

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).

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 (winter or 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.

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 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. The course will also discuss how to continue to make environmental progress in today's highly polarized environment. 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.

Natural Resources Law and Policy (winter): This course looks at the major statutes and policies, at the state, federal and international levels, to protect the natural environment. Natural resource management presents extremely difficult and contentious issues of law and public policy. Major debates continue to rage over issues such as the Endangered Species Act, whether the United States should permit fossil fuel development on federal lands and in federal waters, and how to prevent the overfishing of the oceans. This course will focus on four major aspects of natural-resource management: biodiversity protection (including the Endangered Species Act, ocean fisheries management, and global protection of marine mammals), water management, energy production and regulation, and public lands in the United States such as national parks and wilderness areas. The course also will also cover the National Environmental Protection Act and the effectiveness of environmental impact assessments. The course will also discuss how to continue to make progress in the sustainable management of natural resources in today's highly polarized environment. As part of the class, students will engage in 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 Administrative Law (autumn): This advanced course will combine theory and practice, drawing from new academic research as well as recent litigation and events. It will explore a series of subjects, including the following: agency design and staffing; the White House's role in agency action; current agency rulemaking and adjudicatory practices; latest issues in the reviewability of agency action and inaction; modern applications of Vermont Yankee, Chevron, and State Farm; state administrative law; and preemption.

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.

Animal Law (autumn): Animal law encompasses all areas of the law in which the nature – legal, social or biological – of nonhuman animals is an important factor. It has significantly different historical, legal and philosophical foundations than most other courses. Topics covered include animal cruelty, animals as property, tort claims regarding animals, farm animals, animals in entertainment, and federal issues regarding animals.

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, 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, (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 (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.

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): All modern industrial economies, including that in the U.S., require massive energy infrastructure and a coherent legal framework to ensure that energy services are provided to consumers of all types in a manner that is safe, reliable and affordable. Because of climate change, it is also increasingly clear that our energy sources must be sustainable. The focus of this course is on the electricity and natural gas industries, which operate in the U.S. under a comprehensive legal and regulatory framework involving extensive interplay between federal and state authorities. This course provides a strong grounding in the governing legal principles. It draws upon case-law, primarily decisions by the U.S. Supreme Court, to bring these principles into

focus. We will examine the respective roles of regulation and market forces in this field. Students who complete the class will gain a historical understanding of how economic regulation of the energy industry has evolved since its origins in the late 19th and early 20th Centuries, a durable conceptual understanding of current energy law and policy debates, and a practical grasp of the legal and regulatory framework for the energy industry in the US.

Environmental Law Workshop (winter): 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 law. The specific focus is still TBD. 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 winter 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.

Food Law and Policy (winter): This seminar explores legal and policy issues related to our food system, including the regulation of food supply, food safety, nutrition / obesity, marketing / labeling, security, and animal treatment. We will examine how laws and regulations affect the production, distribution, sale, and consumption of food and whether particular regulatory approaches (e.g., product bans, product standards, government subsidies, taxes, information disclosure, or labeling) are more effective in achieving public goals. The course can be conceived of as a form of applied administrative law and regulation, but no background is necessary.

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.

Thinking in Systems (autumn): Virtually every public policy has causes and consequences beyond those that are intended or immediately visible. This is true of criminal law policies that use algorithmic predictions of flight before trial; environmental policies involving greenhouse gas emissions and conventional pollutants; and social and health policies that address homelessness, institutional racism, and the distribution of Covid vaccines, to name just a few examples. The causes of the problems that these policies seek to address are complex. As a result, these policies often fail and sometimes have unintended adverse consequences. "Systems thinking" is a framework that describes the web of associations in which such policies reside, with the goals of understanding the multiple causes of problems and designing policies that lead to stable, positive changes. Thinking in systems and learning to map systems, are core skills for policy makers. After several introductory classes devoted to learning these concepts and learning how to use the web-based systems mapping tool, Kumu, students will work on systems design projects of their choice.

Tribal Law (spring) This course is about the diverse body of law that the 574 American Indian tribal governments within the United States make to govern their citizens, their territories, and – to a limited extent – non-Indians. We will explore the many questions contemporary tribal governments navigate as they engage in everything from rewriting their constitutions to developing infrastructure and rules for local garbage collection. The course begins with a foundations unit focused on tribal government structure and tribal courts. The remainder of the course is a survey of tribal law topics selected by the students from among structural constitutional law, discrimination, fundamental rights, tribal membership, elections, the environment, contract disputes, taxes, gaming, family, crime, and procedure.

Policy Practicums

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.

Buildings in the Energy Transition: resilient, clean and just (autumn, winter, spring)

In this course, students will learn the basics of key policy areas related to buildings including resilience to heat and smoke, building electrification, net energy metering (NEM), and customer bill affordability programs. Lectures will focus on technical, economic and legal aspects of the challenge. In addition, students will work in groups on legal and regulatory analysis aimed at supporting better decision making on buildings policy in both California and the Northeast. Students will work in partnership with postdocs and legal fellows on their group projects and may have the opportunity to present the results of their work to both APEN and CPUC staff.

The course is intended for students interested in multi-disciplinary approaches to public policy problems. No background in either energy law or energy modelling is required. Students will engage in weekly lecture and discussion of building resilience and decarbonization science and policy, including student presentations and guest lectures by scientists, practitioners and policymakers. Students will also meet additionally once per week with Professors Sivas and Wara in working sessions to discuss progress on team projects.

Clients: Asian Pacific Environmental Network (APEN) as well as legislative and California Public Utility Commission (CPUC) decision makers. Buildings play a central role in protecting us from extreme climate events and in governing our consumption of energy via the natural gas and electric system. It is in our buildings, especially our homes, that climate resilience and climate mitigation meet. But at present, these conversations – about the policy pathways to greater climate resilience and options for faster building decarbonization – are largely conducted separately. The goal of Buildings in the Energy Transition is to develop policy analyses that optimize for affordability, resilience and mitigation, incorporating energy modelling, public health and energy regulatory perspectives. We will conduct our work from the perspective of and informed by the needs of our client, APEN, an environmental justice organization that is actively involved in resilience and decarbonization policy.

Integrating Water and Land Use Policy in the West: The Missing Link (autumn)

The western United States is currently experiencing what may be the longest and most severe "megadrought" in modern U.S. history. Current U.S. drought data shows virtually all of the Southwest in severe, extreme, or extraordinary drought. Reservoirs on the Colorado River are reaching record lows, and many farmers throughout the West have had their deliveries cut dramatically or face potentially massive cutbacks. Media discussion of episodic, emergency "droughts" has been replaced by a recognition of the permanent "aridification" of the West under

climate change. Resolving the West's growing water crisis will require far greater linkage of water management and land use. Land use drives water demand, while water availability constrains land use. While water and land use are integrally related in fact, water and land-use policies in practice are far from integrated. Developments are approved without reference to water availability, and water agencies often have to scramble to find and fund new projects to augment or conserve water. New land developments or more intensive farming can lead to increased groundwater pumping that can cause neighboring residents' wells to run dry. In other cases, a failure to link water and land use can lead to abrupt building bans and/or emergency rationing. To meet the needs of a more water constrained future under climate change, a more integrated approach to water management and land use is warranted. While John Wesley Powell once recommended close integration of water and land use, western states have historically ignored the imperative. In the past decade or so, some states have ventured more fully into the connection between land use and water. Some states, for example, have enacted "Show Me the Water" statutes that require land developments above a certain size to demonstrate that they have 50 to 100 years' worth of water available before permits can be issued. In other places, states require land use authorities to consider water issues in developing their plans (or issuing well permits), either through consulting with their overlapping water agencies, or through developing a water "element" to their plans. This sensible approach is far from universal. We know very little, however, about how well these various approaches have worked.

Working with the Babbitt Center for Land and Water at the Lincoln Land Institute (the leader in this field) and other experts in the West, students will review and assess whether the policies that have been enacted have made a difference in practice and will develop recommendations for how water and land use can be better integrated going forward. The class will provide students with the opportunity to survey the western landscape of integrated water and land use policies, identify best practices and glaring gaps, and develop suggestions for the future. The Lab will be led by Professor Buzz Thompson and Landreth Visiting Fellow Felicia Marcus of the Stanford Woods Institute for the Environment, who will meet with students weekly. Experts from across the West will also join the group throughout the fall quarter to discuss their experience and insights. Students will prepare a report for the Babbitt Center and also have an opportunity to present their results to key state and local decision makers and informers.

Smoke: Wildfire Science and Policy Lab (autumn, winter, spring)

In this course, students will learn the basics of the wildfire policy debate in the west with a focus on California. Lectures will focus on both scientific and legal aspects of the challenge. In addition, students will work in groups on legal and regulatory analysis aimed at supporting better decision making on wildfire at the state and federal level. Students will work in partnership with postdocs and legal fellows on their group projects and may have the opportunity to present the results of their work to both clients and policymakers.

The course is intended for students interested in multi-disciplinary approaches to public policy problems. No background in either the Clean Air Act or wildfire policy is required. Students will engage in weekly lecture and discussion of wildfire science and policy, including student presentations and guest lectures by scientists, practitioners and policymakers. Students will also meet additionally once per week with Professors Sivas and Wara in working sessions to discuss progress on team projects. Students will present the results of their research to California legislative and executive branch staff engaged in developing new approaches to wildfire policy.

Clients: California Native American Tribes, prescribed burn associations as well as legislative and executive branch decision makers. Wildfire has emerged as one of the most pressing biodiversity, air pollution and public health threats in the Western United States. Advancing land stewardship at sufficient scale to substantially improve the resilience of western forests to fire is critical to reducing wildfire risks and air pollution exposure for the tens of millions that live downwind. This is an enormous technical and regulatory challenge.

2023-2024 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 Justice; Environmental Law Workshop; Environmental Law and Policy; Land Use; Public Lands Law; Tribal Law; International Environmental Law; Water Law; and Toxic Harms. Please see the [ENRLP website](#) for more details on these courses.

2022 - 2023 Course Grid

AUTUMN 2022

	Monday	Tuesday	Wednesday	Thursday	Friday
	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>
	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas/Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>
8:00-11:00				Animal Law <i>Wagman</i> [9:00-11:00] Thinking in Systems <i>Brest</i> [9:00-11:00]	
11:10-12:40					
2:15-3:45		Advanced Administrative Law <i>A. O'Connell</i>		Advanced Administrative Law <i>A. O'Connell</i>	
4:15-7:15			Energy Law <i>Weissman</i>		

- Policy Lab: Smoke: Wildfire Science and Policy (Wara/Sivas)
- Policy Lab: Integrating Water and Land Use Policy in the West: The Missing Link (Thompson)
- Policy Lab: Buildings in the Energy Transition: resilient, clean and just (Wara/Sivas)
- Environmental Law and Policy Colloquium (LLMs only) TBD

WINTER 2023

	Monday	Tuesday	Wednesday	Thursday	Friday
	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Env. Law Clinic <i>Sivas/Sanders/Safdi</i>	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Env. Law Clinic <i>Sivas /Sanders/Safdi</i>
	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas/Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>
8:00-11:00	Administrative Law <i>D. Engstrom</i> [9:30-10:50] Problem Solving and Decision Making for Public Policy and Social Change <i>Brest</i> [9:30-11:00]	Administrative Law <i>D. Engstrom</i> [9:30-10:50]	Problem Solving and Decision Making for Public Policy and Social Change <i>Brest</i> [9:30-11:00]	Advanced Negotiation: Environmental Policy <i>Jan Martinez</i> Administrative Law <i>D. Engstrom</i> [9:30-10:50]	
11:10-12:40	Public Interest Law and Practice <i>Chin</i>	Natural Resources Law and Policy <i>Thompson</i>	Public Interest Law and Practice <i>Chin</i>	Natural Resources Law and Policy <i>Thompson</i>	
2:15-3:45	Local Government Law <i>Anderson</i>		Local Government Law <i>Anderson</i>		
4:15-7:15	Business of Water <i>Kline/Thompson</i> [4:15-6:15]	Environmental Law Workshop <i>Thompson/Hamilton</i> [4:15-5:45] Food Law and Policy <i>Ho</i> [4:15-6:15]	Climate: Politics, Finance and Infrastructure <i>K. Gordon/Seiger</i> [4:15 - 6:15]		

- Policy Lab: Smoke: Wildfire Science and Policy (Wara/Sivas)
- Policy Lab: Buildings in the Energy Transition: resilient, clean and just (Wara/Sivas)

SPRING 2023

	Monday	Tuesday	Wednesday	Thursday	Friday
	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</i>	Adv. Env. Law Clinic <i>Sivas /Sanders/Safdi</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	Administrative Law <i>Ho</i> [11:10-12:30]	Environmental Law and Policy <i>Thompson</i>	Administrative Law <i>Ho</i> [11:10-12:30]	Environmental Law and Policy <i>Thompson</i>	Administrative Law <i>Ho</i> [11:10-12:30]
2:15-3:45		Climate Law and Policy <i>Poloncarz</i>		Climate Law and Policy <i>Poloncarz</i>	
4:15-7:15				Tribal Law <i>Reese</i> [4:15-6:15]	

- Policy Lab: Smoke: Wildfire Science and Policy (Wara/Sivas)
- Policy Lab: Buildings in the Energy Transition: resilient, clean and just (Wara/Sivas)