

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 (autumn or 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. (Note: this is not a core course for the LLM curriculum and is not a pre-requisite for any environmental courses.)

Environmental Justice (autumn): 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 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): Environmental law is critically important and endlessly fascinating. 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, and the Resource Conservation & Recovery Act. This class will also examine the National Environmental Policy Act and the challenges of climate change. 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, the roles 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 (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; the human right to water; Native American water rights; protection of water quality; challenges to the substantive reform of existing water law; and interstate and international disputes over water.

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.

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 (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.

Environmental Justice in Indian Country (spring): Since colonization, Indigenous peoples have faced a wide range of environmental justice issues, from threats to their use of traditional hunting, fishing, and gathering practices; the protection of cultural resources, sacred sites, water resources and the broader environment and human health; adaptation to and resilience in the face of climate change; and tribal sovereignty and governance. This course will examine the environmental justice movement and its relationship to tribal sovereignty and the federal trust responsibility. Students will learn how environmental justice for Native peoples is integral to the legacy of colonization, lack of financial and technical resources for Tribes, and changing federal Indian law policies in U.S. history. This course also seeks to understand how Indigenous movements and activism seek to achieve environmental justice in multiple contexts, including the NODAPL movement, natural resource extraction, protection of water resources, and Indigenous responses to climate change. Students will gain a deep understanding of the challenges faced and lessons learned by Indigenous peoples in their fight of environmental justice. Elements used in grading: Attendance, class participation, written assignments, final paper. Class meets 6:30PM-8:30PM on May 13, 15, 16, 20, and 22.

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 (spring): 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.

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.

Startup Law: Sustainability (autumn, winter, spring): This course offers an opportunity to study the history, legal structure, and financial incentives of the startup economy while getting hands-on experience advising clients--Stanford founders building sustainability startups. The curriculum has three pillars: lectures and guest lectures outlining fundamental concepts and topics, a simulation in which all students will represent "Model Corporation" throughout its early life cycle, and work on actual startup client matters. For the client work, students will perform client intake, draft an initial scope of work, complete due diligence and make supplemental due diligence requests, make any necessary adjustments to scope of work, and ultimately deliver work product in the format most appropriate & valuable for the particular matter (e.g., drafted documents, written memos, and oral presentations). Because of the nature of the client relationship the course relies on students' hard work, flexibility, and commitment to keeping pace with the material and assignments.

State and Local Climate Law (spring): Description TBA.

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.

Transitioning to a Clean Energy Economy (autumn): Ambitious new federal and state laws and policies are incentivizing a rapid transition of the U.S. economy away from fossil fuels toward clean energy. This course, open to law school students and graduate students from other schools, will survey the legal and policy tools that are being deployed to accelerate a massive shift toward clean energy in all sectors of the economy, and the associated technological, financial, legal and equity challenges associated with building out the clean energy economy. We will review the key incentive- and regulatory-based mechanisms that are driving the transition in major sectors of the U.S. economy--including transportation, electricity, industry, and buildings. Special focus will be placed on siting, permitting, and financial challenges (and opportunities) for utility-scale and distributed clean energy sources; expansion of the transmission grid; and the potential scale-up of new technologies to speed the transition, including nuclear and hydrogen-based power. The course will include guest appearances by governmental officials and opinion leaders who are working to facilitate the build-out of clean energy infrastructure in the U.S.

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.

Blue Foods for Indonesia: A Human & Planetary Health Action Lab (winter)

Globally, more than 1 billion people rely on seafood, yet this source of vital nutrition is chronically neglected in discussions about the future of food systems. In 2021, the UN Food Systems Summit brought international attention to the potential of "blue foods," thanks in part to insights and evidence provided by the Stanford-led Blue Food Assessment. Now, the Indonesian Ministry of National Development Planning has asked Stanford to help them build blue foods into Indonesia's national development strategy. Indonesia is the 4th most populous country, home to 278 million people and the most marine biodiversity on the planet. Over the next 18 months, we will work with the Ministry, Indonesian researchers, and NGO partners to develop a Blue Food Assessment for Indonesia that can help policymakers realize the potential of blue foods to meet pressing food system priorities -- improving nutrition, food security, and livelihoods, both nationally and in rural communities. This Blue Foods Action Lab is the first of a series to help Indonesia implement a far-reaching national program that could transform its food system and could be used as a model for other countries. For Winter quarter the role of the students will be to evaluate successful programs implemented by other nations in the areas of aquaculture, small scale fisheries, blue food tech and justice and inclusion. We will examine current policies, existing datasets and impacts to fish stocks and nutrition. A report will be produced and shared with the Indonesian Ministry and our NGO partner. The practicum seeks graduate and well-qualified

undergraduate students in such programs as earth systems, computer science, public policy, international policy, business, sociology, and marine biology. Policy client: Indonesian Ministry of National Development Planning Data-analysis skills are valuable for this work but are not required. Graduate and professional students from law, environmental science and policy, marine sciences, food systems, and public policy are invited to apply. Elements used in grading: Attendance, Performance, Class Participation, Written Assignments, Final Paper. CONSENT APPLICATION: To apply for this course, students must submit a Consent Application Form at SLS Registrar <https://registrar.law.stanford.edu/>. See the Consent Application Form for instructions and the submission deadline. Cross-listed with Doerr School of Sustainability (SUSTAIN 121/221).

Food Systems Policy Lab: Building a Sustainable, Humane, and Just Agricultural System
(spring) (TBC)

Description forthcoming.

In the 2024-2025 academic year we anticipate offering: Administrative Law; Advanced Legal Writing; Public Interest Litigation; Animal Law; The Business of Water; Clean Energy Projects: Development and Finance; Climate Law; Energy Law; Environmental Law Clinic; Environmental Law and Policy; Natural Resources Law; Public Lands Law; and Startup Law: Sustainability. Please see the [ENRLP website](#) for more details on these courses.

2023 - 2024 Course Grid

AUTUMN 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		Startup Law: Sustainability <i>McClure/Melius</i> [9:00 - 11:00]	Smoke <i>Sivas/Wara</i> [9:30-11:00]	Startup Law: Sustainability <i>McClure/Melius</i> [9:00 - 11:00] Thinking in Systems <i>Brest</i> [9:00-11:00]	Smoke <i>Sivas/Wara</i> [9:30-11:00]
11:10-12:40	Administrative Law <i>O'Connell</i> [11:10-12:30] Environmental Justice <i>Anderson</i>	Administrative Law <i>O'Connell</i> [11:10-12:30]	Administrative Law <i>O'Connell</i> [11:10-12:30] Environmental Justice <i>Anderson</i>		
2:15-3:45		Transitioning to a Clean Energy Economy <i>Hayes</i>		Transitioning to a Clean Energy Economy <i>Hayes</i>	
4:15-7:15				Environmental Law and Policy Colloquium <i>Hamilton</i> [4:15 - 6:15] [LLMs only]	

WINTER 2024

	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	Problem Solving and Decision Making for Public Policy and Social Change <i>Brest</i> [9:30-11:00]	Startup Law: Sustainability <i>McClure/Melius</i> [9:00 - 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]	Startup Law: Sustainability <i>McClure/Melius</i> [9:00 - 11:00] Water Law <i>Thompson</i> [9:30 - 11:00]	
11:10-12:40		Climate Law and Policy <i>Poloncarz</i>		Climate Law and Policy <i>Poloncarz</i>	
2:15-3:45	Administrative Law <i>Ho</i> [2:15 - 3:35] Land Use <i>Fox</i>		Administrative Law <i>Ho</i> [2:15 - 3:35] Land Use <i>Fox</i>		Administrative Law <i>Ho</i> [2:15 - 3:35]
4:15-7:15	The Business of Water Law <i>Kline/Thompson</i> [4:15-6:15]		Climate: Politics, Finance and Infrastructure <i>K. Gordon/Seiger</i> [4:15 - 6:15]		

- Policy Lab: Blue Foods for Indonesia: A Human & Planetary Health Action Lab (Jim Leape/Janet Martinez)

SPRING 2024

	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] Startup Law: Sustainability <i>McClure/Melius</i> [9:00 - 11:00]		Advanced Legal Writing: Public Interest Litigation <i>Sanders</i> [9:30 - 11:00] Startup Law: Sustainability <i>McClure/Melius</i> [9:00 - 11:00]	
11:10-12:40	California Coast: Science Policy and Law <i>Boehm/Sivas</i>		California Coast: Science Policy and Law <i>Boehm/Sivas</i>		
2:15-3:45	Federal Indian Law <i>TBD</i>	State and Local Climate Law <i>Anderson</i>	Federal Indian Law <i>TBD</i>	State and Local Climate Law <i>Anderson</i>	
4:15-7:15				Environmental Law and Policy <i>Owen</i>	

- Food Systems Policy Lab: Building a Sustainable, Humane, and Just Agricultural System (Sivas/Wara) (TBC)
- Environmental Justice in Indian Country with Wenona Singel will meet May 13, 15, 16, 20, and 22