

Environmental &  
Natural Resources Law  
and Policy Program

**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 Program Manager (650-725-4217; [loughney@stanford.edu](mailto:loughney@stanford.edu)).

**Core Courses**

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, you 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.

### Advanced Seminars

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 of Water** (winter): One of the fastest growing economic sectors is the water field, and private water companies are playing an increasingly important role around the world in water management. In many cases, private companies have made important contributions to meeting water needs (e.g., in the development of new technologies and expanding water supplies). In other cases, however, the involvement of private companies has 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. Each week will focus on a different business and company. Company executives will attend the class session and discuss their business with the class. In most classes, we will examine (1) the viability and efficacy of the company's business plan, (2) the legal and/or social issues arising from the business' work, and (3) how the business might contribute to improved water management and policy.

**Climate Law and Policy** (winter): 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.

**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** (spring): Modern energy systems aim to deliver a supply of reliable, low-cost, and clean energy; in turn, they require major capital investments in infrastructure projects, some of which have the features of a natural monopoly and therefore require ongoing economic regulation. 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. Contemporary energy law increasingly involves a delicate federalist balance where state and federal regulators share overlapping authority in contested policy areas that are subject to major technological and economic change. Finally, we will interrogate the contested ideals of regulation and competition, which private, non-profit, and governmental stakeholders deploy in legal and political fora to advance private gain and public goods. 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. Non-law students interested in energy issues are highly encouraged to take this course, as energy law literacy is essential to careers in the sector.

**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. 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. Much of the course material, including student presentations, will be grounded in the experiences and advocacy histories of specific communities, both urban and rural, across the country.

**Environmental Justice Workshop** (autumn): This workshop will provide students with the opportunity to hear from faculty at other law schools who are at the cutting edge of research in the area of environmental justice. 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. Each class will involve a legal expert presenting a scholarly article that is a work-in-progress, giving the students an opportunity to comment on and shape the piece. This class will meet for six sessions on Thursday afternoons from 4:15 to 5:45 during the fall quarter.

**Environmental Law and Policy Colloquium** (*LLM only*) (autumn and spring): 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** (autumn): 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.

**Land Use** (autumn): This course focuses on the pragmatic (more than theoretical) aspects of contemporary land use law and policy, including: the tools and historical/legal foundation of modern land use law; zoning and General Plans; the process of land development; vested property rights and development agreements; environmental review; environmental justice; growth control, sprawl, housing density, and affordable housing; constitutional challenges to land use regulation; redevelopment; historic preservation; direct democracy over land use; and global warming and climate action plans. We explore how land use decisions affect environmental quality and how land use decision-making addresses environmental impacts and distribution of resources.

**Local Government Law** (winter): 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.

**Problem Solving and Decision Making for Public Policy and Social Change** (winter): Stanford graduates will play important roles in solving many of today's and tomorrow's major societal problems -- such as improving educational and health outcomes, conserving energy, and reducing global poverty -- which call for actions by nonprofit, business, and hybrid organizations as well as governments. This course teaches skills and bodies of knowledge relevant to these roles through problems and case studies drawn from nonprofit organizations, for-profit social enterprises, and governments. Topics include designing, implementing, scaling, and evaluating social strategies; systems thinking; decision making under risk; psychological biases that adversely affect people's decisions; methods for influencing individuals' and organizations' behavior, ranging from incentives and penalties to "nudges;" human-centered design; and pay-for-success programs.

**Public Interest Law and Practice** (winter): This course will examine the history, theoretical frameworks, strategies used by, and political position of public interest law practice and attorneys in the United States. We will consider the role of lawyers and the legal system in advancing social change; different career paths of public interest lawyers; ethical issues related to working as a public interest lawyer; the personal impacts of this type of career choice; and tactics deployed by lawyers in differing settings, from issue-based non-profits to government agencies, and private public interest law firms or legal services groups.

**Public Lands** (spring): The federal government owns and manages 28% of all land in the United States, and 48% in California, the third-highest percentage in the nation. How the federal government manages public lands therefore has profound implications for countless constituencies and users, affecting everything from recreation to conservation to more intensive uses such as mining, timber production, and cattle grazing. This seminar will explore the history, operation, power, and limits of America's federal public-land laws, using the siting of large-scale renewable energy projects in California's Mojave Desert as a case study. Readings and discussion, which together will form the backbone of this small seminar, will range from case law to policy papers to pleadings in litigated cases, with an eye towards understanding both how federal public-land laws work and whether (and how) they need changing.

**Water Law** (winter): 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. The course will focus on United States law and policy, but 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; Native American water rights; protection of water quality; challenges to the substantive reform of existing water law; and interstate and international disputes over water.

## Policy Practicums

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

**The Outlaw Ocean** (autumn, possibly extending until winter): Illegal fishing and forced labor aboard fishing vessels have long plagued the world's oceans, undermining economic development, national security, food security, and human rights. This policy lab delves into international laws that apply to the high seas, illegal fishing, supply chains, forced labor and human rights abuses to locate leverage points and explore innovative solutions, including how new technologies might be developed and deployed. Solutions require cooperation among nations, international seafood companies, and nonprofit organizations, and the containment of rogue actors. To that end, students will work with two clients on illegal fishing and forced labor on fishing vessels to produce policy briefs for NGOs clients who are committed to accelerating action for sustainability. Through the Stanford Center for Ocean Solutions, students will also connect to a broad range of additional actors on these issues, including UN agencies, large seafood companies, and human rights and environmental NGOs.

