

Law 273.71
California Environmental Law and Policy Issues
(Spring 2007)

Units: 2
CCN (2Ls/3Ls): 49754

Instructor: Rick Frank
Email: rfrank@law.berkeley.edu
Location: 121 Boalt
Time: Mondays 2:20-5:30

Instructor Profile:

Mr. Frank 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. For approximately 25 years, he specialized in environmental and land use litigation, representing the State of California, its agencies and officials. He currently serves as Chief Deputy Attorney General for Legal Affairs of the Department of Justice. In that capacity, he supervises a staff of approximately 1100 attorneys and a comparable number of paralegals, investigators and other legal support staff. Mr. Frank's responsibilities include 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's litigation experience includes participation on behalf of the State of California and other States in most of the regulatory takings litigation before the U.S. and California Supreme Courts over the past 25 years. He has also defended California state agencies and officials in numerous federal and state court inverse condemnation cases.

Mr. Frank has taught courses in environmental law at Boalt Hall, the U.C. Davis School of Law and Department of Environmental Studies and 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 panel discussions by outside speakers on a wide array of key California environmental law and policy issues. Guest speakers include academics, practicing environmental attorneys, and non-legal experts (e.g., planners, scientists and economists).

Syllabus

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| Class 1 – January 8 | The California Environmental Quality Act—An Introduction
Panel: Michael Zischke (Morrison & Foerster, San Francisco); Christine Sproul (Deputy Attorney General, California Department of Justice, Sacramento). |
| Class 2 – January 22 | The California Environmental Quality Act—Two Advanced Case Studies
Panel: James Moose (Remy, Thomas & Moose, Sacramento); Susan Brandt-Hawley (Law Office of Susan Brandt-Hawley, Santa Rosa); Gordon Burns (Deputy Solicitor General, California Department of Justice, Sacramento); Zach Cowan (Office of the City Attorney, Berkeley). |
| Class 3 – February 5 | 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 4 – February 26 | California Coastal Resource Protection/Coastal Commission Issues
Panel: Professor Meg Caldwell (Stanford Law School; Chair, California Coastal Commission); Matt Rodriguez (Senior Assistant Attorney General, California Department of Justice, Oakland); Anne Nothoff (Natural Resources Defense Council, San Francisco). |

- Class 5 – March 5** **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 6 – March 19** **Proposition 65 (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 7 – April 2** **California’s Response to Climate Change—Legislation, Litigation & Regulation**
Panel: Ken Alex, Supervising Deputy Attorney General (California Department of Justice); Professor Michael Hanemann (Department of Resource Economics, U.C. Berkeley); Aron Livingston (California Air Resources Board, Sacramento).
- Class 8 – April 16** **Flood Control, Land Development & Disaster Preparedness: How Can California Cope in a Post-Katrina Environment?**
Panel: Nancy Saracino (Chief Deputy Director, California Department of Water Resources, Sacramento); Professor Jeffrey Mount (School of Geology, U.C. Davis); Eric Grant (Law Office of Eric Grant, Sacramento).