

Law 273.71
California Environmental Law & Policy Issues
(Fall 2008)

Units: 2
CCN (2Ls/3Ls): 49696

Instructor: Richard Frank
Email: rfrank@law.berkeley.edu
Location: 115 Boalt
Time: Tuesdays (alternating) 9:00 a.m.-12:00 p.m.

Instructor's Profile:

Mr. Frank is the Executive Director of the California Center for Environmental Law & Policy and a Lecturer in Residence at Boalt Hall School of Law. He received his law degree from the University of California at Davis in 1974.

Following positions as a staff attorney with the Federal Energy Administration in Washington, D.C., and the California Energy Commission, Mr. Frank joined the California Department of Justice in 1977. There, for approximately 25 years, he specialized in environmental and land use litigation, representing the State of California, its agencies and officials. Immediately before coming to Boalt Hall in 2006, Mr. Frank served as Chief Deputy Attorney General for Legal Affairs of the Department of Justice. In that capacity, he supervised a staff of approximately 1100 attorneys and a comparable number of paralegals, investigators and other legal support staff. As Chief Deputy, Mr. Frank's responsibilities included the oversight of all civil and criminal litigation handled by the Department of Justice on behalf of California state government and the people of the State of California, in both state and federal courts.

Mr. Frank has taught courses in environmental law at the U.C. Berkeley School of Law since 2005 and, previously and for many years, at the U.C. Davis School of Law and Department of Environmental Studies and at Lincoln Law School in Sacramento. He has written and lectured extensively on a wide array of environmental, land use, natural resource and constitutional issues.

Course Description:

Mr. Frank will introduce and moderate eight, in-depth panel discussions by outside speakers on a wide array of key California environmental law and policy issues. Guest speakers include a distinguished group of academics, practicing environmental attorneys, and non-legal environmental experts (e.g., planners, scientists and economists).

Syllabus

Class 1 – August 19	Introductory Session (9-10:00 a.m.) Mr. Frank will provide an overview of the course, and answer students' questions
Class 2 – August 26	The California Environmental Quality Act (CEQA)—An Introduction Panel: Michael Zischke (Cox, Castle & Nicholson, San Francisco); Christine Sproul (Deputy Attorney General, California Department of Justice, Sacramento)
Class 3 – September 9	The California Environmental Quality Act—Two Advanced Case Studies Panel: James Moose (Remy, Thomas & Moose, Sacramento); Susan Durbin (Deputy Attorney General, California Department of Justice, Sacramento); Bill Yeates (Kenyon & Yeates, Sacramento)
Class 4 – September 23	California Coastal Resource Protection/Coastal Commission Issues Panel: Matt Rodriguez (Chief Assistant Attorney General, California Department of Justice, Oakland); Annie Notthoff (Natural Resources Defense Council, San Francisco); Eric Grant (Law Offices of Eric Grant, Sacramento)

- Class 5 – October 7** **Citizen Enforcement of California’s Environmental Laws**
Panel: Sharon Duggan (Law Office of Sharon Duggan, Berkeley); Richard Pearl (Law Office of Richard Pearl, Berkeley); Jennifer Hernandez (Holland & Knight, San Francisco)
- Class 6 – October 21** **Preserving Lake Tahoe: Water Quality, Regulatory Takings Litigation & the Effective Use of Expert Witnesses at Trial**
Panel: Emeritus Professor Robert Twiss (U.C. Berkeley Department of Planning); E. Clement Shute (Shute, Mihaly & Weinberger, San Francisco); Mary Scoonover (Resources Law Group, Sacramento)
- Class 7 – November 4** **Proposition 65 (the Safe Drinking Water & Toxic Enforcement Act of 1986)**
Panel: Jim Wheaton (Environmental Law Foundation, Oakland); Ed Weil (Supervising Deputy Attorney General, California Department of Justice, Oakland); Michele Corash (Morrison & Foerster, San Francisco)
- Class 8 – November 18** **Environmental Federalism—At What Level of Government is Environmental Law & Policy Best Made?**
Panel: Ken Alex, Senior Assistant Attorney General (California Department of Justice); Professor John Leshy (Hastings College of the Law, San Francisco); Professor Vikram Amar (U.C. Davis School of Law)
- Class 9 – December 2** **Ensuring a Reliable & Environmentally-Responsible Water Supply for California: the Sacramento-San Joaquin Delta—A Case Study**
Panel: Phil Isenberg (Chairman, Governor’s Delta Vision Blue Ribbon Task Force, Sacramento); Professor Jeffrey Mount (School of Geology, U.C. Davis); Jeff Kightlinger (General Manager, Metropolitan Water District, Los Angeles)