**Smoke** (autumn, building on student work from last spring): Wildfire smoke has emerged as one of the most pressing air pollution and public health threats in the Western United States. Last year, despite decades of progress in reducing air pollution from transport, industry, and electric power, wildfires caused the highest number of "spare the air" declarations ever called by local Air Quality Management Districts in California. Recent model-based estimates of mortality from wildfire smoke-derived particulate matter suggest that between 1200 and 3000 seniors likely died from the fires this summer. Current law and regulation not only doesn't consider particulate matter derived from wildfire smoke to be a target for regulation, it also imposes burdensome permitting requirements on one of the most effective risk-mitigation strategies: prescribed fire. This course will build on student work from last spring, where students explored regulatory obstacles to an expansion of prescribed burning in California and began developing a simplified air quality health benefits model to estimate the potential public health and economic benefits of better fuels management. This fall, we will continue refining the air quality model and, on the regulatory side, we will investigate potential new policy approaches to streamlining the approval process for prescribed burning projects while protecting environmental values with a particular focus on new approaches to NEPA and CEQA compliance for prescribed fire and cultural burning. Students will present the results of their research to California legislative and executive branch staff engaged in developing new approaches to wildfire policy.

*2022-2023 Academic Year* we anticipate offering: Administrative Law; Advanced Legal Writing: Public Interest Litigation; Animal Law; The Business of Water; California Coast: Science, Policy, and Law; Clean Energy Projects: Development and Finance; Climate Law; Energy Law; Environmental Law Clinic; Environmental Law Workshop; Environmental Law and Policy; Federal Indian Law; International Environmental Law; Natural Resources Law; and Toxic Harms. Please see the [ENRLP website](#) for more details on these courses.

## 2021 - 2022 Calendar

### AUTUMN 2021

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
	Env. Law Clinic <i>Sivas /Sanders</i>	Env. Law Clinic <i>Sivas /Sanders</i>	Env. Law Clinic <i>Sivas /Sanders</i>	Env. Law Clinic <i>Sivas /Sanders</i>	Env. Law Clinic <i>Sivas /Sanders</i>
	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>
8:00-11:00					
11:10-12:40	Administrative Law <i>O'Connell</i>	Administrative Law <i>O'Connell</i>  Federal Indian Law <i>Ablavsky</i>		Administrative Law <i>O'Connell</i>  Federal Indian Law <i>Ablavsky</i>	
2:15-3:45					
4:15-7:15	Land Use <i>Schwartz</i>		Environmental Law and Policy Colloquium (LLMs) <i>Polk</i> [4:15-6:15]	Environmental Justice Workshop <i>Polk/Sivas/Thompson</i>	

- Policy Lab: The Outlaw Ocean (*Janet Martinez and Jim Leape*)
- Policy Lab: Smoke (*Debbie Sivas and Michael Wara*)

## WINTER 2022

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
	Env. Law Clinic <i>Sivas /Sanders</i>	Env. Law Clinic <i>Sivas/Sanders</i>	Env. Law Clinic <i>Sivas /Sanders</i>	Env. Law Clinic <i>Sivas /Sanders</i>	Env. Law Clinic <i>Sivas /Sanders</i>
	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas/Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>
8:00-11:00	Problem Solving and Decision Making for Public Policy and Social Change <i>Brest</i> [9:30-11:00]	Water Law <i>Thompson</i> [9:30-11:00]	Problem Solving and Decision Making for Public Policy and Social Change <i>Brest</i> [9:30-11:00]	Water Law <i>Thompson</i> [9:30-11:00]	
11:10-12:40	Administrative Law <i>Engstrom</i> [11:10-12:30]  Public Interest Law and Practice <i>Chin</i>		Administrative Law <i>Engstrom</i> [11:10-12:30]  Public Interest Law and Practice <i>Chin</i>		Administrative Law <i>Engstrom</i> [11:10-12:30]
2:15-3:45		Local Government Law <i>Ford</i>		Local Government Law <i>Ford</i>	
4:15-7:15	Business of Water <i>Kline/Thompson</i> [4:15-6:15]	Advanced Negotiation: Environmental Policy <i>Jan Martinez</i>	Climate: Politics, Finance and Infrastructure <i>K. Gordon/Seiger</i> [4:15 - 6:15]	Climate Law and Policy <i>(Donahue/Narayan)</i>	

- Policy Lab: TBD

## SPRING 2022

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>	Adv. Env. Law Clinic <i>Sivas /Sanders</i>
8:00-11:00		Advanced Legal Writing: Public Interest Litigation <i>Sanders</i> [9:30 - 11:00]		Advanced Legal Writing: Public Interest Litigation <i>Sanders</i> [9:30 - 11:00]	
11:10-12:40					
2:15-3:45		Public Lands <i>Sanders/Sivas</i>		Public Lands <i>Sanders/Sivas</i>	
4:15-7:15	Energy Law <i>Lindh</i>	Environmental Law <i>Owen</i>	Environmental Law and Policy Colloquium (LLMs) <i>Polk</i> [4:15-6:15]	Environmental Justice <i>Anderson</i>	

- Policy Lab: TBD