

University of Houston Law Center
Fall 2021
Environment, Energy & Natural Resources Research
Syllabus

Katy Badeaux, JD, MLS
Head of Faculty Services
Adjunct Professor of Law
O'Quinn Law Library

Contact Information:
Office: Law Library 14
Email: kastein@central.uh.edu
Phone: 713-743-2324

Course Description: This is a specialized course on research skills specific to law practice in the fields of environmental, energy, and natural resources (EENR) law. It will focus on federal and state primary legal materials related to EENR, including relevant statutes, regulations, agency guidance and decisions, case law, and data sets. Secondary sources such as treatises and practice guides specific to EENR will also be discussed. Both print and electronic resources related to EENR research will be covered.

Required Text: There is no required text.

Course Time: We will meet on Mondays from 1:00 pm to 1:50 pm.

Note on Course Modality:
Whether this course will be distance education, or will have a physical room assigned, and if so the extent to which the instructor might use the room during the semester, is not determined at the time when registration initially opens for this course. You may see contrary indications in the UH systems where you actually register for the course. In other words, this course might be distance education with no use of a physical classroom. It might be the "HyFlex" mode in which some Law Center courses used a physical room during 2020-21. As we get closer to the start of the term/semester for this course, this course note will be updated as decisions are determined. The instructors will be involved in those decisions, but decisions about modalities may not be invariant throughout the term/semester or between now and when the course starts.

Office Hours: Mondays, 2:00pm-3:00pm and by virtual appointment. Please email me to schedule a time to meet at kastein@central.uh.edu.

Attendance: Class attendance is mandatory and will be recorded for each synchronous class meeting. For asynchronous class sessions, participation in the week's discussion on Blackboard will be required. Role will be taken for the class by confirming your presence throughout the Zoom/ or in person meeting. Excused absences should be arranged prior to class whenever possible; you will be able to access a recording of the missed class session via URL posted on the course Blackboard site. Failure to arrange for an excused absence may result in an unexcused absence and a deduction in

class attendance and participations. Due to the complications that the Fall 2021 semester may present, requests for an excused absence will generally be granted so long as it is submitted before the class meeting.

In the Event of Distance Learning:

Zoom Participation Expectations: My expectation as to virtual class attendance is that all students join with video. This will help me confirm who is in attendance (and so avoids any need for a sign-in attendance sheet). It also helps me have a sense of class participation and helps to promote a more robust online community. If you know in advance that there's some reasonable reason why you do not want (or cannot) join with video, please let me know. Of course, there may be technical glitches from time to time; I understand that. But if it does, I do expect that you'll do your best to correct the problem before our next class. If you need help with any technical issues, let me know or reach out to our IT team by emailing them at lawcomputerhelp@central.uh.edu or calling (713) 743-2260.

Chosen Names and Preferred Pronouns: In my classroom, you certainly have the right to be addressed by your preferred name and pronoun, and that includes any non-binary pronouns, such as they/them/theirs, ze/zir/zem, etc. Rosters do not list gender or pronouns so if you have specific preferences, please just let me know.

Outcomes: At the ends of this semester you should

- Understand the primary sources of primary law for EENR topics and be proficient in their use.
- Develop methods for when and how to use secondary sources and practice materials when researching EENR topics.
- Identify relevant issues and develop effective, efficient, and cost-effective research strategies to explore the issues identified; and
- Gain confidence in your ability to research any EENR topic and the ability to self-determine when the research is correct and complete.

Course grades are determined by performance on the following:

- Midterm Project (take home) 35%
- Final Project (take home) 45%
- Class attendance and participation* 10%
- Completion of exercises 10%

*Class participation may include but is not limited to: participating in class discussion, asking/answering questions, participation in in-class quizzes or exercise, and meeting with the instructor outside of class. Points for participation may be deducted for: unexcused absences, use of cell phone, talking with classmates during lecture, and non-class use of your computer.

We will begin exercises in class and you will be asked to complete some, but not all, exercises before the next class. When asked to complete an exercise, please return your finished work to the Blackboard assignment dropbox before the next class.

All course assignments will be submitted via UH Blackboard and all participants must register for the UH Blackboard course page.

A Note on CALI Lessons: You must access the lessons assigned through the following link: <https://www.cali.org/courses/7068>. This allows me to see whether or not the lesson has been completed. I reserve the right to assign additional quizzes as needed to compliment the lesson and will announce in class if those are used.

Late Work: You are expected to turn in graded assignments by the date and time designated on the course schedule. Deadlines will be strictly enforced. It is your responsibility to communicate any emergencies that may affect your ability to timely submit assignments.

Group Work/Collaboration: Unless specifically designated as collaborative work, all graded assignments must be your work only. No collaboration is allowed. Copying answers or providing answers to copy will be reported to the Honor Board and will result in a score of zero on the assignment in question for all involved. All quoted material must be in quotations and properly cited.

Computer Policy: In-class exercises will require each student to have their own computer that can connect to the law school's wireless network. After the first course meeting, all participants must have registered and accessible accounts for Westlaw, Lexis, and Bloomberg. If you do not have a computer, please let me know so I can assist in making arrangements for you.

Recording of Class: Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes: Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through the course Blackboard page.

Counseling and Psychological Services: Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html.

Sexual Misconduct: The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information,

please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf> (antidiscrimination)

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Class Date	Topic	Assignment Due
August 23	Course Introduction & The Research Process	Register for Blackboard courses and Databases/VPN
August 30	Secondary Sources & Treatises	CALI Lesson: Introduction to Secondary Resources https://www.cali.org/lessonlink/721/LWR35/7068/jq
September 6	LABOR DAY	No Class
September 13	Secondary Sources	LNG Bunkering Guidance Assignment
September 20	Statutes	CALI Lesson: Introduction to State and Federal Statutes https://www.cali.org/lessonlink/576/LWR15/7068/jq
September 27	Legislative History & Process	CALI Lesson: How to Research Federal Legislative History https://www.cali.org/lessonlink/575/LWR14/7068/jq
October 4	Cases & Case Law	Texas and Federal Legislative History Assignments
October 11	Searching & Search Logic	CALI Lesson: Introduction to Search Logic & Strategies https://www.cali.org/lessonlink/1121/LR59/7068/jq
October 18	Digests & Key Numbers	Read The Universe of Thinkable Thoughts: Literary Warrant and West's Key Number System <i>Law Library Journal, Vol. 99, No. 2, pp. 229-247, 2007</i>

October 25	Administrative Law and Agencies	Midterm Available CALI Lesson: Introduction to Administrative Law for Environmental & Natural Resources Law Students https://www.cali.org/lessonlink/1122/ENV15/7068/jq
November 1	Agency Materials & Decisions	Midterm Due
November 8	Administrative Law Wrap-up	CALI Lesson: Agency Decisions and Orders https://www.cali.org/lessonlink/1223/LR57/7068/jq
November 15	Pre-Emption and EENR in Texas Law	CALI Lesson: Constitutional Aspects of Environmental Law: Federal Preemption https://www.cali.org/lessonlink/1272/ENV21/7068/jq
November 22	International EENR Research & Materials	Preemption Problem
November 29	Major Environmental Statutes & Wrap Up	CALI Lesson: Introduction to International Law for Environmental Law Students https://www.cali.org/lessonlink/1056/ENV13/7068/jq
December 7		Final Exam Released
December 15		Final Exam Due