



UNIVERSITY *of* HOUSTON

LAW CENTER

Web-based Courses

CLIMATE CHANGE LIABILITY AND LITIGATION: COURSE DESCRIPTION

University of Houston Law Center
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Course Subject Matter: Given the enormous challenge posed by global climate change, the courts will inevitably play a central role in disputes over the right course of action and in efforts to help injured parties adapt to a rapidly changing world. As the courts enter this new arena of action, however, they will have to proceed with little precedent or clear guidance on how past legal theories will support these new causes of action.

This course will focus on the foundations, options and challenges to the use of litigation to force action to address climate change and to impose liability on parties allegedly responsible for it. We will review the current state of knowledge about the science underlying climate change findings and predictions, examine how environmental and tort laws have adapted to address earlier novel environmental threats and risks, assess how courts have responded to lawsuits to address disputes rooted in large-scale policy problems, and scrutinize the specific legal challenges and evidentiary

issues that will face climate change litigation. Our examination will center on a practical examination on whether, and how, this novel type of lawsuit will work.

We will use a combination of lectures, class discussions, in-class exercises and sample problems, and case studies. Of course, we expect all students to come to class prepared and to participate in class discussions.

Course objectives: To examine in close detail the current and pending litigation over climate change policy and liability. This course will encourage your awareness of policy issues that shape governmental climate change decisions and of likely legal bases and challenges to these lawsuits.

Reference Materials: We intend to rely on an Internet website to provide class readings and assignments. If requested, we will provide hard copies of readings to students with restricted computer access. If you are interested in practicing in this area in the future, we will also provide a set of supplemental reference materials through the website. We will also have these materials provided on a CD-ROM disk to students who wish to purchase it.

Office Hours: Because we cannot maintain regular office hours on campus, students will need to arrange meetings with either of us. We will also rely extensively on e-mail and Internet queries to help students.

Grading and Explanation: Final grades will be based on a final paper, class participation, and in-class assignments and exercises. The final paper will focus on key topics affecting climate change liability and lawsuits. Unfortunately, the final paper will not satisfy Senior Legal Writing requirements. While classroom participation is very important, as per University policy we can only adjust a student's grade up or down one notch (e.g., from a B to a B+) on the basis of class participation.

Attendance: We will follow the Law Center attendance policy. You will not be allowed to turn in your final paper unless you attend 80% of the classes. While we will liberally grant excused absences, we cannot grant an excused absence that will drop your total attendance below 80 percent. Please contact either of us immediately if personal circumstances will create attendance problems for you.