

SYLLABUS FOR CLIMATE CHANGE AND THE LAW

U.C. BERKELEY SCHOOL OF LAW - FALL 2008

Instructors: Daniel Farber, Cymie Payne
Law 272.3 - 2 units

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.

Grading: The grade will be based on the final paper, a short class presentation and on class participation. The paper should be 30 double-spaced pages (about 8,000 words). A statement of your topic will be due by the fourth class, September 15. Please let us know if you want to use the paper for the writing requirement. Papers are due December 16, 2008 (last day of exams).

Required Texts:

Gerrard, M. B., Ed. (2007). *Global Climate Change and U.S. Law*, ABA.

Kolbert, E. (2006). *Field notes from a catastrophe: man, nature, and climate change*, New York: Bloomsbury.

Class 1 – Aug 18

Introduction and The Science of Climate Change

Guest: William Collins, Senior Scientist and Department Head, Lawrence Berkeley National Laboratory; Professor in Residence, University of California, Berkeley

Class 2 – Aug 25

The Economics of Climate Change

Guest: Michael Hanemann, Chancellor's Professor, Department of Agricultural & Resource Economics, University of California, Berkeley

Class 3 – Sept 8

Financing Adaptation [Farber]

Guest: Teresa Stanton, Reference Librarian for Foreign and Comparative Law, Berkeley Law Library

Class 4 – Sept 22

Insurance

Guest: Evan Mills, Lawrence Berkeley National Laboratory, Environmental Energy Technologies Division

Class 5 – Oct 6

The International Climate Regime

Class 6 – Oct 13

Technology and Policy for Mitigation

Guest: Amy Kapczynski, Berkeley Law

Class 7 – Oct 20

Climate Change and Biodiversity

Guests: Kassie Siegel, Staff Attorney, Center for Biological Diversity and Steven Beissinger, Professor of Conservation Biology, Chair of Ecosystem Sciences Division and Department of Environmental Science, Policy & Management, UC Berkeley

Class 8 – Oct 27

Climate & Trade Law: The Biofuels Problem

Guest: Mike O'Hare, Professor of Public Policy, Goldman School of Public Policy, University of California, Berkeley

Class 9 – Nov 3

Massachusetts v. EPA and its Aftermath

Class 10 – Nov 10

Putting a Price on Carbon – Cap & Trade, Carbon Tax

Class 11 – Nov 17

Current Federal Statutes and Litigation

Guest: Ken Alex, Office of the Attorney General

Class 12 – Nov 24

State initiatives

Class 13 – Dec 1

Class Presentations

December 16 – Final Papers DUE