Course Description:

Grading
Your grade will be based on class participation (25%) and a paper (75%). Class participation includes regular attendance, leading the discussion for your assigned session and contributing in other sessions.

The paper should satisfy the law school’s writing requirement and ideally will be a good candidate for publication. Students from disciplines other than law may write papers in a format appropriate for their discipline. The last few weeks of the seminar will be devoted to presentation and discussion of the papers.

Paper deadlines
In order to provide the opportunity for feedback and to keep your paper progress on track, there will be several deadlines before the final paper is due. In each case, your paper must reach me by no later than 5 p.m. on the date specified. Please use the “DropBox” tool on the course web page to submit your paper.

<table>
<thead>
<tr>
<th>Date</th>
<th>Deadline Details</th>
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<tbody>
<tr>
<td>February 7</td>
<td>Topic statement and preliminary source list due</td>
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<tr>
<td>March 6</td>
<td>Outline and updated source list due</td>
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<tr>
<td>April 10</td>
<td>First draft due</td>
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<tr>
<td>May 16</td>
<td>Final paper due</td>
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Office Hours:
I will hold office hours Wednesdays from 2 to 4 p.m. You are welcome to drop by at other times, but if you want to be sure you find me in and with time to talk it would be a good idea to schedule an appointment. I am happy to respond to questions by e-mail, and make every effort to do so promptly.

Texts:
The readings will be posted on the course web page.

Syllabus

Class 1 – January 16

Setting the stage: Science and Controversy in the Regulatory Process

Readings for class:

Class 2 – January 23  
**Boundaries and the role of science in decisions**

*Readings for class:*

Class 3 – January 30  
**Science, expertise and democracy**

*Readings for class:*

Class 4 – February 6  
**Transparency and open communication**

*Readings for class:*

Class 5 – February 13  
**Political interference with decisions**

*Readings for class:*
1. Review from Week 1: U.S. Dept. of the Interior, Office of Inspector General, Report of Investigation, Julie MacDonald, Deputy Assistant Secretary, Fish, Wildlife and Parks (March 2007)
2. Union of Concerned Scientists, Scientific Integrity in Policymaking: An Investigation into the Bush Administration’s Misuse of Science (March 2004)

Class 6 – February 20  
**Whistleblowing**

*Readings for class:*
2. Excerpts from 5 U.S.C. § 2302
4. Federal Employee Protection of Disclosures Act, S 274, 110th Congress
5. Whistleblower Protection Enhancement Act, HR 985, 110th Congress
Class 7 – February 27  
Limiting consideration of information

Readings for class:

Class 8 – March 5  
Peer review and scientific advisory bodies

Readings for class:

Class 9 – March 12  
Judicial review

Readings for class:
1. Ethyl Corp. v. EPA, 541 F.2d 1 (D.C. Cir. 1976)
2. Sierra Club v. Marita, 46 F.3d 606 (7th Cir. 1995)
3. Ecology Center v. Austin, 430 F.3d 1057 (9th Cir. 2005)
4. Earth Island Institute v. US Forest Service, 442 F.3d 1147 (9th Cir. 2006) (focus on Parts I and V)

Class 10 – March 19  
Adaptive management and structured learning

Readings for class:

Class 11 – April 2  
Dealing with uncertainty

Readings for class:

No class – April 9

Class 12 – April 16  
Student papers

Class 13 – April 23  
Student papers