Who Should Take Environmental Courses at Stanford Law School?
Courses in the Environmental and Natural Resources Law & Policy Program (ENRLP) are designed for students planning to practice environmental law and for those interested in addressing public policy issues. The courses examine issues of broad relevance to public law, including the administrative process, statutory interpretation, alternative approaches to regulating economic activities, multi-party negotiation, and legal ethics. We encourage students from related disciplines to enroll. The Law School offers several exciting joint graduate programs in connection with E-IPER, Public Policy, International Relations, and the Business School.

The Law School offers an array of core, clinical, advanced, and policy courses in the environmental and energy area. We have provided the following list of our offerings this year to help you design a curriculum to fit your interests and professional goals.

Core Courses examine key topics of environmental regulation. Students need no special background to enroll in any of the core courses.

Administrative Law (autumn and spring): This course is concerned with the constitutional rules and political pressures that shape agencies; how agencies promulgate regulations and adjudicate disputes; the major statutes affecting how agencies work, particularly the Administrative Procedure Act; and how courts review agency action.

Energy Law (winter): In this course, students will acquire a basic understanding of the law of rate-based regulation of utilities. We will then examine the history of natural gas pipeline regulation in the United States, concluding with restructuring and the introduction of market competition into transmission of natural gas. Next, we will cover the basics of the electricity system, including consumer demand, grid operations, and power plant technologies and economics. We will then revisit cost of service rate regulation as it has been applied in the electricity context. We will then focus on various attempts at reform of both rate-regulated and wholesale market-based structures. In particular, we will examine various attempts to introduce market competition into various aspects of the industry and to strengthen incentives for utility investment in energy efficiency. Finally, students will examine various approaches to subsidization of renewable energy.

Environmental Justice (spring): This course will introduce environmental justice as a social movement, including its central substantive concerns (the needs of humans in the built environment rather than the need to protect the environment from humans) and its methods (community-based political organizing rather than professionalized judicial or legislative action). The bulk of the course will then pursue a broader conception of environmental justice today by using social science research, theory, and case studies to investigate the civil rights and poverty aspects of environmental safety and natural resources.
**Environmental Law Clinic** (basic, full-time autumn and winter; advanced, part-time any quarter): The Clinic provides an opportunity each quarter for students to represent national, regional, and grassroots non-profit organizations on a variety of environmental issues. The clinic’s primary goal is to help students develop essential lawyering skills through hands-on experience in real cases. Clinic students work on a mix of litigation and policy matters at the interface of law, science, and policy. Our cases take our students before administrative agencies and to all levels of state and federal court, with frequent practice in the U.S. Court of Appeals for the Ninth Circuit and the U.S. Supreme Court. Students help screen new matters and potential clients; formulate strategies; research and develop factual and legal issues; and prosecute administrative and litigation proceedings. Students may meet with clients, opposing counsel or agency officials; review administrative records and develop expert testimony; draft comment letters, petitions, pleadings and briefs; and present argument at administrative and judicial hearings. In regular one-on-one meetings with supervising faculty, there is a heavy emphasis on learning how to write persuasively, present oral arguments, and exercise professional judgment. Students who have already successfully completed the basic Environmental Law Clinic for one quarter may continue to work with the clinic in the advanced section, participating in a more intensive and senior capacity on clinic matters.

**Environmental Law and Policy** (spring): This course provides an introduction to federal environmental law, regulation, and policy in the United States. The course emphasizes the cooperative and competing roles that the federal and state governments play in implementing environmental law in the United States. The course encourages students to adopt a comparative and dynamic view of environmental protection under U.S. law. This course covers the property law roots of environmental law; U.S. administrative law; risk assessment; U.S. Toxic Substances Control Act; the EU REACH directive; the Clean Air Act, the Clean Water Act, the Endangered Species Act; and the National Environmental Policy Act.

**Natural Resources Law and Policy** (autumn): This course will focus on two major aspects of natural-resource management: biodiversity protection (including the Endangered Species Act, ocean fisheries management, and global protection of marine mammals) and public lands in the United States such as national parks and wilderness areas. The course also will examine the National Environmental Protection Act and the effectiveness of environmental impact assessments.

**Advanced Seminars** provide an in-depth examination of environmental issues. Students generally get more out of the advanced seminars if they already have taken one or more core courses or have some experience in the field, but none require prerequisites.

**Cities in Distress** (autumn): In 2013, the City Detroit became the 28th city to declare municipal bankruptcy or to enter a receivership for fiscal crisis since late 2008, a window of time that has seen five of the six largest municipal bankruptcies in American history. This course will focus on these cities and the legal tools available to facilitate their restructuring and recovery. Subjects will include: (1) the basics of local finance; (2) an introduction to the primary causes of local fiscal distress; and (3) tools for state and federal governance of city finances and financial distress (including audits and other oversight mechanisms, state regulation, municipal bankruptcy, and state receiverships). The course will feature readings focused on law and cities across the country, including in California, Pennsylvania, Michigan, and North Carolina. A special unit in the course will focus squarely on the city of Detroit's bankruptcy.
Clean Energy Project: Development & Finance (winter): This case study-oriented course will focus on the critical skills needed to evaluate, develop, finance (on a non-recourse basis), and complete standalone energy and infrastructure projects. The primary course materials will be documents from several representative projects - e.g. wind and carbon capture - covering key areas including market and feasibility studies, environmental permitting and regulatory decisions. Cross listed with the business school.

