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. For more guidance on these and other courses in the environmental field, contact Molly Melius, ENRLP Fellow (650-725-4217; loughney@stanford.edu).

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 winter): 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.

Environmental Law Clinic (basic, full-time in 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. The cases take 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): In this course, we will look at the major statutes and policies used, at both the federal and state levels, to protect humans and the environment against exposure to harmful substances, including the Clean Air Act, Clean Water Act, Superfund, the Resource Conservation & Recovery Act, and laws designed to regulate toxic substances. This class will also examine the challenges of global air pollution, including climate change and ozone depletion. The class will look not only at the substance of these laws and policies, but also at enforcement challenges, alternative legal mechanisms for advancing environmental policies (such as voter initiatives and common-law actions), the role of market mechanisms in addressing environmental problems, and constitutional restrictions on environmental regulation. As part of the class, students will engage in a series of situational case studies designed to provide a better sense of the real-world issues faced by environmental lawyers and to teach students the skills and tactics needed to solve those issues.

Water Law (fall): This course will study how society allocates and protects its most crucial natural resource -- water. The emphasis will be on current legal and policy debates, although we will also examine the history of water development and politics. Although the course will focus on United States law and policy, insights from the course are applicable to water regimes throughout the world, and we will occasionally look at law and policy elsewhere in the world for comparison. Among the many issues that we will consider are: how to allocate water during periods of scarcity (particularly as climate change leads to more extremes); alternative means of responding to the world's growing demands for water (including active conservation); the appropriate role for the market and private companies in meeting society's water needs; protection of threatened groundwater resources; environmental limits on water development (including the U.S. Endangered Species Act and the "public trust" doctrine); constitutional issues in water governance; Indian water rights; protection of water quality; challenges to substantively reforming existing water law; and interstate and international disputes over water.

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.

Advanced Legal Writing – Public Interest Litigation (spring): Public-interest litigation is often an uphill battle. Lawyers and clients representing public interests have difficulty prevailing even when their fact patterns are sympathetic, often because the law is either undeveloped or unsupportive. Yet when public-interest litigation does succeed it can change the legal landscape and galvanize social movements. This class will focus on the research and writing skills necessary to litigate public-interest lawsuits. The class will employ briefs from important public-interest cases and other readings to unpack the rhetorical and analytical tools needed to persuade judges across the ideological spectrum. Students will also learn how to conduct advanced legal research; develop tools for constitutional, statutory, and case law interpretation; and hone their ability to be clear and creative. Students will practice the skills they learn by preparing multiple drafts of two pleadings in a single case, and will receive detailed feedback on their writing from the instructor and their peers.

Advanced Negotiation: Environmental Policy (winter): This section of Advanced Negotiation will focus on two-party and multi-party environmental policy negotiations, working in teams, group decision-making, coalition management, and negotiating on behalf of organizations to solve complex problems in environmental policy. The goals of the class are twofold, for students (1) to acquire an added theoretical base beyond what was covered in the Negotiation Seminar through which to analyze (in terms of law and facts), prepare for, participate in and facilitate more complex, multiparty
negotiations, and (2) to expand skills through deeper examination of various actual negotiation cases and complex simulations, including ethical responsibilities to the client and the public, opportunities for leadership, and collaboration.

**Business, Social Responsibility, and Human Rights** (autumn): Large corporations now routinely spend millions of dollars to protect human rights and the environment. Shell Nigeria builds hospitals and schools in the Niger Delta. Nike employs hundreds of inspectors to improve conditions for the factory workers who produce its shoes across Asia and Latin America. Technology companies such as Facebook have scrambled to fend off the threat of new regulation since the Cambridge Analytica revelations. Other examples abound, across industries and around the globe. "Don't be evil" (Google's former motto) may be one motivation for these companies, but something more mundane is also at work: many companies believe they will do well, financially, if they do good, ethically. This course examines questions that lawyers in large law firms, corporations, NGOs, and government agencies regularly confront: --What does it mean for a company to "do good"? Should it care? --When does it serve a company's interest to take costly action to address human rights, labor, and environmental concerns? --What tactics have activists used to shift public opinion, media frames, and the law, and thereby change companies' incentives? We will learn through seminar-style discussion, lectures, role play, and small group exercises. Several guest speakers with experience in business, advocacy, or in between will provide insights from their experiences on the ground.

**The Business of Water** (spring): One of the fastest growing economic sectors is the water field, and private water companies are playing an increasingly important role in improving water management around the world. In some cases, however, the involvement of private companies in the water sector has also proven controversial (e.g., when private companies have taken over public water supply systems in developing countries such as Bolivia). This course will look at established or emerging businesses in the water sector and the legal, economic, and social issues that they generate. These businesses include investor-owned water utilities, water technology companies (e.g., companies investing in new desalination or water recycling technologies), water-right funds (who directly buy and sell water rights), social impact funds, innovative agricultural operations, water concessionaires, and infrastructure construction companies and investors.

**California Coast: Science, Policy & Law** (spring): This interdisciplinary course integrates the legal, scientific, and policy dimensions of how we characterize and manage resource use and allocation along the California coast. The course will use this geographic setting as the vehicle for exploring more generally how agencies, legislatures, and courts resolve resource use conflicts and the role that scientific information and uncertainty play in the process. The focus will be on the land-sea interface as we explore contemporary coastal land use and marine resource decision-making, including coastal pollution, public health, ecosystem management; public access; private development; local community and state infrastructure; natural systems and significant threats; resource extraction; and conservation, mitigation and restoration. Students will learn the fundamental physics, chemistry, and biology of the coastal zone, tools for exploring data collected in the coastal ocean, and the institutional framework that shapes public and private decisions affecting coastal resources.

