

# 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.

<u>Class 1 – Aug 18</u>	<b>Introduction and The Science of Climate Change</b> Guest: William Collins, Senior Scientist and Department Head, Lawrence Berkeley National Laboratory; Professor in Residence, University of California, Berkeley
<u>Class 2 – Aug 25</u>	<b>The Economics of Climate Change</b> Guest: Michael Hanemann, Chancellor's Professor, Department of Agricultural & Resource Economics, University of California, Berkeley
<u>Class 3 – Sept 8</u>	<b>Financing Adaptation</b> [Farber] Guest: Teresa Stanton, Reference Librarian for Foreign and Comparative Law, Berkeley Law Library
<u>Class 4 – Sept 22</u>	<b>Insurance</b> Guest: Evan Mills, Lawrence Berkeley National Laboratory, Environmental Energy Technologies Division
<u>Class 5 – Oct 6</u>	<b>The International Climate Regime</b>
<u>Class 6 – Oct 13</u>	<b>Technology and Policy for Mitigation</b> Guest: Amy Kapczynski, Berkeley Law
<u>Class 7 – Oct 20</u>	<b>Climate Change and Biodiversity</b>

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*