

**FULL PROPOSAL AND BUDGET: Law School Certificate Program in Environmental and Natural Resources Law****PROGRAM DESCRIPTION**

1. Briefly describe the proposed new program. The Certificate Program is designed for law students who wish to acquire an in-depth knowledge of environmental and natural resources law and who are willing to commit the time and effort necessary to achieve a level of specialization in their legal education. The Certificate Program provides students the opportunity to graduate from law school with a credential recognizing their concentration and accomplishment in these two fields. The Certificate is available only in conjunction with the J.D. degree.

Students in the Certificate Program will be required to complete 95 hours compared to 90 credit hours for students not enrolled in the Certificate Program. In most cases, this additional credit load can be completed within the normal three academic years of law school.

The Certificate Program requires each student to take Administrative Law, Introduction to Environmental Law and Public Land and Resources Law. Students must also complete five credits of qualifying elective courses and fulfill the Law School's advanced writing requirement with a project addressing an environmental or natural resources topic. Finally, students must satisfy the Law School's clinical requirement in one of our four qualifying clinics.

The Certificate Program is strictly an on-campus program that builds upon the existing Law School curriculum. The Certificate Program is a new form of recognition for students who fulfill specific requirements, all of which consist of existing courses.

2. Summarize a needs assessment. Law School programs across the country are exhibiting an increased emphasis on specialization, reflecting the trend toward specialization in law practice. In an effort to provide students who concentrate their legal studies in a particular area with recognition, law schools have initiated "certificate programs." As a result of this trend, prospective students look to whether a law school offers a certificate program in an area in which they intend to specialize. In addition, law firms and other legal employers look to certificates as distinguishing students who have exhibited an interest and obtained a level of background in a particular area of legal studies. During the 1999-2000 academic year, the law school faculty undertook a year-long review of its curriculum which included, among other things, considering whether we should adopt any certificate programs. After extensive review and discussion, the faculty approved a single certificate program: Environmental and Natural Resources Law. The Law School has long prided itself on its program in this area "a natural for The University of Montana" and it was the single area in which the law faculty agreed the depth and breadth of offerings supported a certificate program. It also happens to be probably the most popular subject for certificate programs across the country.
3. Relationship to role and scope of The University of Montana and the School of Law. The Mission Statement of The University of Montana-Missoula notes that "[p]rogrammatic offerings distinctively reflect the human, natural, and social environments and culture of the Rocky Mountain region." The Mission Statement of the Law School provides, among other things, that "the School of Law strives to: emphasize those areas of law significant to the Rocky Mountain West, including natural resources, environmental, and Indian law." A Certificate Program in Environmental and Natural Resources Law strengthens the University's and the Law School's commitment to these areas essential to the missions of the institutions.
4. Effect on administrative structure. The proposed program will have no effect on the administrative structure of either the Law School or the University. The program requires little administration and whatever administration there is will be handled by the law faculty teaching in environmental and natural resources law and the Law School Registrar. Other departments will not be involved in the program.
5. Extent of similar programs in Montana, the Pacific Northwest and states bordering Montana. As a law school program, obviously there are no other similar programs in Montana. In the Pacific Northwest, similar certificate programs exist at the University of Oregon School of Law and Northwestern School of Law of Lewis & Clark College. Seattle University, the University of Washington and the University of South Dakota all have "concentrations" in environmental law, but not formal certificate programs.
6. Accrediting agencies or learned societies. The American Bar Association (ABA), as the accrediting agency for law schools, would be concerned with the certificate program being proposed. The ABA does not have particular standards addressing certificate programs, although ABA Standard 301(c) provides that "a law school may offer an educational program designed to emphasize certain aspects of the law or the legal profession." The criteria proposed for the certificate program are at least as rigorous as those at most other law schools offering comparable certificate programs.
7. Outline of proposed curriculum.

## **GENERAL REQUIREMENTS**

1. 3 required core courses;
2. 5 credit hours of qualifying additional elective courses;
3. 4 credit hours of clinical work in an environmental/resources clinic;
4. completion of the advanced writing requirement through an environmental/resources project;
5. completion of a total of 95 credit hours for graduation with the certificate.

## **REQUIRED CORE COURSES**

Administrative Law (3 cr.)  
Introduction to Environmental Law (3 cr.)  
Public Lands and Resources (3 cr.)

## **ELECTIVE QUALIFYING COURSES**

Advanced Environmental Law (3 cr.)  
Advanced Public Lands and Resources (2 cr.)  
Environmental Law Moot Court (2 cr.)  
Land Use Planning (3 cr.)  
Local Government (3 cr.)  
Water Law (3 cr.)  
Natural Resource Development (2 cr.)  
Public Land and Resources Law Review (up to 4 cr.)  
Independent Study (up to 2 cr.)  
Non-law coursework approved for the certificate program (up to 3 cr.)

## **QUALIFYING CLINICS**

Natural Resource Clinic  
Land Use Clinic  
United States Department of Agriculture - U.S. Forest Service Northern Regional Office  
Rocky Mountain Elk Foundation

There are no plans for expanding the program during its first three years.

## **FACULTY AND STAFF REQUIREMENTS**

1. Current faculty who will be involved. The primary faculty who will be involved in the program are John Horwich, Professor and Director of the Land Use Clinic, and Raymond Cross, Professor. Between them, these two faculty teach two of the three core courses and five of the eight elective qualifying courses and direct one of the four qualifying clinical courses.
2. Projected need for new faculty. The program does not contemplate any new faculty. Because the program does not require any new courses, present faculty will conduct the program without any increase in duties.
3. Support personnel. No support personnel are required. The Law School Registrar will record and monitor the progress of students enrolled in the certificate program, but that additional work is negligible.

## **CAPITAL OUTLAY, OPERATING EXPENDITURES, AND PHYSICAL FACILITIES**

1. Operating expenditure needs. The program requires no operating expenses.
2. Library resources. The existing library resources are adequate for the program. The Law Library currently does a fine job of supporting our environmental, natural resource and land use offerings and no additional acquisitions or support would be prompted by this proposal.
3. Equipment. No special clinical, laboratory and/or computer equipment will be needed.
4. Facilities. The program will require no new facilities or space.

## **EVALUATION OF PROPOSED PROGRAM**

1. Faculty or council program review. The entire law school faculty, acting first as a Curriculum Committee of the whole and then as the regular faculty reviewed and voted its approval of the Certificate Program in Environmental and Natural Resources Law.
2. Outside consultants. No outside consultants were employed in the development of this proposal.

## **FISCAL IMPACT AND BUDGET INFORMATION**

Overall Law School enrollment will be unaffected by this proposal. No additional students will be admitted to the law program because of this program. Students enrolled in the certificate program will come from the existing law school cohort. Similarly, there will be absolutely no additional expenditures because of this program. All courses, faculty and support required for the program are already in place. This program simply provides a means to recognize those students who fulfill the preestablished requirements to earn the certification.