

**MARINE ECOLOGY AND THE LAW**  
**UNIVERSITY OF MIAMI LAW SCHOOL**  
**COURSE # 350 A**  
**MICHAEL KARCHER**  
**SPRING 2020**

I. COURSE DESCRIPTION

This two credit course is intended to introduce students to both legal concepts of marine environmental protection and the scientific issues relevant to that rapidly evolving legal framework. The course will be taught by a practicing maritime attorney and will employ a case study approach. There will also be outside lectures by a UM/NOAA marine scientist who will emphasize environmental issues. That is whenever possible general topics will be explored by first describing specific environmental issues, problems or situations and then discussing in turn both the legal issues raised and their scientific and technical context. Case studies will be supplemented by lectures on background readings or relevant supplementary materials. Case law, statues and regulations and both technical and popular articles will be discussed in class and assigned as readings. This course is appropriate for undergraduates (2L/3L) and graduate students (LL.M.) with an interest in environmental or maritime law. There are no specific prerequisites.

The course will examine current U.S., Florida and, to a lesser degree, international marine environmental law and the scientific issues that impact this law and its implementation. It will balance and compare legal and scientific issues regarding the marine environment, place these in a policy context (particularly in regard to marine conservation, ecosystem restoration and sustainable development) and address such practical concerns as prosecuting and defending pollution or accident claims and liability for pollution and clean-up costs. Concepts in diverse bodies of law: maritime, tort, criminal, insurance, international and administrative, will be presented and discussed when relevant to particular marine environmental issues.

II. COURSE GOALS

This course is designed to help you to achieve the following goals:

- A. To learn to analyze and interrelate various bodies of substantive law that may apply to a particular problem or field of concern.
- B. To present a sufficient background in the concepts and approaches of marine science so as to recognize environmental issues and interpret them in to the appropriate legal framework.
- C. To sensitive yourself to the roles and professional responsibility of lawyers representing vessels, P & I clubs, crew members, marinas, government entities or other individuals and to the various forums in which such lawyers work.

- D. To facilitate the critical dialogue between scientists and lawyers working on marine environmental issues.

### III. COURSE MATERIALS

Required text: None. For each general topic we intend to distribute materials in class, a CD of cases, place materials on reserve for shared use, distribute via email short notes or articles and/or point out relevant URLs you can access on the Web.

### IV. COURSE REQUIREMENTS/ATTENDANCE

There will be reading assignments for most classes, and we expect everyone to complete these assignments before class and participate in class discussions. Some of these may be distributed while others may be simply URL's to relevant websites.

The final course grade will be based upon a take-home, final exam, performance in the class problem discussions and thoughtful class participation. You will not be able to contribute to discussion unless you are familiar with any advance assignments given and can not participate at all if you do not attend. Attendance is required in accordance with the guidelines set forth in the Student Handbook.

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact Jessie Howell, Director, Accessibility & Student Inclusion in the Office of Student Accessibility and Inclusion for information about available opportunities, resources, and services. Her phone number is 305-284-9907, and her email address is [jhowell@law.miami.edu](mailto:jhowell@law.miami.edu). You may also visit the Student Accessibility and Inclusion website at <https://www.law.miami.edu/students/student-accessibility-and-inclusion>.

### V. SCHEDULE

Mondays: 9:00am to 10:50am  
Room # F 302

January 13, 2020

- A. Introduction.
  - 1. Course Requirements.
  - 2. Class Schedule.
  - 3. Final exam/grading standards.
  - 4. Environmental law. (1 Common Law Background)

January 20, 2020

No Class – MLK Holiday

January 27 2020

- A. Brief History of Marine Environmental law
- B. Early Cases (1 Common Law Background)
- C. Askew (2 Askew) (3 Big Sam/Dixie)

February 3, 2020

A. Defenses – Act of God (4 Defenses)

February 10 2020

A. OPA '90 Claimants and Changes (OPA – from 14 Law)

1. Project Manager.
2. Media Relations.

February 17, 2020

A. OPA Claims (5 Locke) (6 Jones)

February 24, 2020

A. Damage Assessment (7 Damages)

March 2, 2020

- A. Damage Theory Continued
- B. Monitoring Costs (8 Monitoring)

March 9, 2020

No Class – Spring Break March 9-13.

March 16, 2020

- A. Salvage and Clean-up. (9 Salvage)
  1. Costs, Duties, Services.

March 23, 2020

- A. Damage Assessment.
- B. Experts.
  1. Hiring/Use/Cost.
  2. Exhibits.

March 30, 2020

- A. Criminal Considerations. (13 OPA Crime)
- B. Conflicts of Interest

April 6, 2020

A. Marine Mammals (11 Marine Mammals).

April 13, 2020

A. Marine Mammals (Continued)

April 20, 2020

- A. Invasive Species. (12 Ballast)
- B. Ballast Water.

April 24 – May 6, 2020  
Final Exam Week  
Finals due at end of exam period

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NOTE:

Schedule subject to change due to unforeseen circumstances, "whims of the court", sickness, current events, or other acts beyond our control (much like the practice of law). MRK

1/02/2020