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Can Red Clay Go Green? Adapting Law and Policy in the Face of Climate Change, 20th Annual Red Clay Conference

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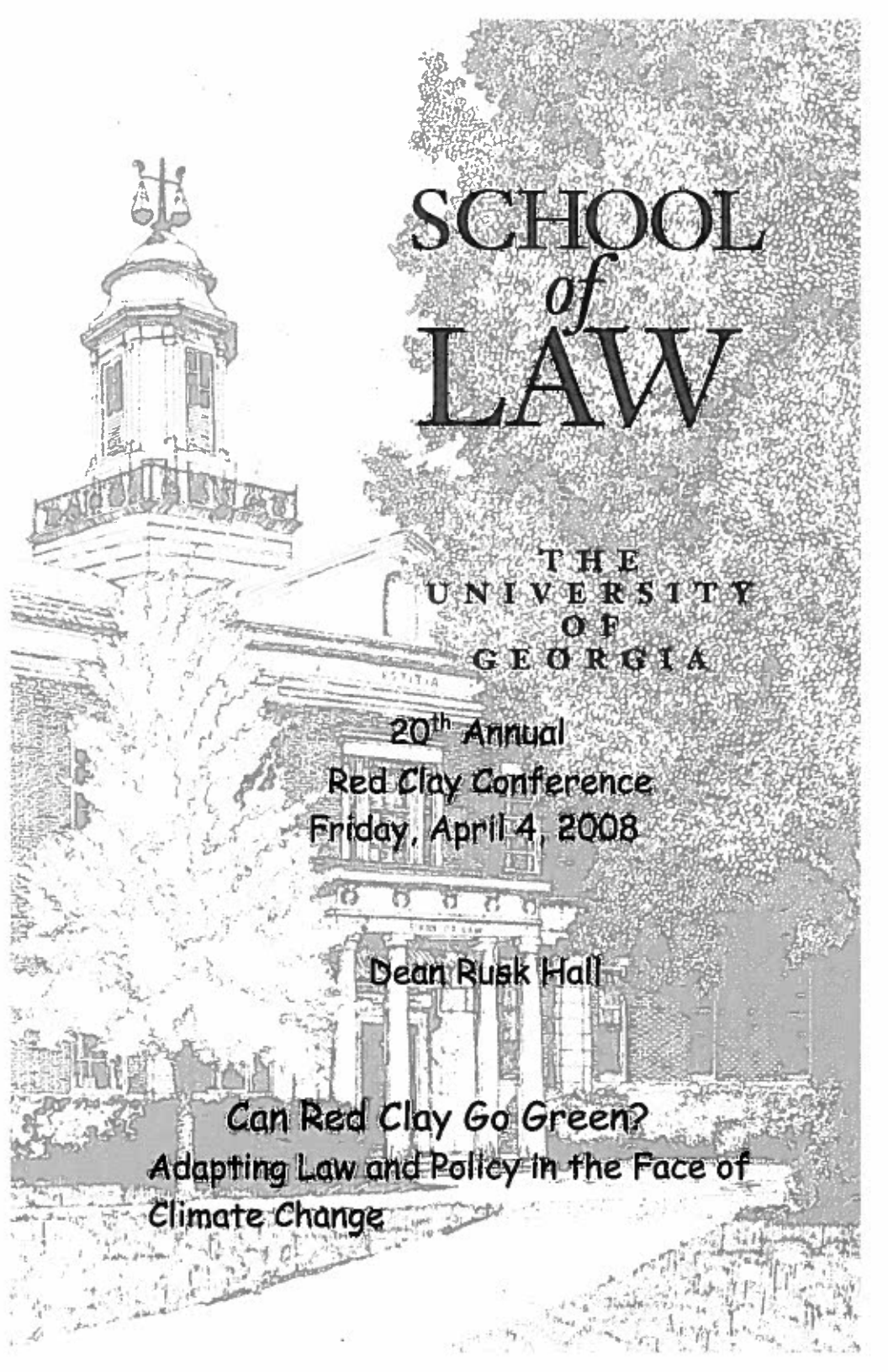
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Authors

