

Law 273.71
California Environmental Law and Policy Issues
(Spring 2006)

Units: 2
CCN (2Ls/3Ls): 49823
Instructor: Richard Frank
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Location: 110 Boalt
Time: Wednesdays 3:20-6:15

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 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 nine 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 11 | Citizen Enforcement of California's Environmental Laws
Panel: Sharon Duggan (Law Office of Sharon Duggan, Berkeley); Richard Pearl (Law Office of Richard Pearl, Berkeley); Kathy Strickland (Holland & Knight, San Francisco); and Tara Mueller (Deputy Attorney General, California Department of Justice, Oakland). |
| Class 2 – January 25 | 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); and David Roe (Calvo & Clark, San Francisco). |
| Class 3 – February 1 | Free International Trade v. Environmental Protection.
Panel: Jan Stevens (Senior Assistant Attorney General, California Department of Justice, Sacramento); Laura Methune (Consultant, California State Senate Subcommittee on International Trade Policy & State Legislation, Sacramento); Martin Wagner (EarthJustice, Oakland) [invited]. |

- Class 4 – February 15** **Lake Tahoe Regulatory Takings Litigation.**
Panel: Emeritus Professor Robert Twiss (U.C. Berkeley Planning Dept.); Clem Shute (Shute, Mihaly & Weinberger, San Francisco); Mary Scoonover (Resources Law Group, Sacramento).
- Class 5 – February 16¹** **Environmental Federalism.** Panel: Wayne Nastri (Regional Administrator, USEPA Region IX, San Francisco); Professor Ann Carlson (UCLA School of Law); Professor Vikram Amar (Hastings College of the Law).
- Class 6 – March 1** **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 Mudge (Morrison & Foerster, San Francisco).
- Class 7 – March 15** **California's Global Warming Litigation.**
Panel: Ken Alex, Supervising Deputy Attorney General (California Department of Justice); Professor Mike Hanemann (U.C. Berkeley).
- Class 8 – April 5** **Flood Control, Land Development & Disaster Preparedness: How Can California Cope in a Post-Katrina Environment?**
Panel: Nancy Saracino (Chief Counsel, California Department of Water Resources, Sacramento); Professor Jeffrey Mount (School of Geology, U.C. Davis); James Burling (Pacific Legal Foundation, Sacramento).
- Class 9 – April 19** **Wetlands Protection, Development & Regulation in California: Section 404 Meets the Commerce Clause.** Panel: Stephen Samuels (U.S. Department of Justice, Washington, D.C.), Eric Grant (Law Office of Eric Grant, Sacramento); Professor Vikram Amar (Hastings College of the Law).

¹ This panel is scheduled as part of Boalt Hall's planned February 16-17 Conference on "California and the Future of Environmental Policy." The "Environmental Federalism" panel will be held on Thursday, February 16th, from 10:00-11:45 a.m. Students enrolled in this course should plan on attending this panel, their academic schedules permitting. (The panel discussion will be videotaped for future viewing for those enrolled students with scheduling conflicts, however.)