

2008

Environmental Law Program Bulletin, 2008

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GOLDEN GATE UNIVERSITY
SCHOOL OF LAW
ENVIRONMENTAL
LAW PROGRAM



ENVIRONMENTAL LAW IN PRACTICE

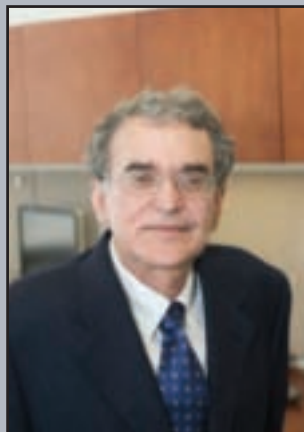


RELEVANT TRAINING IN THEORY AND PRACTICE

Golden Gate Law's Environmental Law Program offers a rich curriculum in US and international environmental law and hands-on training experiences for a highly integrated, practical education. Students may choose from among 20 environmental law courses on global warming, energy law and policy, land and water use management, conservation and biodiversity, toxics law and policy, international trade and the environment, and environmental justice. The program emphasizes the urban environment and the environmental, economic, and social equity implications of laws and policies.

Guiding students in their mastery of these issues are highly experienced faculty members, whose professional background enhances their teaching and brings real-world examples and informed perspectives into the classroom. The full-time and adjunct environmental law faculty includes attorneys that work or have worked as partners in major law firms; senior in-house counsel; litigation and compliance attorneys with state and federal agencies; elected state representatives and judges; and staff attorneys for public interest organizations. With such experience, these educators help students gain a deeper understanding of complex environmental law statutes and concepts and their relevance to pressing environmental challenges of the 21st century.

Supplementing Golden Gate Law's environmental law curriculum are its award-winning Environmental Law and Justice Clinic, the *Golden Gate University Environmental Law Journal*, and field-placement externship opportunities.



“Our strength lies in the combination of our emphasis on practical training, our experienced and accessible faculty, and our location in the heart of San Francisco’s business and legal district.”

– Professor and Dean Alan Ramo, Co-Director of the Environmental Law Program

JD Environmental Law Program

Golden Gate Law students in their second or third years of the day or evening Doctor of Jurisprudence (JD) program supplement core courses in constitutional law, civil and criminal law, property law, and other required subjects with a wide selection of environmental courses and seminars. They can also gain further experience with a **Certificate of Specialization in Environmental Law**, which requires concentrated coursework, a research paper, and clinical practice.

Master of Laws in Environmental Law

Golden Gate Law offers a Master of Laws (LLM) in Environmental Law that includes academic study, writing, and practical skills training. Students must take four core courses, additional elective courses, and complete a thesis. Students in two of Golden Gate Law's other graduate law programs, the **LLM in International Legal Studies** and the **Doctor of Juridical Science (SJD) in International Legal Studies** programs, often focus their research on international environmental issues, particularly relating to energy law.

“The Golden Gate students we’ve hired here at Remy have been not only exceptionally bright and committed — they have been exceptionally experienced.”

– Andrea Leisy (JD 99), Partner, Remy, Thomas, Moose and Manley LLP

CURRICULUM

ENVIRONMENTAL LAW COURSES

- Animal & Wildlife Law
- California Environmental & Natural Resources Law
- Climate Change & International Law
- Energy & Environmental Law
- Environmental Law Journal
- Environmental Law & Justice Clinic/Seminar
- Environmental Law Moot Court
- Environmental Law Negotiations Competition
- Environmental Law & Policy
- Global Climate Change & Water Law
- Global Warming & the Courts
- Global Warming & Renewable Energy
- International Environmental Law Seminar
- International Trade & Environmental Protection
- Land Use Regulation
- Ocean & Coastal Law
- Private International Law: Transnational Litigation
- Public Natural Resources & Land Law
- Toxics Law & Policy
- Water Law



“Global warming litigation is a fact of life, and our hope is that students at Golden Gate will have a great head start in thinking about these issues and integrating them into their practice of law after graduation.”

