivers) between or among states. This lesson provides a review of the equitable apportionment doctrine for students who have studied this doctrine in a Water Law, Advanced Property, or Natural Resources course. Students should already have studied the doctrine and be familiar with the main U.S. Supreme Court decisions in this area. In addition, students should be familiar with the basic law of both prior appropriation and riparianism before completing this lesson.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Water Law: Federal Reserved Rights

Water law is dominated by state law. However, one important federal law exception to this general principle are federal reserved rights -- water rights retained by the federal government when it sets aside federal land for particular purposes, such as an Indian reservation or national park.

This lesson provides a review of federal reserved rights for students who have covered that doctrine in a Water Law, Natural Resources Law, or Advanced Property course. Students should already be familiar with federal reserved rights in general and the Winters doctrine in particular. The lesson emphasizes the Winters doctrine and federal reserved rights for tribal reservations, but it also covers the other kinds of federal reserved rights.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

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Water Law: Regulated Riparianism and the Florida Water Law System

This lesson looks at the modern form of riparian rights, known as regulated riparianism, through the lens of Florida's Water Resources Act. It provides a brief review of the traditional common-law law riparian regime for water rights, then explores the reasons that eastern states have chosen to switch to regulated riparianism and some of the details of the Florida water law system.

Students undertaking this lesson should be familiar with common-law riparianism and its weaknesses. Some familiarity with the Florida approach is helpful but not necessary.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Programs, University of Utah S.J. Quinney College of Law

Water Law: The California System

While most of the states in the country choose between the water law doctrines of prior appropriation and riparian rights, California applies both. This approach to state water law is called, appropriately, the California system.

This lesson gives a brief overview of the California system of water rights. California was the first state to attempt to blend prior appropriation and riparian rights. However, its example can be considered instructive for the modern evolution of water law, because more and more states are trying to blend the best parts of both systems.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

Water Law: The Public Trust Doctrine

One of the more interesting doctrines in Water Law is the public trust doctrine, which preserves public rights in the nation's waters and limits states' abilities to destroy the public's interests in these waters. This lesson provides a review of the basic contours of the public trust doctrine in American law, focusing on: (1) the federal law governing state ownership of the beds and banks of navigable waters; (2) the U.S. Supreme Court's 1892 decision in Illinois Central Railroad v. Illinois; and (3) state variations in, and expansions of, their state common-law public trust doctrines in the 20th and 21st centuries.

This lesson is intended as a review for students who have already studied the public trust doctrine in a Water Law, Property, Natural Resources, or Advanced Property course. In particular, students should already be familiar with the Illinois Central decision. The lesson consists of 15 questions.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental

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Wetlands Basic

This exercise provides a review of the wetlands protection provisions of the Clean Water Act. The exercise focuses on several land development proposals in Midway, Ames that may adversely impact wetlands. Through a series of multiple choice questions, the student advises the developers whether their proposed developments would require a permit under Section 404 of the Clean Water Act or a state wetlands protection law, and whether a general permit might authorize the proposed developments. In addition, the student examines the procedures that the Corps and EPA use when they issue a Clean Water Act Section 404 permit, the standards for approval of a permit, and the conditions that might be placed on the permit. Finally, the student explores the takings implications that may arise when the Corps denies a developer a wetlands permit. The exercise provides the students with maps of the proposed developments and a copy of a permit application for one of the development proposals. Many of the important statutory provisions are hypertext-linked to the questions for ease of reference. Timing, scoring and hardcopy printout features are available.

Lesson Completion Time: 2 hours

Author: Stephen Johnson, Professor of Law, Mercer University School of Law

Podcasts:

Clean Water Act Jurisdiction PodCast

In this podcast, Prof. Craig offers students tips on mastering statutory courses, with particular focus on Clean Water Act jurisdiction. This podcast complements Prof. Craig's CALI lesson on the same topic.

Run Time: 11:09 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental