

Climate Change Law Spring 2020 – Richards

Exam Submission: You will email your exam to my administrative assistant, Cia Fox, at cindrafox1@lsu.edu, by 4PM, Sunday, May 10. Submit it as a Microsoft Word or PDF file with only your exam number on the document to identify it. Name the file *Law 5414 Exam – [your exam number]*—for example, **Law 5414 Exam – 4677**. Please remove identifying metadata from your file; refer to the following link if you need assistance: <https://www.webucator.com/how-to/how-remove-metadata-from-microsoft-word-files.cfm>.

Ms. Fox will email me the exams to allow for anonymous grading. She will reply to you by Monday morning to acknowledge that she has received your exam. If you do not get a reply, check with her to make sure the exam was received.

Exam Mechanics: Write your answers in 12pt Times New Roman/Times Roman font, single-spaced, with a blank line between paragraphs (like this exam). The exam is open book under the general rules for all exams this term. What you turn in must be your own work. Do not confer with others. Attribute any outside work you quote.

The exam questions require you to think about the current law and make your own informed projection of the best legal strategy going forward. There is no single right answer—I am looking for your ability to explain your position. As necessary, tie your answer to the cases and regs. You do not need to use Bluebook form, just use enough information to identify the reference. Put the cite info in parenthesis (Mass v EPA) in the text; do not use footnotes. You may use graphics and illustrations if you choose.

Review and edit your answers for clarity and brevity. The word limits are there to force you to present your analysis succinctly and clearly.

Question 1

Thinking about the history leading to the Paris Agreement, including the Kyoto and Montreal Protocols, write an analysis of the strengths and weaknesses of the Paris Agreement. Include the issues that have made it difficult to get climate treaties ratified in the U.S. Address how the Paris Agreement could be strengthened in a way that might also make it more acceptable to the U.S. Senate. (2500 words)

Question 2

You have been asked by a new thinktank on mitigating climate change through litigation to evaluate the current climate change litigation (as represented by the cases we have read in class) and to advise them on the best path forward. Which types of cases do you think are unlikely to succeed and why? More importantly, what types of cases are more likely to succeed? What are the logical next cases for the thinktank to file to advance their goal of mitigating greenhouse gas emissions? (2500 words)

Question 3

Recent research has confirmed previous studies showing that, for a period during the melt after the last glacial maximum, sea level rise was as much as 4 cm (>1.5 inch) per year, rising 12 meters over 400 years. With the dramatic melting in Greenland and Antarctica last year, we are beginning to worry about a rapid increase in the rate of sea level rise. Write an issue brief identifying the legal problems this would create for coastal communities in low flat areas, such as the Louisiana and Florida coasts. Then outline the legal tools available to the states and the federal government to facilitate migration from high risk areas. (2500 words)