– Ken Alex, Senior Assistant Attorney General, Environment Section, California Department of Justice, and Adjunct Professor

Climate Change

Golden Gate Law has been a leader in developing innovative courses that examine the critical environmental issue of global climate change. For example, **Global Warming & the Courts**, taught by two of the California attorney general’s top climate change lawyers, Ken Alex and Janill Richards, explores the courts’ ability to address this global environmental threat. **Global Warming & Renewable Energy**, taught by Professor and Dean Alan Ramo, analyzes the potential for renewable energy to reduce global warming and state and federal policies in this area. **Climate Change & International Law** examines the potential role of the international legal and policy communities in confronting climate change and is taught by Dr. Wil Burns, co-chair of the International Environmental Law Interest Group of the American Society of International Law and the author of several books and journal articles on climate change. In addition, students working with the Environmental Law and Justice Clinic can work on cases to protect communities most vulnerable to climate change impacts.

Environmental Law and Justice Clinic

The Environmental Law and Justice Clinic (ELJC) at Golden Gate Law, established in 1994, was one of the first law school clinics to focus on environmental justice. The clinic trains students to be effective, ethical lawyers and to improve environmental conditions, particularly for residents of low-income and minority communities in the San Francisco Bay Area and California. The clinic includes two full-time faculty, a staff scientist, and a graduate fellow.

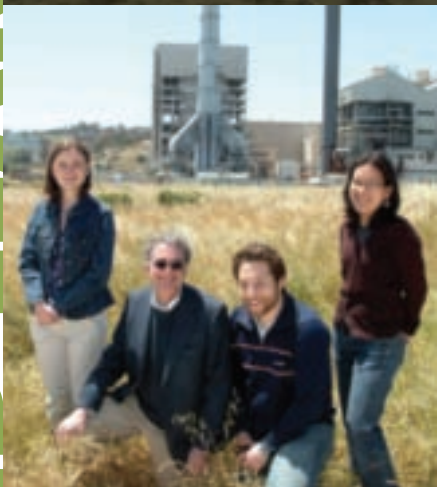
Under clinic faculty and staff supervision and certified under the State Bar of California, ELJC student clinicians represent environmental and community organizations on public health, toxics, and environmental justice matters. They interview and counsel clients, develop legal strategies, draft legal documents, negotiate with opposing parties, and appear in court, gaining invaluable experience in litigation and dispute resolution.

Recent ELJC successes on behalf of clients include:

- For a grassroots organization and the Center for Biological Diversity, the clinic succeeded in obtaining additional environmental review of a proposed unenclosed sludge composting facility in San Bernardino (Calif.) County. The judge ruled the county must conduct further review and consider the feasibility of enclosing the operation.
- For Communities for a Better Environment, the clinic successfully settled a Clean Air Act lawsuit with the third largest steel foundry in the nation, in West Berkeley, Calif., and required the company to install more pollution control equipment.

“The real-world experience I gained at the Environmental Law and Justice Clinic was an invaluable component of my education at GGU. Working with the ELJC’s exceptional faculty and staff gave me a leg up when I started my legal career.”

– Lynne Saxton (JD 02), Attorney, Environmental Law Foundation



- For Californians for Alternatives to Toxics and the Environmental Protection Information Center in Eureka, Calif., the clinic successfully settled a Clean Air Act lawsuit to reduce air pollution from the last remaining pulp mill in California.
- For Bayview Hunters Point Community Advocates, the clinic worked in a coalition to shut down the oldest and dirtiest power plant in Southeast San Francisco.

The clinic’s honors include an Award for Excellence in a Public Interest Case or Project from the Clinical Legal Education Association, an Earth Day Award from the US Environmental Protection Agency, and a Student Law Clinic Award from the American Bar Association Section of Environment, Energy, and Resources.

The clinic’s major supporters include The California Wellness Foundation, Richard and Rhoda Goldman Fund, and The San Francisco Foundation.

Externships

Golden Gate Law provides numerous field-placements opportunities through the off-site Environmental Law Clinic, in which JD students earn academic credit working as interns for government agencies, public interest groups, and national and

