

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 the Doerr School (E-IPER), the Business School, and others.

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. (Note: this is not a core course for the LLM curriculum and is not a pre-requisite for any environmental courses, but it is helpful if you are interested in practicing environmental law.)

Energy Law (winter): This course is an introduction to U.S. energy law. The first portion of the course introduces the nation's sources of energy: coal, oil, biofuels, natural gas, hydropower, nuclear, wind, solar, geothermal energy, and energy efficiency. In doing so, it explores the physical, market, and legal structures within which these energy sources are extracted, transported, and converted into energy. The second portion of the course turns to the two major sectors of our energy economy--electricity and transportation--and the range of federal and state regulation of each sector. The third portion of the course explores case studies of hot topics in energy law and policy that highlight the complex transitions taking place in the energy system.

These topics may include electric grid modernization, the role of energy innovation in addressing climate change, and the continued role of nuclear energy.

Environmental Law and Policy (autumn): 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.

Natural Resources Law and Policy (autumn): Environmental law subsumes two major sets of issues. One set of issues, which is the subject of Environmental Law & Policy (Law 2504), focuses on pollution containment (e.g., the Clean Air Act and the Toxic Substances Control Act). This course focuses on societal management of the natural world and natural resources (e.g., energy, water, and living species). Natural resource management presents extremely difficult and contentious issues of law and public policy. Major debates rage over whether farmers should do with less water in order to protect endangered fish species, how to equitably allocate water and energy, and whether federal land agencies should emphasize preservation, recreation, or resource extraction. This course is a survey course and will look at fish and wildlife protection (including the protection of endangered species), freshwater, energy, and public lands. A major goal will be to look at the flaws in current management and how that management can be improved.

Clinic

There are no prerequisites for enrolling in clinic, but students do need to go through the Mills Legal Clinic application process in the spring/summer for the following year.

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.

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, Social Responsibility, and Human Rights (spring): 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: --How does business activity affect human rights and other "social" goods (such as the environment and community cohesion)? - -What factors, internal and external to companies, shape corporate decisions that have human rights/social impacts? 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.

Business of Water (autumn): 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.

Dealing with Disasters: Perspectives on Tort and Regulation (spring): We live in a time when disasters, tragically, have taken on new meaning. Natural disasters arise with great frequency and growing intensity. And responsible party disasters dominate the headlines, generating fear and a sense of disbelief. Both prospective preventive measures, and retrospective restorative efforts on behalf of victims, raise enormously difficult questions of how best to address these momentous events. This seminar will examine preventive measures and remedial relief for natural disasters, such as pandemics (COVID) wildfires, floods, and hurricanes. Similarly, we will focus on preventive and remedial relief in responsible party disasters, such as acts of terrorism, oil spills, and release of toxic substances.

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.

Law and Governance in ESG Strategy (spring): ESG has gone through a maturation process, marked by scrutiny on the left and pressure on the right, with the result that companies are refocusing their efforts on ESG topics that are relevant to the business and ESG measures that are right-sized for their organizations. As companies revisit and redesign their ESG roadmaps through this new lens, legal, regulatory and governance drivers are playing a more significant role than ever before, and lawyers, both in-house attorneys and outside counsel, are being called on to oversee strategic ESG initiatives, serve as internal ESG champions, and chair management-level steering committees composed of representatives from across the enterprise. These regulatory drivers also interact in complicated and nuanced ways with voluntary standards, which despite concerted efforts towards convergence, still differ in meaningful ways. Meanwhile, commercial ESG requirements from customers or other business partners, flowed down in supplier policies and incorporated into contracts, have emerged as an extremely influential ESG driver, and for smaller companies, can often determine the contours and content of an ESG program. These developments have combined to create significant challenges for companies from an internal oversight and management perspective, as they wrestle with how to effectively advance strategic ESG objectives against the backdrop of an ever-growing patchwork of laws, regulations and stakeholder expectations. This course will explore the role of law, regulation and governance in shaping ESG strategy and the methods used by companies to manage this complexity, including with respect to climate-related matters, product sustainability claims, diversity, equity and inclusion, human rights, responsible sourcing, and sustainability and AI.