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SCHOOL *of* LAW

THE
UNIVERSITY
OF
GEORGIA

20th Annual
Red Clay Conference
Friday, April 4, 2008

Dean Rusk Hall

Can Red Clay Go Green?
Adapting Law and Policy in the Face of
Climate Change

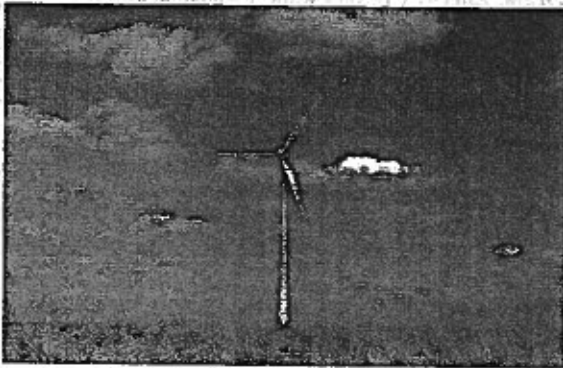
20th Annual Red Clay Conference

*Can Red Clay Go Green?
Adapting Law and Policy in the Face of Climate Change*

Friday 4 April, 2008 ~ Dean Rusk Hall

Presented by:

The Environmental Law Association
University of Georgia School of Law



Sponsored by:

Professor Bertis Downs
R.E.M.
&
The University of Georgia School of Law

AGENDA

8:30 Registration and Breakfast/Coffee

9:00 Welcome

- Rebecca H. White – Dean and J. Alton Hosch Professor of Law, University of Georgia School of Law

9:05 Keynote Speaker – “Law and Adaptation to Climate Change”

- David Caron – C. William Maxeiner Distinguished Professor of Law, University of California at Berkley School of Law

10:05 The International Climate Change Regime: Past and Future

- Daniel Bodansky – Emily and Ernest Woodruff Chair in International Law, University of Georgia School of Law

10:35 Break

10:45 Environmental Impacts of Climate Change

- Panelists: Ron Carroll – Professor, University of Georgia Odum School of Ecology and Co-Director, River Basin Center
Michael Chang – Senior Research Scientist, School of Earth & Atmospheric Sciences, Georgia Institute of Technology

- Moderator: Laurie Fowler – University of Georgia School of Law and Institute of Ecology

11:50 Re-Energizing Georgia: Energy Conservation, Efficiency and Renewable Sources

- Panelists: Mary Carr – Renewable Energy Coordinator, Southern Alliance for Clean Energy
Marilyn Brown – Professor, Georgia Institute of Technology School of Public Policy

- Moderator: Peter Appel – University of Georgia School of Law

12:55 Break

1:05 Lunch/ Keynote Speaker – “Climate Change Litigation”

- David Hunter – Assistant Professor of Law and Director of the Environmental Law Program, American University's Washington College of Law

2:05 Break

2:15 How Cities and States are Tackling Climate Change

- Panelists: Mayor Heidi Davison, Athens, Georgia
Kristin Jones – Associate at Alston & Bird
Representative Doug McKillip – Lancaster & McKillip (*tentative*)
- Moderator: Jamie Baker Roskie – Managing Attorney, Land Use Clinic, University of Georgia School of Law

3:25 Good for Business: A Closer Look at Private Initiatives to Combat Climate Change

- Panelists: Josh Love – Staff Forester, Georgia Forestry Commission
James Marlow – Founder and President, Radical Energy Ventures
- Moderator: Christian Turner – Assistant Professor, University of Georgia School of Law

SCOPE AND PURPOSE OF THE CONFERENCE

The Red Clay Conference is an annual Environmental Law Conference that is entirely student organized by members of the Environmental Law Association at the University of Georgia School of Law. ELA's continuing mission is to advance sound environmental policy, encourage discussion and raise awareness among attorneys and law makers here in Georgia and throughout the Southeast. The goal of the conference is to increase public awareness of environmental issues of regional, national, and international significance through a series of educational presentations and open forum discussions.

In light of the increased awareness and threat of global climate change, the 20th Annual Red Clay Conference will focus on the issue of climate change with an eye toward the role law and policy will have in shaping the way in which we address the issue on a local, state, national, and international level. It will provide an excellent opportunity for attendees to learn about and discuss changes affecting the legal community in light of developments in science and possible effects of climate change. A full spectrum of views from the private legal sector, corporate/business sector, government, and public interest groups will be represented. Panel discussions are followed by informal question and answer periods.

CONTINUING LEGAL EDUCATION

A total of 7 CLE credits, including 1 Trial Practice credit, will be available during the conference.