Climate Change Policy: Economic, Legal, and Political Analysis (spring): This course will advance students' understanding of economic, legal, and political approaches to avoiding or managing the problem of global climate change. Beyond focusing on economic issues and legal constraints, it will address the political economy of various emissions-reduction strategies. The course will consider policy efforts at the local, national, and international levels. Specific topics include: interactions among overlapping climate policies and between new policies and pre-existing legal or regulatory frameworks; the role that jurisdictional or geographic scale can play in influencing the performance of climate policy approaches; and numerical modeling and statistical analyses of climate change policies.

Modern Fossil Fuel Extraction (winter): Offered yearly, this interactive seminar examines and critiques cutting-edge research and work in the field of natural resources law and policy. This workshop seminar will provide students with the opportunity to examine and critique cutting-edge research and work in the field of environment, energy, and natural resources. Although it is open to all students, the seminar is designed especially for those with an interest in the field who wish to stay abreast of current issues, work, and ideas. In each class, an academic expert, policy maker, or practitioner will present their current research or work and engage in a robust discussion.

The Sea Around Us: Ethical, Physical, and Emotional Connections Between Humans and the Ocean (winter - spring): This colloquium examines current ocean law and policy issues through a series of readings of seminal works about ethical, physical, and emotional relationships of human beings to the marine world. Through the lenses offered by several classic readings, we will examine and reinterpret the challenges of fisheries collapse, climate change, shipping, marine spatial planning, biodiversity conservation, and the management of land-sea interactions.

Sustainable Energy: Business Opportunities and Public Policy (autumn): This course examines trends and opportunities in the sustainable energy sector with a particular focus on low carbon energy. We examine these trends in the context of technological change, emerging business opportunities and the parameters set by public policy.

Toxic Harms (winter): This seminar will examine the concerns arising from exposure to toxic substances from a variety of perspectives. A principal focus will be tort liability, and a central theme in the course will be whether tort law is an effective method of compensating victims of toxic exposure and controlling the distribution and/or emission of toxic substances.

US & International Issues in the Changing Arctic (autumn): This seminar will explore domestic and international issues that are arising in the Arctic, including territorial rights; energy development in the Arctic (including the role of multi-national oil companies, country-specific regulatory standards and response capabilities); the rights of indigenous peoples; mutual aid agreements; and climate change impacts, including the opening of new shipping routes, increased coastal erosion, the loss of permafrost, impacts on traditional subsistence activities, and the like.
Policy Practicums provide opportunities, interdisciplinary, when possible, for students to learn by doing policy analysis or regulatory drafting for policy makers.

Catalyzing Nature-Based Coastal Flood Mitigation & Adaptation (winter, spring): Traditionally, flood mitigation has occurred through the use of hard engineering - seawalls, revetments and levees. However, natural habitats and ecosystems also offer significant, and often overlooked and undervalued protections in mitigating or buffering flood hazards. FEMA Region IX and The Nature Conservancy in California wish to develop a paradigm for working together to promote nature-based flood mitigation, and have asked for our help. Students in this practicum will: (a) Identify a coastal community with areas of both high flood risk and conservation value; (b) Design a nature-based strategy for risk reduction; (c) Identify available resources/programs/incentives for and barriers to implementation at the local, state and federal levels; (d) Design a process for enabling the community to avail themselves of these resources; and (e) Comment on how laws, regulations and programs could be changed to better facilitate nature-based flood risk reduction.

Central Valley Habitat Exchange (autumn, winter): This policy lab will assist in developing more flexible and effective wildlife habitat mitigation tools for use in California’s Central Valley, a landscape that presents the challenge of taking advantage of the habitat potential provided by working agricultural lands. Students will help provide recommendations to the Central Valley Habitat Exchange (CVHE) in the development of more flexible and marketable habitat mitigation tools that can be used under a variety of programs, including the Endangered Species Act, the Clean Water Act, state wildlife laws, and the Bay Delta Conservation Plan. The CVHE is a new initiative taking advantage of the emerging market of habitat credits by maximizing the benefits of the habitat that willing agricultural landowners can provide.

China’s Solar Industry & its Global Implications (autumn): Students in this seminar will analyze industry and policy data to assess China’s competitive strengths in the global solar industry and, based on those conclusions, to suggest finance and policy approaches that the US and China each could adopt so that the two countries operate more strategically in an economically efficient global solar market - and, by extension, a globalizing market for cleaner sources of energy.

Expanding Settlement Options in Environmental Enforcement Cases (spring): This practicum/policy lab will focus on the real and/or imagined legal and policy barriers that make it difficult to direct enforcement-related monies into environmentally beneficial restitution and mitigation projects. We will work with a client (e.g., the National Fish & Wildlife Foundation, which has a Congressional mandate to spend environmental mitigation dollars) to survey and analyze current practices and propose a framework for reconfirming and institutionalizing pathways for using environmental settlements to dedicate funds toward environmentally beneficial projects.

2015-2016 Academic Year we anticipate offering: Administrative Law; California Coast: Science, Policy and Law; Energy Law; Environmental Law Clinic; Environmental Law and Policy; International Environmental Law; Land Use; and Water Law or Natural Resources Law; Environment & Energy Law Workshop.

For more guidance on these and other courses in the environmental field, feel free to contact Meg Caldwell, Director (650/723-4057 or megc@stanford.edu).