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 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. We will focus on four specific types of public lands--national forests, BLM lands, national parks, and wildlife refuges, learning about the governing laws of each and using modern-day controversies to examine how those laws work in practice and whether (and how) they need changing. We will also devote attention to the historic and present-day exclusion of (and injustices toward) Indigenous peoples and tribes in our

public-lands system and opportunities for repair and inclusion moving forward. 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, and throughout the seminar students will complete short assignments tied to the subjects we cover. This course complements, but does not cover, the material in Natural Resources Law and Policy (Law 2506) or Federal Indian Law (Law 7030).

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.

Transitioning to a Clean Energy Economy (tentative but anticipated in winter): 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. The following are currently planned for 2024-2025, though this may change.

Assessing Whether Fossil Fuel Companies Have Disseminated Disinformation (autumn): This Policy Lab responds to the recommendation of the University's Committee on Funding for Energy Research and Education (CFERE) to "develop clear and objective standards for

determining whether a company or trade association has systematically engaged in propagating disinformation" We will tentatively adopt the Princeton University Faculty Panel on Fossil Fuel Dissociation's definition of disinformation: a communication made "with the intent to mislead." Although the dissociation process could in principle apply to any corporation, this policy lab focuses on fossil fuel companies, which were the focus of CFERE's inquiry. It begins with the hypothesis that the outcome of litigation involving fossil fuel companies' deception of consumers, investors, and other stakeholders (see, e.g., *City of New York v. Exxon Mobil Corp.*) has the potential to provide reliable information on which university dissociation might be based. Fortunately, Columbia University's Sabin Center for Climate Change Law maintains comprehensive information about such litigation through its Climate Change Litigation Databases.

The policy lab will examine the statutes under which such litigation is brought for their relevance to dissociation, and explore issues such as what judgments by what courts could a university rely on; what is the appropriate standard of culpability; how recent and pervasive must a company's behavior be to justify dissociation; what process should a university employ to consider a company's dissociation, including what due process rights the company should be accorded; and what behaviors could mitigate its culpability.

Building A Sustainable, Transparent, and Humane Food System (spring):

The modern food and agricultural system significantly impacts public health and the global environment. Agricultural practices have substantial climate impacts, affect water quality, and can contribute to antibiotic resistance and the emergence of novel pathogens. Yet policymakers' ability to consider and address these impacts has been limited by a lack of information, as agricultural operations are frequently exempted from disclosures and reporting required for other sectors.

Working closely with the Stanford RegLab and the Stanford Climate and Energy Policy Program within the Woods Institute for the Environment, students in this policy practicum will explore several issues, with a specific focus on the California context. First, students will evaluate policy and legislative approaches to improve disclosures related to Senate Bill 27 – a California law that limits the use of antibiotics among livestock. Second, students will assess how to improve transparency and disclosure at the intersection of climate and agriculture, including through potential application of California's new climate disclosure laws.

Climate and Rural Health (autumn):

To achieve the scale of renewable energy needed in the U.S., rural areas will be essential to a clean energy transition. Rural areas dominate geographies of both onshore wind capacity and utility-scale solar capacity. The Inflation Reduction Act (IRA) incentivizes the development of clean energy projects in fossil fuel communities that are often located in rural areas and for Indigenous communities. There are, however, several barriers to the law's implementation, including the risk of community displacement and job losses when fossil fuel facilities shutter. An increasingly partisan landscape has also marked renewables as a political issue. The Medical Society

Consortium has asked for research that tracks the effect of the transition to clean energy on health outcomes.

This policy lab research builds on prior independent study of community-based organizations that are working to develop principles to support a just transition in rural areas in three states, including Georgia. These stakeholder organizations have identified a number of data and policy needs that can help to ensure that rural America is positioned to take advantage of the benefits of the Inflation Reduction Act. Research focuses on direct and indirect health impacts, logistical, political, and socio-economic barriers, and on policies facilitating or hindering the clean energy transition. By the end of this policy lab, students will have gained practical skills in researching and understanding energy transition policy and legal frameworks, conducted legal research and policy analysis, and analyzed health data. Such research skills prepare students to contribute effectively to the evolving landscape of clean energy law and public health policy. Students will contribute research towards a Health Impact Assessment, which will be vetted and finalized by Medical Society Consortium staff.

In the 2025-2026 academic year we anticipate offering: Administrative Law; Advanced Legal Writing; Public Interest Litigation; The Business of Water; California Coast: Science, Policy, and Law; Clean Energy Projects: Development and Finance; Climate Law and Policy; Energy Law; Environmental Law Clinic; Environmental Justice; Environmental Law Workshop; Environmental Law and Policy; Land Use; Startup Law: Sustainability; and Water Law. Please see the [ENRLP website](#) for more details on these courses.

2024 - 2025 Course Grid

AUTUMN 2024

	Monday	Tuesday	Wednesday	Thursday	Friday
	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		Animal Law <i>Wagman</i> [9:00-11:00]		Environmental Law and Policy Colloquium <i>Hamilton</i> [9:00-11:00] [LLMs only]	
11:10-12:40	Environmental Law and Policy <i>Hayes</i>	Local Government Law <i>Anderson</i>	Environmental Law and Policy <i>Hayes</i>	Local Government Law <i>Anderson</i>	
2:15-3:45	Natural Resources Law and Policy <i>Thompson</i>	Startup Law: Sustainability <i>McClure/Melius</i>	Natural Resources Law and Policy <i>Thompson</i>	Startup Law: Sustainability <i>McClure/Melius</i>	
4:15-7:15	The Business of Water <i>Kline/Thompson</i> [4:15-6:15]				

- Policy Lab: Assessing Whether Fossil Fuel Companies Have Disseminated Disinformation (Brest/Spaulding)
- Policy Lab: Climate and Rural Health (Patel/Sivas)

WINTER 2025

	Monday	Tuesday	Wednesday	Thursday	Friday
	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	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]	Administrative Law <i>D. Engstrom</i> [9:30-10:50]	
11:10-12:40		Climate Law and Policy <i>Poloncarz</i> Startup Law: Sustainability <i>McClure/Melius</i>		Climate Law and Policy <i>Poloncarz</i> Startup Law: Sustainability <i>McClure/Melius</i>	
2:15-3:45	Energy Law <i>Klass</i>		Energy Law <i>Klass</i>		
4:15-7:15				Dealing with Disasters: Perspective on Tort and Regulation <i>Rabin</i> [4:15 - 6:15]	

- Policy Lab: TBD (Possible Policy Lab on Wildfires and Tribes)
- Seminar (tentative): Transitioning to a Clean Energy Economy (Hayes)

SPRING 2025

	Monday	Tuesday	Wednesday	Thursday	Friday
	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	Administrative Law <i>Ho</i> [11:10 - 12:30] Business, Social Responsibility, and Human Rights <i>J. O'Connell</i>	Startup Law: Sustainability <i>McClure/Melius</i>	Administrative Law <i>Ho</i> [11:10 - 12:30] Business, Social Responsibility, and Human Rights <i>J. O'Connell</i>	Startup Law: Sustainability <i>McClure/Melius</i>	Administrative Law <i>Ho</i> [11:10 - 12:30]
2:15-3:45	Public Lands <i>Sanders/Sivas</i>		Public Lands <i>Sanders/Sivas</i>		
4:15-7:15	Law and Governance in ESG Strategy <i>Walter</i> [4:15 - 6:50] GQ*				

- Policy Lab: Building A Sustainable, Transparent, and Humane Food System (Sivas/Wara)