**Climate Law and Policy** (spring): This course offers an interdisciplinary, graduate-level survey of current and historical efforts to regulate emissions of greenhouse gases in the United States and around the world. Students will read primary legal documents—including statutes, regulations, and court cases—in order to evaluate the forces and institutions shaping American climate policy. Additional perspectives from climate science, economics, and political science will provide context as students analyze the evolution of climate law and policy regimes. Cross-listed with Environment and Resources.
Climate: Politics, Finance and Infrastructure (winter): While climate change is often considered an “environmental problem,” the risks and opportunities embedded in a changing climate go well beyond the frame of the natural environment. This course will reframe climate as a macroeconomic challenge, one in which multilateral politics, global investment and physical and institutional infrastructure must be understood and reconsidered. Based on scholarly analysis, case studies, and guest speakers, this interdisciplinary course will cover the past, present and future pillars of climate politics and finance. The bulk of the course will investigate current innovations at the intersection of finance and policy, including risk management and disclosure, blended finance, distributed solutions, and resilience measures. The final sessions will consider what is just beyond the horizon as future leaders embark on solving the greatest challenge of our time.

Energy Law (autumn): The U.S. energy system today is subject to a complex regime of state and federal laws. We will examine the historical role of state-level electric utility regulation, tracing its evolution into the various forms of regulated and deregulated energy markets now in use in the U.S. electricity and natural gas sectors. We will interrogate the contested ideals of regulation and competition, which private, non-profit, and governmental stakeholders all deploy to advance private gain and public goods—most recently in a series of transformative proposals to use federal emergency powers to provide financial bailouts to legacy fossil and nuclear power plants. Students who complete the class will gain a historical understanding of how economic regulation of the energy sector has evolved since the early 20th century, a durable conceptual framework for understanding modern energy law and policy debates, and a practical understanding of energy law designed for future practitioners.

Environmental Justice (winter): 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. The course will include units on: (1) toxic exposure and public health disparities stemming from the disproportionate siting of locally-unwanted land uses in poor neighborhoods of color; (2) access to natural resources and basic public services, including clean water, wastewater disposal, and open space; (3) tools in environmental justice advocacy (including community-based lawyering, Title VI of the Civil Rights Act of 1964, the Fair Housing Act, common law nuisance actions, and transactional lawyering); (4) environmental justice issues in Indian Country, and (5) environmental justice issues in climate change policy.

Environmental Law and Policy Colloquium (LLM only): This colloquium offers LLM students the opportunity to discuss cutting-edge legal topics related to, among others, the environment, natural resources management, or energy policy.

Federal Indian Law (winter): This course will provide an overview of the field of federal Indian law. It will consider the origins and scope of tribal sovereignty as recognized under federal law, as well as current federal law on tribal criminal and civil jurisdiction. It will also explore the division of authority between tribal, federal, and state governments; federal statutory schemes governing Natives and Native nations; and constitutional issues affecting Natives. Additional current legal issues which may be covered based on class selection include Native land claims, gaming, family law, religious and cultural rights, and natural resources.
Informal Environmental Governance (spring): This course looks at the intersection between law, social psychology, and economics. In particular, this course will examine how different regulatory forms — for example, cap-and-trade or pollution tax programs versus a command-and-control mandate — change the different kind of incentives present for the companies involved.

Local Government Law (autumn): This course will examine the source, scope and limits of local government power. It will consider the relationship of local governments to state and federal government and of the relationship of local governments to the individuals and communities within and around them. Specific themes will include the potential of local governments to be responsive democratic communities, the potential of local governments to become isolated or exclusive enclaves, and the effect of local governments on the metropolitan political economy. The course will examine state and federal doctrine that affects local government, political/ social theory and urban planning/ development literature.

Policy Practicums provide opportunities (interdisciplinary, when possible) for students to learn by doing policy analysis or regulatory drafting for policy makers. The practicums are typically scheduled shortly before the quarter begins.

2020-2021 Academic Year we anticipate offering: Administrative Law; The Business of Water; Clean Energy Projects: Development and Finance; Climate Law; Energy Law; Environmental Law Clinic; Environment & Energy Law Workshop; Environmental Law and Policy; Federal Indian Law; International Environmental Law; Land Use; Natural Resources Law and Policy; Public Lands Law; and Toxic Harms.

Please see the ENRLP website for more details on these courses.
# 2019 - 2020 Calendar

## AUTUMN

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| 9:00-11:00 | Problem Solving and Decision Making for Public Policy and Social Change  
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| 2:15-3:45 | Environmental Justice Anderson  | Public Interest Law and Practice Chin  | Environmental Justice Anderson  | Public Interest Law and Practice Chin  | Public Interest Law and Practice Chin  |

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| 9:00-11:00 | TBA  
Adv. Env. Law Clinic  
Sivas/Thesing/Cheng | Advanced Legal Writing: Public Interest Litigation  
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[9:30-11:00] | Advanced Legal Writing: Public Interest Litigation  
Sanders  
[9:30-11:00] | Advanced Legal Writing: Public Interest Litigation  
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| 11:10-12:40 | California Coast: Science, Policy and Law  
Boehm/Sivas | Environmental Law and Policy  
Thompson | California Coast: Science, Policy and Law  
Boehm/Sivas | Environmental Law and Policy  
Thompson | Environmental Law and Policy  
Thompson |
| 2:15-3:45 | Climate Law and Policy  
Cullenward | Climate Law and Policy  
Cullenward | Climate Law and Policy  
Cullenward | Climate Law and Policy  
Cullenward | Climate Law and Policy  
Cullenward |
| 4:00-6:15 | The Business of Water  
Thompson/Klein  
[4:15-6:15] | Informal Environmental Governance  
Kim  
Kim  
Kim  
Kim  
[4:15–6:15] |

- Policy Lab: TBD