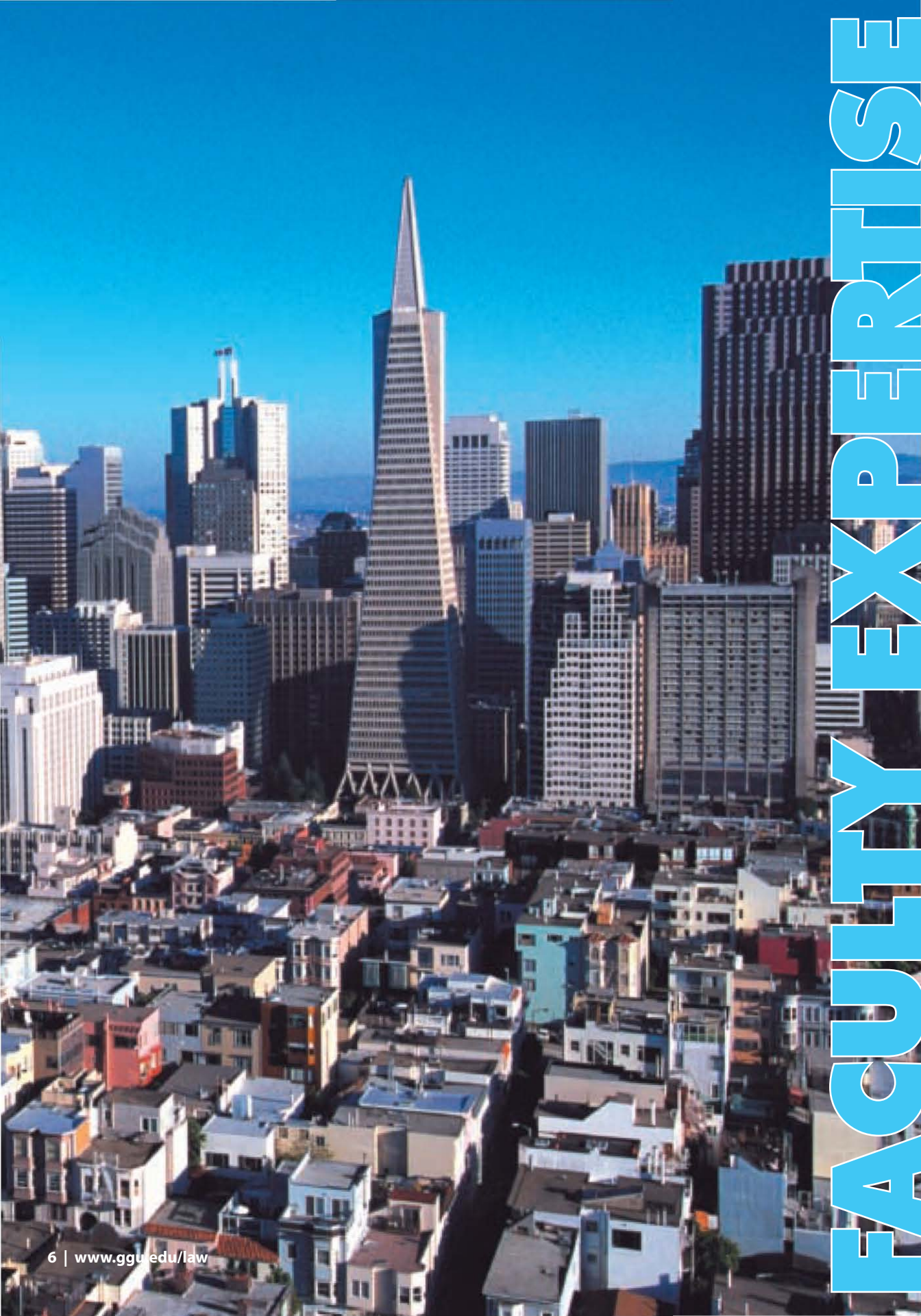
local environmental organizations. In recent years students have obtained field placements working on environmental law issues at:

- Akeena Solar
- California Attorney General’s Office
- California Indian Legal Services
- California Public Utilities Commission
- Center on Race, Poverty and the Environment
- Earthjustice
- Lawyers for Clean Water
- San Francisco Bay Conservation and Development Commission
- San Francisco BayKeeper
- Sierra Club
- US Attorney’s Office
- US Department of Justice, Environmental Enforcement Section
- US Environmental Protection Agency
- US Forest Service



“Working on a case with real benefits to communities grounds our students and prepares them to hit the ground running when they graduate. It is no surprise that many of our former ELJC students are now my colleagues in the environmental field.”

– Clinic Director and Associate Professor Helen Kang



FACULTY EXPERTISE

FULL -TIME FACULTY



Professor Alan Ramo

Dean, School of Law; Co-Director, Environmental Law Program
BA, Stanford University; JD and Master of Journalism,
University of California, Berkeley

Professor of Law and Dean Alan Ramo joined the faculty in 1994 as co-founder and director of the Environmental Law and Justice Clinic. He also has directed the School of Law LLM in Environmental Law Program. He previously was legal director and general counsel for Communities for a Better Environment and founder of the Western States Legal Foundation and has served on advisory boards for several nonprofit organizations.

Selected Publications

- Note on *Martin v. City & County of San Francisco*, 29 *Real Property Law Reporter* 251 (March 2006).
- “Everyday Heroes Protect the Air We Breathe, the Water We Drink, and the Natural Areas We Prize” (ch.), *CEQA Promotes Environmental Justice* (Planning and Conservation League 2005), Karen Douglas, et al., eds.
- “Court Says CEQA Covers Wal-Mart’s Potential Contribution to Urban Decay,” 28 *Real Property Law Reporter* 41 (March 2005).
- “California’s Energy Crises: the Perils of Crisis Management and a Challenge to Environmental Justice,” 7 *Albany Law Environmental Outlook Journal* 1 (2002).



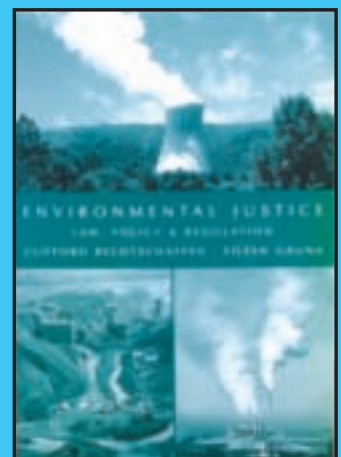
Professor Cliff Rechtschaffen

AB, Princeton University; JD, Yale Law School

Professor Cliff Rechtschaffen has taught environmental law and policy in the School of Law for 14 years and is a former Fulbright scholar. He is a widely published author on issues of environmental law and enforcement and is an advisor to the California attorney general on climate change issues.

Published Books

- *Creative Common Law Strategies for Protecting the Environment* (Environmental Law Institute, 2007), with Denise Antolini, ed.
- *Environmental Enforcement: Cases and Materials* (Carolina Academic Press, 2007), with Joel Mintz and Robert Kuehn.
- *Reinventing Environmental Enforcement and the State/Federal Relationship* (Environmental Law Institute, 2003), with David L. Markell.
- *Environmental Justice: Law, Policy and Regulation* (Carolina Academic Press, 2002), with Eileen Gauna.



FULL-TIME FACULTY (continued)



Associate Professor Helen Kang

Director, Environmental Law and Justice Clinic

BA, Yale College; JD, University of California, Berkeley School of Law

Helen Kang has devoted most of her legal career to environmental enforcement, first as a trial attorney with the Environmental Enforcement Section of the US Department of Justice and later as a partner in a San Francisco law firm specializing in environmental law. She has successfully litigated numerous enforcement cases under federal and state environmental statutes for pollution reduction, sued EPA and local air pollution control districts to improve public participation and agency accountability, and assisted grassroots organizing strategies through counseling and

legal representation. She is a founding member and former editor of the *Berkeley Women's Law Journal* (now *Berkeley Journal of Gender, Law & Justice*).

Selected Publications and Professional Activities

- Comment, *United States v. Grace & Co., Real Property Law Reporter* (March 2006).
- Counsel for *amici curiae* climate scientists James Hansen, et al, in California's challenge against EPA's refusal to allow state to regulate greenhouse gases from motor vehicles.



Visiting Assistant Professor Paul Kibel

Co-Director, Environmental Law Program

Faculty Editor, *Golden Gate University Environmental Law Journal*

BA, Colgate University; JD, Willamette University College of Law;

LLM, University of California, Berkeley School of Law

Paul Kibel is of counsel to and a former partner at Fitzgerald, Abbott & Beardsley LLP, where he has been with the environmental/land use practice group since 1998. He is a previous co-chair of the National Resources Subsection of the Real Property Section of the State Bar of California and has taught as an adjunct at Golden Gate Law for 10 years and at UC Berkeley and Stanford University. He directs the Law School's City Parks Proj-

ect, authored the 2007 Golden Gate Law School report "Access to Parkland: Environmental Justice at East Bay Parks," and is faculty editor of the *Golden Gate University Environmental Law Journal*.

Selected Publications and Activities

- *Rivertown: Rethinking Urban Rivers* (MIT Press, 2007).
- *The Earth on Trial: Environmental Law on the International Stage* (Routledge Press, 1999).
- "Grasp on Water: A Natural Resource that Eludes NAFTA's Notion of Investment," *Ecology Law Quarterly* (2007).
- "Los Angeles Cornfield: An Old Blueprint for New Greenspace," *Stanford Environmental Law Journal* (2004).



Visiting Assistant Professor Deborah Behles

BS, Purdue University; JD, University of Minnesota

Deborah Behles joined Golden Gate Law from the US Department of Justice in Washington, DC, where she had served as trial attorney with the Environmental Enforcement Section since 2001. She has extensive experience litigating and resolving complex environmental cases and has taught at the National Advocacy Center. She has been recognized for her team work on cases brought against several coal-fired power plants, including plants owned by Duke Energy, Illinois Power, and American Electric Power. In 2008 her honors for her litigation team work have included a Gold Medal from the US Environmental Protection Agency and the John

Marshall Award from the US Department of Justice. She is a former editor of the *Minnesota Law Review*.

Selected Publications

- “A Wrong Turn Crushes Protective Air Regulations: *American Trucking Ass’ns v. EPA*,” 85 *Minnesota Law Review* 319 (November 2000).

SELECTED ADJUNCT FACULTY

Ken Alex, Senior Assistant Attorney General, Environment Section, California Department of Justice

Dr. Wil Burns, Senior Fellow, Center for Global Law & Policy, Santa Clara University School of Law

Robert Byrne (LLM 02), Supervising Deputy Attorney General, Natural Resources Law Section, California Department of Justice

J. Andrew Helmlinger, Attorney Advisor, US Environmental Protection Agency

Kristin Henry (JD 02), Staff Attorney, Sierra Club

Cynthia Koehler, Senior Consulting Attorney, Environmental Defense Fund

Ivan J. Lieben, Assistant Regional Counsel, US Environmental Protection Agency Region IX

David Sandino, Chief Counsel, California Department of Water Resources

Christopher A. Sproul, Partner, Environmental Advocates

Martin Wagner, Earthjustice

Golden Gate University Environmental Law Journal

In 2006 the School of Law established the *Golden Gate University Environmental Law Journal*, a student-run publication dedicated to exploring contemporary and emerging issues in environmental law and policy. The journal publishes two editions each year: the Symposium Edition, containing lead articles written by outside academics and professionals to coincide with the School of Law's fall Environmental Law Symposium; and the winter Pacific Region Edition (covering the American West and Pacific Rim), containing lead articles written by outside academics and professionals. Both also contain student notes and comments focusing on environmental law and policy issues.

Environmental Law Symposium

The School of Law hosts an annual Environmental Law Symposium that brings noted practitioners, government officials, educators, and scholars from many disciplines to campus to examine environmental issues from multiple perspectives. Conference themes in recent years have included:

- Bush Administration Policies on Wilderness and Wildlife
- California's Renewable Energy Sector
- City Rivers
- Environmental Justice

RESEARCH & SCHOLARSHIP



STUDENT ACTION

Golden Gate Law students host many environmental law programs on and off campus throughout the year. In 2008, for example, Golden Gate Law students with the student-led Environmental Law Society organized these programs:

- “Focus the Nation: Global Warming Solutions for America” lectures by George Hays, a lead attorney on the US Supreme Court case *Environmental Defense et al v. Duke Energy*; Claudia Polsky, Calif. Dept. of Justice, on greening DOJ facilities; and Professor Alan Ramo on climate change policy
- Lecture by Bill Wick, partner, Wactor & Wick, and former US EPA attorney
- Lecture by Arthur Feinstein, former director, Golden Gate Audubon Society
- Coastal beach cleanup on Ocean Beach in San Francisco
- Student visit to a Berkeley, California, high school to discuss climate change
- Co-sponsorship of 4th Annual Bay Area Water Law Symposium

Kim Chew (JD 07) worked for 15 years as a molecular biologist before enrolling at Golden Gate Law, where she planned to focus on intellectual property law. She began taking environmental law courses and discovered a new passion, participating in the Environmental Law Society and working with the Environmental Law & Justice Clinic. Shortly after graduating, her article “Tax Implications of the CSI: Go Solar This Year!” was published in the State Bar of California Environmental Law Section newsletter. She now works as an associate in the Environmental Law Section at Burnham Brown.





ADVOCACY & COMPETITIONS

The School of Law trains students to become effective counselors and advocates in a variety of venues. Golden Gate Law students compete in state, local, and national competitions focusing on environmental law and in recent years have placed first and second in the State Bar of California Law Student Environmental Negotiations Competition and advanced to the quarterfinal round in the National Environmental Law Moot Court Competition.

Golden Gate Law also helps attorneys practice their advocacy skills. For several years the School of Law's Appellate Advocacy Institute has hosted "Moot Courts for Practicing Lawyers," in which California attorneys practice oral arguments before mock judges on campus before trying them in court. Several of the cases heard in the Moot Court have been environmental cases, including one in which the advocate won in the California Supreme Court.



Holly Bressett (JD 07), whose internship as a Golden Gate Law student at the Sierra Club led to a fellowship upon graduation, says global warming was a part of her classroom and clinical training throughout law school. It was the subject of the 2007 National Environmental Law Moot Court Competition in which she competed with other Golden Gate Law students. "Our brief and oral arguments tackled many of the difficult and cutting-edge issues associated with the need for regulatory action to curb greenhouse gas emissions," she says. Pictured at left are Bressett (right) with **Jenny Maier (JD 07)**, a trial lawyer working on environmental cases at Paul & Hanley LLP.



GOLDEN GATE LAWYERS

Graduates of Golden Gate Law include:

Kerri Bandics (JD 05), Attorney, US Department of Agriculture General Counsel's Office

Drew Bohan (JD 90), Executive Policy Officer, California Ocean Protection Council

Robert Byrne (LLM 02), Supervising Deputy Attorney General, Natural Resources Law Section, California Department of Justice

Vicki Clark (JD 95), Legal Director, Trustees for Alaska

Mike Costa (JD 00), Staff Attorney, Our Children's Earth

Layne Friedrich (JD 97), Partner, Lawyers for Clean Water

Robert "Buzz" Hines (JD 85), Partner and Former Chair, Environmental Law Department, Farella, Braun + Martel LLP

Michele A. Hunton (JD 06), Associate, Lawson & Weitzen, LLP

Ralph W. Kasarda (JD 98), Staff Attorney, Pacific Legal Foundation

Angela Lipanovich (JD 06), In-House Counsel, Akeena Solar

Loulena Miles (JD 03), Attorney, Adams, Broadwell, Joseph & Cardozo

Kathryn F. Nooney (JD 98), Policy Advisor, US Environmental Protection Agency

Timothy J. O'Connor (JD 07), Attorney, Environmental Defense Fund

Sara Pasquinelli (JD 04), Associate, Fitzgerald, Abbott & Beardsley LLP

Lynne Saxton (JD 02), Attorney, Environmental Law Foundation

Richard Sinkoff (JD 07), Director of Environmental Programs and Planning, Port of Oakland

Scott Smithline (JD 00), Director of Legal and Regulatory Affairs, Californians Against Waste

Claire Z. Thorp (JD 94), Assistant Director, Western Partnership Office, National Fish and Wildlife Foundation

Gary Van Housen (JD 96), Senior Corporate Counsel, Genentech

The School of Law City Parks Project,
Environmental Law Society, and Environmental Law Journal Present

"Urban Parks Equity: Income, Race and Open Space"

The 2008 Golden Gate University School of Law Environmental Law Symposium

Friday, November 14, 2008, 9 am – 4 pm

Golden Gate University School of Law, 536 Mission Street, San Francisco, CA

Topics and Presenters Include:

- Washington Canal Park on DC's Anacostia River (Glen Ogilvie, formerly with Earth Conservation Corps)
- Hawkins Natural Park in LA (Stephanie Landregan, Mountains Conservation and Recreation Authority)
- Trust for Public Land's Bay Area Parks Equity Project (Tim Wirth, Trust for Public Land)
- Diversity Initiative of the Bay Area Open Space Council (Bettina Ring, Bay Area Open Space Council)

5 hours of California MCLE available. To register, contact Shayne Weston, sweston@ggu.edu, 415-442-7234, or go to www.ggu.edu/law. Made possible by a grant from the As You Sow Foundation of San Francisco.

For more information about the Golden Gate University School of Law Environmental Law Program:

JD Program: Paul Kibel, 415-442-6685, pkibel@ggu.edu

LLM Program: Shayne Weston, 415-442-7234, gradlaw@ggu.edu

Environmental Law & Justice Clinic: Helen Kang, 415-442-6647, hkang@ggu.edu

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