SPECIAL ACKNOWLEDGMENTS

The Environmental Law Association gratefully acknowledges the assistance of the University of Georgia School of Law faculty and staff especially Marc Galvin, Elaine Mitchell, Cathy Dasher, Anne Moser, Lisa Mathis, Heidi Murphy, Cindy Herndon, Peter Appel, and Dean Rebecca White. Special thanks to Professors Laurie Fowler and Daniel Bodansky for their efforts, support and guidance through the coordination of this year's Red Clay Conference. We would also like to thank Professor Bertis Downs and R.E.M. whose continued support makes this conference possible year after year. We thank you all for your commitment to Georgia's environment and continued support of the Red Clay Conference.

Red Clay Chairs: Elizabeth Long, Matt Wells, and Karen Wilkerson

BIOGRAPHICAL INFORMATION

Peter A. Appel: Mr. Appel is an associate professor of law at the University of Georgia School of Law and teaches in the areas of property, natural resources law and environmental law. Mr. Appel developed a practical understanding of environmental issues through his six years of service as an attorney with the Environment and Natural Resources Division of the U.S. Department of Justice. Prior to holding that position, he clerked for Chief Judge Gilbert S. Merritt of the Sixth Circuit U.S. Court of Appeals. Mr. Appel earned his J.D. from Yale University.

Daniel M. Bodansky: Internationally recognized as one of the premier authorities on global climate change, Daniel M. Bodansky joined Georgia Law as the holder of the prestigious Emily and Ernest Woodruff Chair in International Law in the fall of 2002. In August 2006, he was named associate dean for faculty development. He teaches public international law, international environmental law, and foreign affairs and the Constitution. Mr. Bodansky has served as the climate change coordinator and attorney-advisor at the U.S. Department of State, in addition to consulting for the United Nations in the areas of climate change and tobacco control. He received his J.D. at Yale University where he was a member of the *Yale Law Journal*, and received his master's in the history and philosophy of science from Cambridge University and his bachelor's *magna cum laude* from Harvard University. Mr. Bodansky currently serves on the board of editors of the *American Journal of International Law*, is co-editor in chief of Kluwer Law International's book series on international environmental law and policy and is the U.S.-nominated arbitrator under the Antarctic Environment Protocol. In addition, he is a member of the Council on Foreign Relations and the American Society of International Law.

Marilyn A. Brown: Marilyn A. Brown joined the Georgia Institute of Technology in 2006 after a distinguished career at the U.S. Department of Energy's Oak Ridge National Laboratory. At ORNL, she held various leadership positions and led several major energy technology and policy scenario studies, and remains affiliated with ORNL as a Visiting Distinguished Scientist. Dr. Brown's research interests encompass the development and deployment of sustainable energy technologies and issues surrounding the commercialization of new technologies and the evaluation of energy programs and policies. Recent projects include an assessment of the \$3 billion/year multi-agency R&D portfolio comprising the U.S. Climate Change Technology Program and development of a national climate change technology policy strategy as required by the 2005 Energy Policy Act. Dr. Brown serves on the board of directors of the Southeast Energy Efficiency Alliance, the American Council for an Energy-Efficient Economy, and the Alliance to Save Energy. She received her undergraduate degree from Rutgers University, her MRP in Resource Planning from the University of Massachusetts, and her PhD in Geography from The Ohio State University.

David D. Caron: David D. Caron is a C. William Maxeiner Distinguished Professor of Law at the University of California at Berkeley School of Law. Mr. Caron received his undergraduate degree from the U.S. Coast Guard Academy, his M.Sc. from the University of Wales, and his J.D. from the University of California at Berkeley. Before joining the U.C. Berkeley faculty in 1987, Mr. Caron served as a legal assistant in the Iran-United States Claims Tribunal in The Hague. Mr. Caron is Vice President of the American Society of International Law, chair of the Advisory Board of the Institute of Transnational Arbitration of the Center for American and International Law, and co-director of Boalt's Law of the Sea Institute. He has served as director of studies, director of research, and as a lecturer at the Hague Academy of International Law, and has also served as chair of the International Law Section of the Association of American Law Schools. Because of Mr. Caron's accomplishments internationally, he received the Stefan A. Riesenfeld Award of the University of California for outstanding achievement and contribution to the field of international law in 2000.

Mary Carr: Mary Carr is a Research Associate with the Southern Alliance for Clean Energy in Atlanta, working on issues concerning diesel pollution, nuclear power, and water quality and advocates for safe, clean energy policies to be implemented in the Southeast. Prior to joining Southern Alliance for Clean Energy, Ms. Carr worked as a legislative intern for the Tennessee House Government Operations Committee under State Representative Michael L. Kernell. She also worked at the University of Tennessee's Energy, Environment and Resources Center where she helped develop a workshop to assist K-12 teachers in developing energy education curriculum for the classroom. Ms. Carr received a B.A. from the University of Tennessee-Knoxville where she double-majored in Environmental Studies and Political Science.

