

DEPARTMENT OF HISTORIC PRESERVATION

PRESERVATION LAW HISP 302

Donald F. Craib, J.D., LL.M.
Fall 2010

Mo. 4:00-6:45pm
Combs 025

COURSE SYLLABUS

Description

This course emphasizes the historical development and continued evolution of laws designed to protect historic and cultural resources in the United States. Through an analysis of significant national, state, and local preservation laws, the course will introduce students to the basic concepts involved in the field of historic preservation law. The goals of the course include: (1) establishing a basic understanding of the American legal system and legal concepts; (2) promoting a sense of familiarity with legal principles and case law; and (3) achieving a workable knowledge of preservation law issues. These skills will provide a framework for students who wish to further their interest in preservation law and/or seek careers in the preservation field.

Class Requirements

1. Assigned readings.

The study of law requires students to sufficiently prepare for classroom discussion. Every student is expected to be organized and ready to discuss the assigned reading material as well as actively engage in discussion. When reading legal cases and material a single reading is usually not sufficient; several readings will be necessary in order to fully comprehend the material. Students must bring the assigned reading material to class.

2. Take-home Examinations (3), (30% each exam)

3. Class participation (10%)

4. Disability Services

The Office of Disability Services is designated by the University as the primary office to guide, counsel, and assist students with disabilities. If you receive services through that office and require accommodations for this class, please make an appointment with the instructor as soon as possible to discuss your approved accommodation needs. Bring your accommodation letter with you to the appointment. The instructor will hold any information you share in the strictest confidence unless given permission to do otherwise. If you need accommodations, (note taking assistance, extended time for tests, etc.) the instructor will refer you to the Office of Disability Services. They will require appropriate documentation of a disability. The Office's phone number is 540-654-1266.

6. Assignments

All assignments must be pledged. Students are expected to abide by the provisions of the UMW Honor Code when completing all assignments.

A student who has an excused absence for an examination will be allowed to take a make-up within one week following the examination. Excused absences mean a verified medical illness or emergency (with a signed slip from the Health Center) or family emergency (death, accident, hospitalization, etc.) that is verified by Academic Services, or an absence due to a school-sponsored athletic event (with a signed slip from the Athletic Department).

Grading

The below letter grade description is taken from the university's "Academic Catalog, 2005-2007." Numerical grades will be assigned by the instructor for the above "class requirements" and are as follows:

100-94	A	4.00 quality points
93-90	A-	3.70 quality points
89-87	B+	3.30 quality points
86-83	B	3.00 quality points
82-80	B-	2.70 quality points
79-77	C+	2.30 quality points
76-73	C	2.00 quality points
72-70	C-	1.70 quality points
69-67	D+	1.30 quality points
66-60	D	1.00 quality points
Below 60	F	0.00 quality points

Required Text Books

King, Thomas F. *Cultural Resource Laws & Practice*. 3rd Edition. Alta Mira Press, CA. (2008).

A Layperson's Guide to Historic Preservation Law. National Trust for Historic Preservation.

Procedural Due Process in Plain English: A Guide for Preservation Commissions. National Trust for Historic Preservation.

Takings Law in Plain English. National Trust for Historic Preservation.

Federal Historic Preservation Laws. National Park Service, U.S. Dept. of Interior (2006).
Copy of book can be found in pdf format at:
<http://www.cr.nps.gov/history/hisnps/fhpl.htm>

Recommended Text Books

Black's Law Dictionary. Third pocket edition. West Publishing Co. (2005).

Craib, Donald Forsyth (editor). *Topics in Cultural Resource Law*. Society for American Archaeology, Washington, D.C. (2000).

All reading assignments relating to each class period will be located on the Internet at Blackboard.UMW.edu. In addition, reading assignments for the upcoming week will be reviewed by the instructor during class on the preceding Monday.

Instructor Information

Office Hours Monday 2:00-3:35pm
 Or by appointment
 Combs, Dept. of Historic Preservation Office

Phone 808/280-6576
Email dfcraib@dfcraib.com

Students are strongly encouraged to visit the instructor to discuss assignments or other topics of interest. If the above office hours are not convenient for any student, arrangements can be made to meet at another time and/or day during the week.

CLASS SCHEDULE

Week 1

8/23 Overview of syllabus and course requirements/objectives. Fundamentals of the American legal system. How to read, brief, and analyze a court decision: Sea Hunt v. Unidentified Shipwreck.

Week 2

9/30 Introduction to Historic Preservation Law.

Week 3

10/6 Federal Historic Preservation Laws.

Week 4

10/13 Federal Historic Preservation Laws.

Week 5

10/20 Federal Historic Preservation Laws. (1st take home exam handed out)

Week 6

10/27 State Historic Preservation Laws. (1st take home exam due at beginning of class)

Week 7

10/4 State Historic Preservation Laws.

Week 8

10/11 No Class: Fall Break.

Week 9

10/18 State Historic Preservation Laws.

Week 10

10/25 State Historic Preservation Laws. (2nd take home exam handed out)

Week 11

11/1 Local Historic Preservation Laws. (2nd take home exam due at beginning of class)

Week 12

11/8 Local Historic Preservation Laws.

Week 13

11/15 Local Historic Preservation Laws.

Week 14

11/22 Local Historic Preservation Laws.

Week 15

11/29 Public Policy and Historic Preservation. (3rd take home exam handed out)

Final Examination

12/6 7:00-9:30pm (3rd take home exam due at beginning of class)