

**Law 272.3 sec. 1**  
*Climate Change Law and Policy*  
(Fall 2007)

Units: 2  
CCN (2Ls/3Ls): 49774

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Location: 14 Boalt  
Time: Wednesdays 2:20-4:10

*Course Description:*

Climate change will be a core concern that will influence policy and economic activity for years to come. It raises classic issues of distributional justice, law and science, risk, uncertainty and precaution, litigation strategy, technology policy, and international relations. Students will leave this course with an understanding of the sources and impacts of climate change, the key state, national and international policies, and the role of law.

Course will be graded on:  
10% Attendance and participation in class  
20% Lead class discussion  
70% Papers

Each member of the class will prepare to lead two class discussions and will write a “reaction” paper, about five pages, providing analysis and critique of the reading for three classes – the two classes for which you are a discussion leader plus one more of your choice. The reaction papers will be due on the day of class. In addition, each student will develop one of the short papers into a longer piece of writing, about fifteen pages, that will be due on the last day of class.

Texts:

1. Gerrard, M. B., Ed. (2007). *Global Climate Change and U.S. Law*, ABA.
2. Kolbert, E. (2006). *Field notes from a catastrophe: man, nature, and climate change*, New York: Bloomsbury.
3. Additional readings from primary and secondary sources will be assigned.

**Syllabus**

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<b>Class 1 – August 21</b>	<b>Introduction to the Course</b> [Farber, Payne, Frank]
<b>Class 2 – August 28</b>	<b>Dealing with the Consequences – Adaptation</b> [Farber]
<b>Class 3 – September 4</b>	<b>Dealing with the Consequences – Disasters</b> [Farber]
<b>Class 4 – September 11</b>	<b>UN Framework Convention on Climate Change, Kyoto Protocol</b> [Payne]
<b>Class 5 – September 18</b>	<b>Insurance, Compensation</b> [Farber]
<b>Class 6 – September 25</b>	<b>Litigation &amp; the Role of Federalism: <i>Massachusetts v. EPA</i></b> [Frank]
<b>Class 7 – October 9</b>	<b>California's AB 32, SB 1368 and AB 1493 (“Pavley Bill”): Case Studies in Turning State &amp; Regional Climate Change Policy into Effective Regulation</b> [Frank]

<b>Class 8 – October 16</b>	<b>Putting a Price on Carbon – Cap and Trade, Carbon Tax</b> [Payne]
<b>Class 9 – October 23</b>	<b>Climate Change-Related Litigation: Surveying the Initiatives in State &amp; Federal Courts</b> [Frank]
<b>Class 10 – October 30</b>	<b>Human Rights, Social justice, Environmental Justice</b> [Payne, Frank]
<b>Class 11 – November 6</b>	<b>Technological Innovation &amp; Implementing Alternative Energy</b> [Payne]
<b>Class 12 – November 13</b>	<b>US Energy Regulation &amp; Policy: What’s in Play?</b> [Frank]
<b>Class 13 – November 20</b>	<b>What about China?</b> [Payne]
<b>Class 14 – November 27</b>	<b>The Next Big Thing</b> [Payne, Frank, Farber]