Ron Carroll: C. Ronald Carroll is the Co-Director of Science at the River Basin Science and Policy Center in Athens, Georgia, and is a Professor in the Institute of Ecology and faculty member in the conservation ecology program. His research interests include conservation biology, sustainable economic development, ecosystem restoration, and invasive species. In recent years, his research work has focused on the mechanisms of ecological restoration in the context of conservation ecology and watershed management. In addition to many journal publications, he has co-authored several book chapters and a graduate-level textbook on conservation ecology. Dr. Carroll earned his Ph.D. in population biology at the University of Chicago.

Michael Chang: Dr. Michael E. Chang is a senior research scientist in the School of Earth and Atmospheric Sciences at the Georgia Institute of Technology. His research focuses on the complexity of the urban and regional environment, and how nature, technology, economics, and culture lead to both environmental problems and solutions. Previously, Dr. Chang was an air quality modeler with the Georgia Environmental Protection Division; and prior to that, he was an aerospace engineer at the McDonnell Douglas Corporation (now Boeing). He received degrees in atmospheric chemistry (MS, Ph.D.), environmental policy (MS), and aerospace engineering (BAE) all from Georgia Tech.

Heidi Davison: Heidi Davison has served as the mayor of Athens, Georgia since 2003. As a long-time resident of Athens-Clarke County, educator, and community volunteer, she has experienced first-hand the need for local government to actively seek the participation of all of its citizens. Mayor Davison graduated from the University of Georgia with a B.S. Ed in Elementary Education and M.Ed in Middle School Education, and later taught Language Arts for Social Circle City Schools and the Oconee County School System. She is also trained as a National Issues Forum moderator, a Technology of Participation (TOP) and Community Trusteeship facilitator. In 1996 she was tapped along with 18 other women to serve as a facilitator for the League of Women Voters of the United States' long-range planning efforts. Mayor Davison also serves as an Adjunct Faculty member of the University of Georgia's J.W. Fanning Institute for Leadership, and serves on the Alec Little Environmental Award Advisory Committee and the Clute Barrow Nelson Life Foundation, and is an active member of the Jeannette Rankin Foundation. Recent volunteer service includes serving on the SPLOST Citizen's Overview Committee and the Solid Waste Advisory Committee, as well as President of the Lyndon House Arts Foundation, Inc.

Laurie Fowler: Ms. Fowler is the Director of Public Service and Outreach for UGA's Institute of Ecology and Co-Director of the River Basin Center. As an environmental and land-use attorney, she serves on the faculties of both the Institute of Ecology and the School of Law and a member of the faculty of the Environmental Ethics Program. In addition to teaching courses in environmental law, she teaches service-learning courses that allow students to apply policy, design, and ecological principles in working with stakeholders to manage and protect water resources. Ms. Fowler's research interests include federal, state, and local environmental protection laws and policies; watershed protection strategies; growth management and open space preservation; land use planning; conservation easements; environmental justice; citizen participation; and service learning. In 1999, she staffed the committee to develop Georgia's Greenspace Plan under Governor Roy Barnes, and frequently advises government and civic groups on tools and techniques for protecting environmental quality. Ms. Fowler earned her J.D. at the University of Georgia and then went on to earn her LL.M. at the University of Washington.

David Hunter: David Hunter is Assistant Professor of Law and Director of the Environmental Law Program at American University's Washington College of Law. He teaches U.S. Environmental Law, International Environmental Law, Comparative Environmental Law and the Law of Torts. Prof. Hunter was the former Executive Director of the Center for International Environmental Law, a non-governmental organization dedicated to protecting the global environment through the use of international law. Mr. Hunter is also President of Peregrine Environmental Consulting, and was formerly an environmental consultant to the Czech and Slovak environmental ministries, an environmental associate at the Washington, D.C. law firm of Skadden, Arps, Slate, Meagher & Flom, and executive director of WaterWatch of Oregon, a non-profit organization dedicated to improving western water laws. He currently serves on the Board of Directors of the Environmental Law Alliance Worldwide-US, EarthRights International, the Project on Government Oversight, the Bank Information Center, Protimus Educational Trust, and Greenpeace USA, Inc. He received his undergraduate degree from the University of Michigan, and his J.D. from the Harvard Law School.

