

PROFESSOR MARCILYNN A. BURKE

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GENERAL CLASS INFORMATION AND REQUIREMENTS

- **Preparation for Practice.** The readings and the discussions in this class are designed to help prepare you for the practice of land use law in any jurisdiction. We will discuss “cutting edge” issues as well as the types of issues that you are likely to encounter regularly in this field. This course will also give you a framework for addressing challenges that will arise in the future. In addition to learning substantive land use law, you will gain an appreciation for the lawyering skills needed to practice land use law. Land use lawyers routinely must serve as liaisons between planners, engineers, developers, the public, and decision makers, to name just a few. Upon successful completion of this course, you will have the foundation to become a competent, professional, and ethical land use advocate.
- **Civility.** We will maintain a civil atmosphere in this course. We will have respectful and inclusive discussions, challenging ideas but not degrading others. I will treat you with respect and expect you to do likewise towards me and your classmates.

Civility is about more than just politeness, although politeness is a necessary first step. It is about disagreeing without disrespect, seeking common ground as a starting point for dialogue about differences, listening past one's preconceptions, and teaching others to do the same. Civility is the hard work of staying present even with those with whom we have deep-rooted and fierce disagreements. It . . . is about negotiating interpersonal power such that everyone's voice is heard, and nobody's is ignored.

*And civility begins with us.**

- **Constructive Class Participation.** I will count class participation towards your final grade in accordance with the University of Houston Law Center's policy. It is imperative that you be conversant in the facts of the cases, as well as the rules or doctrines of law. This material can be challenging. Simply knowing the rules is not enough. In order to establish the precedential value of a case or to distinguish the case from your own, you must have a good grasp of the facts. The greater your command of the facts and their relationship to the rules, the stronger your arguments will be.
 - “Constructive” class participation means being brief and to the point, allowing others to be involved in the discussion, listening actively to others' comments and questions, and not interrupting others or dominating the discussion.
 - I will divide the class into two panels. If your panel is assigned to a particular class meeting, you potentially will be called upon that day. Each panel will be “on” every other

* The Institute for Civility in Government, “What is Civility?” <http://www.instituteforcivility.org/who-we-are/what-is-civility/> (last visited Jan. 7, 2014).

class. If you are unprepared or absent, it is your responsibility to arrange *before* the class begins to have a student from the *other* panel act as your substitute. I welcome voluntary participation as well.

- **Individual Assistance.** I will hold regular office hours at least two days per week. Office hours are an opportunity (1) for you to meet with me for extra help, (2) to explore ideas in greater depth than class time allows, and (3) to let me know how the course is going for you. It is also a chance for us to discuss your career goals. The more I know about you and where you want to go, the more I can do to try to help you reach those goals.

The hours are posted on my faculty page. If you are unable to meet during those times, please let me know, and we will work to schedule a mutually convenient time. You may contact me and my assistant via [e-mail](#). I am also available for teleconferences and to answer questions via e-mail.

- **Webpage.** On my [faculty webpage](#) there is a link to the [page for this course](#). There you will find the reading assignments, copies of the PowerPoint slides used in class, and supplemental information. You will also find other useful information, such as my office hours and special announcements.
- **Attendance.** Regular class attendance is essential for successful performance in this course. It is incumbent upon each student to be present for the entire class period. I will circulate an attendance sheet at the beginning each class meeting. It is your responsibility to sign the sheet. If you are not present when the roll sheet passes your seat, you will be counted as constructively absent that day. Therefore, it is important to arrive on time. In accordance with the Law Center's policy, any student falling below the 80% attendance requirement may be dropped from the course.
- **Computers.** You may use computers in class to take notes only, unless otherwise directed by me. That is to say, Internet surfing, involvement in chat rooms, use of e-mail, uses that distract others, or uses not generally related to legal education are strictly prohibited. I will treat violation of this policy as a constructive absence on the day of the violation and will include that absence when determining whether the student has met the Law Center's attendance requirement.
- **Final Examination.** There will be a written final examination. The exam will be open-book and you may use any written materials assigned for this course, PowerPoint slides for the course, or written material prepared by you (either individually or with others). Use of any materials on computer, CD, or flash drive, however, is strictly prohibited. No electronic materials may be used (even if you purchased an electronic version of the casebook). If you plan to handwrite your exam, please contact my assistant to discuss how to maintain your anonymity (in the event that you are the only person in the class who chooses to handwrite, for example). The exam will be based on the readings and class discussions. Successful performance on the exam will require knowledge of case law (including facts), statutes, and underlying policies and theories.
- **Americans With Disabilities Act.** Whenever possible, and in accordance with § 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the University of Houston will attempt to provide reasonable academic accommodations to students who request and require them. Please contact Associate Dean Sondra Tennessee at (713) 743-2182 or stennessee@central.uh.edu for more information.