

SOUTHWESTERN LAW SCHOOL

CLIMATE CHANGE LAW

Spring 2010 Syllabus

Professor James A. Kushner

I. TEXTS:

Required:

Chris Wold, David Hunter & Melissa Powers, *Climate Change and the Law* (LexisNexis 2009) [cited below as Text].

James A. Kushner, *Global Climate Change and the Road to Extinction: The Legal and Planning Response* (Carolina Academic Press 2009) [cited below as Kushner]

II. COURSE OUTLINE AND ASSIGNMENTS

The course will follow the text without omissions unless exceptions are announced during the year.

Mon	1-11	Science and Consequences: Text 1-32; Kushner 3-18; An Inconvenient Truth DVD Part I
Wed	1-13	An Inconvenient Truth DVD Part II, text 33-47
Mon	1-18	No Class Meeting
Wed	1-20	Standing: text 497-526
Mon	1-25	Political Questions, text 526-536
Wed	1-27	Clean Air Act & Preemption: text 537-574
Mon	2-1	Preemption: text 574-587, 858-876
Wed	2-3	NEPA & CEQA: text 588-608
Mon	2-8	ESA: text 609-630; Kushner 153-156
Wed	2-10	Torts: text 783-805
Mon	2-15	No Class Meeting
Wed	2-17	Defenses: , text 806-825

Mon	2-22	Kyoto Protocol: text, 189-224, 947-964
Wed	2-24	Text 225-269
Mon	3-1	Federal Legislation — Waxman-Markey & Carbon Taxes: text 465-495, 63-67
Wed	3-3	State and Local Responses: text 827-858
Mon	3-8	Mitigation and AB 73: text 67-93, statute & executive order on Twen
Wed	3-10	Smart Growth: Kushner 141-152
Mon	3-15	Transit-Oriented Development: text 743-781; slideshow
Wed	3-17	Adaptation and SB 375: text 95-125, statute on Twen
Mon	3-22	Transport: text 715-743, Kushner 161-193
Wed	3-24	No Class Meeting
Mon	3-29	No Class Meeting
Wed	3-31	No Class Meeting
Mon	4-5	Housing and Building & Car-Free Housing: Kushner 115-126
Wed	4-7	Brownfields & CERCLA: Kushner 35-39 and Slideshow
Mon	4-12	Food, Agriculture & Population: Kushner 19-33, 135-139
Wed	4-14	Personal Carbon Footprints: text 706-713; Kushner 41-57
Mon	4-19	Water: Kushner 195-201
Wed	4-21	Energy: text 651-682, Kushner 89-114
Mon	4-26	Renewable Energy, Property Rights, Easements & Takings: text 682-706
Tue	4-27	Conclusion: text 909-926, Kushner 203-205 and discussion of Examination
Fri	5-7	Examination 1:00 p.m. to 3:00 p.m.

III. SEATING, ATTENDANCE AND PREPARATION:

Each student must keep the seat assigned and indicated on the seating chart. The seat assigned will remain your seat for the semester. Attendance will be taken in conformity with the school's academic rules. Absences in excess of the 20% limit may result in an administrative withdrawal (WA) from the course. Students are discouraged from taking any absences as it takes

you out of the rhythm of the class making you intimidated from full participation at the next class as well as missing potentially valuable discussion. If you have valid necessary health, academic, or personal reasons for absences, the allowable limit provides adequate accommodation for most emergencies. Do not request additional absence time, excused absences, call in sick, or tender excuses to the instructor. If you have a truly extraordinary case which might justify excessive absence, please make an appointment with the Dean of Students Office.

IV. CLASS PREPARATION AND GRADING:

I design my classes for regular student participation and volunteer contributions or inquiries are always welcome. You will find that your legal reasoning facility will develop more rapidly if you spend your class time following the discussion and anticipating questions and responses. Save the elaborate note-taking for the period just after class. A pattern of unpreparedness by the class may result in a lowered class median grade. Do not stop by my office, call, or announce at the start of class that you are unprepared.

The entire grade for each semester of the course will be based on a two hour essay-type examination. It is my policy not to read practice examinations. It is recommended that following your completion of an outline of the course materials that as part of your memorization process that you write old examinations and thereafter compare your answers with your outline to reinforce your understanding of the rules and their application. I am always happy to meet and discuss issues or past examinations in person or over the Internet.

V. CLASS MEETINGS:

Class will meet on Mondays and Wednesdays for the semester according to the law school calendar and exceptions noted in the class schedule. Classes will meet in BW2 from 11:15 a.m. to 12:15 p.m.

VI. EXAMINATION SCHEDULE:

The examination will be administered on Friday, May 7, 2010, from 1:00 p.m. to 3:00 p.m.

VII. OFFICE HOURS:

No appointment will be necessary. Students are encouraged to come to my office in room BW343 and discuss any issues, questions, problems or ideas at any time. I am generally available in my office on Mondays, Wednesdays, and Thursdays from 9:00 a.m. to 10 a.m. and 12:30 p.m. to 1:00 p.m. when classes are in session. Should an appointment be necessary please e-mail or call me (213) 738-6824, stop by or leave word with faculty support personnel on the third or fourth floor of the Bullocks Wilshire building. Leave a message when you might stop back or desire an appointment and if I cannot be available at that time I will leave a counter-proposal. Greatest accessibility will be assured on the days that our class meets. I am pretty good in responding to E-Mail: jkushner@swlaw.edu, and based on recent experience it is the communication device of choice.