Kristin Holloway Jones: Ms. Jones is an associate with Alston & Bird in Atlanta. Ms. Jones is a member of the firm's Climate Change and Carbon Management Team, through which she advises clients on a range of carbon management issues. She focuses her practice on environmental enforcement and complex environmental and toxic tort litigation as well as internal compliance investigations stemming from enforcement actions. Ms. Jones' work has appeared in numerous publications including, *BNA Environment Reporter*, *BNA Expert Evidence Report*, *Mealey's Emerging Toxic Torts*, *Point Carbon*, and ABA publications. Ms. Jones earned both her B.A. (1998) and J.D. (2001) from the University of Georgia.

Josh Love: Mr. Love serves as the carbon sequestration forester for the Georgia Forestry Commission (GFC) and, as a member of the GFC's Marketing and Utilization Department, oversees Georgia's Carbon Sequestration Registry. Love's professional interests focus on the valuation of forest and agriculture ecosystem services, emerging environmental markets, non-traditional forest products and natural resource policy.

James Marlow: Mr. Marlow is the President and Founder of Radical Energy Ventures based in Atlanta, Georgia. Radical Energy Ventures is a cleantech and renewable energy company focusing on solar and energy efficiency for residential, commercial, government and educational projects in the Southeast. They install solar panels and solar thermal collectors for hot water, home heating and pool heating and work with partners to offer energy and water efficiency improvements and upgrades.

Doug McKillip: Mr. McKillip is a member of the Georgia House of Representatives and a founding member of the firm of Lancaster & McKillip here in Athens, Georgia. His practice focuses on real estate closings, civil litigation and enforcement litigation of environmental regulations. Mr. McKillip graduated cum laude from the University of Georgia and then went on to earn his J.D. from UGA in 1994.

Jamie Baker Roskie: Ms. Roskie joined the faculty of UGA in 2002 as managing attorney of the Land Use Clinic, a joint venture of the School of Law and the College of Environment and Design. As managing attorney, she supervises students in a variety of projects assisting local governments with regulatory solutions to help preserve the environment while promoting quality growth. Along with students of the clinic, she co-authored the first comprehensive Transferable Development Rights (TDR) ordinance in Georgia, designed for the Chattahoochee Hill Country.

Before joining the University, Ms. Roskie worked as an associate in the law firm of Shaw Pittman LLP in Washington, D.C., where she represented clients in various land use and immigration matters. She is currently a policy and legal analyst for the UGA River Basin Center, which integrates science and policymaking to protect water resources and habitat. In addition, she is a member of the Georgia Planning Association's Legislative Advisory Committee and the Etowah Habitat Conservation Plan Advisory Committee. She is a graduate of the University's Institute for Georgia Environmental Leadership (IGEL), a training program for environmental leaders in Georgia.

Ms. Roskie obtained a B.A. in International Affairs from Lewis and Clark College in 1989. She worked as a freelance writer/editor and ran an immigration law clinic for a refugee services agency before attending law school. In 2001, she graduated magna cum laude from the University of Georgia School of Law, where she was inducted into the Order of the Coif.

Christian Turner: Mr. Turner is an Assistant Professor of Law at the University of Georgia School of Law where he teaches courses in property and land use law. Before coming to UGA in 2007, Mr. Turner taught as visiting professor at Fordham University School of Law. His interest areas are property law, natural resources law and the regulation of knowledge and information. Much of his scholarship focuses on applying his mathematical training to legal theory. He previously served as an associate at the Wiggin and Hanna law firm in Connecticut, a judicial clerk for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit and as an intern at the White House Council on Environmental Quality. Turner graduated magna cum laude from the University of South Carolina with a B.S. in mathematics in 1993, earned his Ph.D. from Texas A&M University in 1999 and then earned his J.D. in 2002 from Stanford University where he served as the president of the Stanford Law Review and was inducted into the Order of the Coif.

Dean Rebecca H. White: Dean White, J. Alton Hosch Professor of Law, became the permanent dean of the School of Law on October 1, 2004, after serving as interim dean for 14 months. Previously, she served as associate provost and associate vice president of academic affairs for the University of Georgia. She specializes in the areas of labor law, employment discrimination, employment law and labor arbitration. She received her undergraduate degree from Eastern Kentucky University and graduated first in her class from the University of Kentucky College of Law.

