First Assignment:

Class 1: Introduction/Overview; Appellate Courts and their Powers
   A. Introduction and Introductions
      • Course overview: organization and objectives
      • What is distinctive about appellate practice, and about environmental appeals?
   B. Some Concepts and Distinctions
      • Appeals of Lower Court Decisions v. Judicial Review of Agency Action
      • Appeal as of Right; Appeal by Permission; Discretionary Review; Certification
   C. Constitutional Bases for Federal and State Appellate Courts
      Reading:
      U.S. Constitution, Art. III (Reading Packet (“RP”) p. 1)
   D. Appellate courts as institutions
      Topics for Consideration:
      • Why have appellate courts?
      • Why have multimember panels?
      • US federal appellate system: geographic and subject-matter divisions
      • Judges: selection, tenure, culture
      • Exclusive jurisdiction, specialization, generalism
      • Support: law clerks, clerk’s office; staff attorneys
   E. Subject Matter Jurisdiction: Statutory Appellate Jurisdiction
      1. Appellate Review of District Court Decisions
         Readings:
         • 28 USC § 1331 (RP 2)
         • 28 USC § 1291 (RP 2)
         • 28 U.S.C. § 1292(a) and (b) (RP 2)
      2. Judicial Review of Agency Decisions
         Readings:
         • Administrative Procedure Act, 5 U.S.C. §§ 702, 704 (RP 3)
         • Clean Water Act, 33 U.S.C. § 1369(b)(1), (2) (RP 4)
         • Clean Air Act, 42 U.S.C. § 7607(b) (RP 5)
   F. “Standing” in Environmental Appellate Litigation
      Reading: