ENVIRONMENTAL LAW INSTITUTE®

AN INDEPENDENT, NON-PARTISAN ENVIRONMENTAL EDUCATION AND POLICY RESEARCH CENTER

CLIMATE CHANGE AND THE CONSTITUTION
Global Warming Litigation Heats Up

A Seminar Co-Sponsored by

The Endangered Environmental Laws Program of
The Environmental Law Institute, and

The National Association of Environmental Law Societies and Its DC-Area Chapters

Hosted by the Environmental Law Societies of

The George Washington University Law School and
The Georgetown University Law Center

WHEN: Thursday, November 1, 2007
12:00 noon to 2:30 pm

WHERE: George Washington University Law School
2000 H Street, NW, Washington, DC
Lerner Hall, Jacob Burns Moot Court Room
(near Metro: Foggy Bottom-GWU and Farragut West Stations)

LUNCH: A light lunch will be provided

In the wake of the Supreme Court's blockbuster decision this year in *Massachusetts v. EPA*, new judicial rulings grappling with climate change have emerged from federal district courts around the country. Although the parties and the nature of the claims have varied from case to case, constitutional issues have consistently remained front and center. Some courts have now dismissed nuisance lawsuits under the political question doctrine (NY, CA, MS) and on standing grounds (MS), while another court has rejected claims by industry that Vermont's new greenhouse gas regulation is preempted by the foreign policy prerogatives of the federal government and by the Energy Policy and Conservation Act. More climate change rulings are expected, with all of this litigation only just beginning to work its way through the federal judiciary. What does it all mean? Where is climate change case law headed?

The **Environmental Law Institute (ELI)**, in partnership with the **National Association of Environmental Law Societies (NAELS)** and its chapters at the **George Washington University Law School**, the **Georgetown University Law Center**, and the other DC-area law schools, invite Washington-area lawyers and law students to explore these key issues at the confluence of U.S. climate change policy and constitutional environmental law. Two panels of seasoned legal experts—many of whom participated in these cutting-edge cases—will analyze this fast-changing legal landscape, as they take your questions and offer insights on significant new developments in the federal courts.

Panel #1 **12:15-1:15 pm**
The Federal Courts Step Back: Political Question Doctrine and Standing
Moderator: Leslie Carothers, President, ELI
Panelists:
*John Echeverria, Georgetown Law, Exec. Dir. GELPI
*Joseph Guerra, Sidley Austin
*Benjamin Krass, Law Offices of Matthew Pawa

Panel #2 **1:30-2:30 pm**
State Innovation on Climate Change: Statutory and Foreign Policy Preemption
Moderator: Lee Paddock, Assoc. Dean, GW Law School
Panelists:
*Charles Haake, Gibson, Dunn & Crutcher
*Vermont Asst. Attorney General Kevin Leske
*Doug Kendall, Community Rights Counsel

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