

## Climate Change Law Spring 2018 – Richards

You will email your exam to my administrative assistant, Kristi Parnell < [kgrace1@lsu.edu](mailto:kgrace1@lsu.edu) >, by 10AM, Friday, May 11. Submit it in a Microsoft word compatible file, with only your exam number on the document to identify it. Name the file Law 5414 Exam – [your exam number] (Law 5414 Exam – 4677). She will print the exam and give me the paper copy to allow anonymous grading. She will reply to you when she gets your email. If you do not get the reply, check with her to make sure the exam was received.

Mechanics: 12pt font, single-spaced, a blank line between paragraphs (like this exam).

Exam is open book – any materials we used in class, materials linked to on the class blog, and your own notes may be used. What you turn in must be your own work. Do not confer with others and attribute any published work you use. General Internet research is prohibited. (This is not a research paper.)

On the legal questions, you should tie your answer to the cases and regs and be specific. Do not just discuss policy. You do not need to use Bluebook form, just give your readers enough information to find the reference if they want to look it up. Put the cite info in parenthesis (Mass v EPA) in the text, do not use footnotes.

### Questions

1) FEMA data indicates that fewer than 20% of persons flooded by Hurricane Harvey had flood insurance. The numbers are similar or worse for the Baton Rouge flood of 2016. Many people who have flood insurance find that they are inadequately covered for their losses and wonder if they can sue the National Flood Insurance Program to contest their claims. You have been asked by the Louisiana State Bar to write a short article for state bar journal explaining the National Flood Insurance Program's insurance policies and the possible avenues for contesting inadequate claims.

You should cover the key provisions of the standard form policy that differ from a usual homeowner's property and causality insurance policy, the role of FIRMs, as well as how contesting claims differs from private property and causality insurance. Explain who has to buy flood insurance, the rate structure, and why these, along with the FIRMS, lead many people to the mistaken belief that they are not at flood risk and do not need to buy flood insurance. Be sure to discuss how increased participation in the NFIP benefits the greater community, not the just insured individuals.

Be clear, detailed, and write concisely. You have up to 2000 words.

2) Governor Edwards has created a statewide taskforce to develop a comprehensive state plan to adapt to climate change. You have been appointed to this taskforce to address legal issues. You are to write a work plan for a team of lawyers who will draft a comprehensive legal guide for state and local government lawyers to use as they deal with climate change adaption. Identify and describe the legal problems that will arise and the factual situations that will trigger them. Divide your work plan into sections so that each problem and the legal issues that arise from it are clearly identified.

You are to assume 2 feet of relative sea level rise by 2050 and 5 feet by 2100. Assume that the state wants to continue the restoration plan, so include legal issues that might arise from restoration projects, especially in the face of these levels of sea level rise. Assume that many areas will have to be depopulated and that others may need new land use restrictions. Think broadly and imaginatively, but assume that Louisiana will receive little federal assistance.

Be clear, detailed, and write concisely. You have up to 4000 words.