We now face the twin challenges of dealing with the intensifying impacts of climate change while attempting to decarbonize. Both demand an aggressive response, stress existing legal and social structures, and compel critical examination and in some cases wholesale redesign of law and policy. This CLE conference brings together experts to assess developments at some of the most important intersections of law and climate change, including the distribution of mitigation authority between local, state and federal actors; the evolving nature and effect of catalyst litigation; the personal and professional responsibility for lawyers in promoting decarbonization and representing clients; and navigating a transition to renewable energy.

2019-2020 Section Chair
Karen Mignone, Director, Sustainability, Qualus

Conference Co-Chairs
Katy Kuh, Interim Associate Dean & Executive Director, Environmental Law Programs; Haub Distinguished Professor of Environmental Law, Elisabeth S. Haub School of Law at Pace University, White Plains, NY
Irma Russell, Edward A. Smith / Missouri Chair in Law, The Constitution, and Society and Professor of Law, University of Missouri Kansas City, Kansas City, MO

Planning Committee
Lisa Benjamin, Assistant Professor of Law, Lewis and Clark Law School, Portland, OR
Pam Esterman, Principal, Sive Paget Riesel, New York, NY
Tracy Hester, Lecturer, University of Houston Law Center, Houston, TX
James May, Distinguished Professor, Widener University Delaware Law School, Wilmington, DE
Uma Outka, Associate Dean for Faculty; Professor of Law and William R. Scott Law Professor, University of Kansas School of Law, Lawrence, KS

Luncheon Keynote
The Biggest Barrier to Solving the Climate Crisis...And What Lawyers Can Do Now to Fix It

Keynote Speaker
Roger Martella, Former General Counsel, United States Environmental Protection Agency; co-chair, International Bar Association Task Force on Model Statute for Proceedings Challenging Government Failure to Act on Climate Change; Director and General Counsel, Global EHS, General Electric, Washington, DC
<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 a.m. – 9:00 a.m.</td>
<td>Registration Opens and Continental Breakfast</td>
</tr>
<tr>
<td>9:00 a.m. – 9:15 a.m.</td>
<td>Welcome and Opening Remarks</td>
</tr>
<tr>
<td>9:15 a.m. – 10:30 a.m.</td>
<td>Who Steers the Climate? The Powers—and Limits—of State Action on Climate Change</td>
</tr>
<tr>
<td>10:30 a.m. – 10:45 a.m.</td>
<td>Networking Break</td>
</tr>
<tr>
<td>10:45 a.m. – 12:00 p.m.</td>
<td>Catalyst Lawyering in the Anthropocene</td>
</tr>
<tr>
<td>12:00 p.m. – 1:00 p.m.</td>
<td>Luncheon and Keynote Speaker</td>
</tr>
<tr>
<td>1:00 p.m. – 2:15 p.m.</td>
<td>Emerging Legal Issues in the Transition to Renewable Energy</td>
</tr>
<tr>
<td>2:15 p.m. – 2:30 p.m.</td>
<td>Networking Break</td>
</tr>
<tr>
<td>2:30 p.m. – 3:45 p.m.</td>
<td>Local Law and Decarbonization</td>
</tr>
<tr>
<td>3:45 p.m. – 4:00 p.m.</td>
<td>Networking Break</td>
</tr>
<tr>
<td>4:00 p.m. – 5:00 p.m.</td>
<td>Promoting Decarbonization: A Lawyer’s Personal and Professional Responsibility</td>
</tr>
</tbody>
</table>
Wednesday, February 19, 2020

9:15 a.m. - 10:30 a.m.
Who Steers the Climate? The Powers—and Limits—of State Action on Climate Change

With the federal government’s recent aggressive rejection of federal climate regulatory action, state governments have emerged as potent and combative actors on U.S. climate change policy. California, Washington, and the state members of the Regional Greenhouse Gas Initiative and the Transportation Climate Initiative have acted energetically to combat climate change effects, in contrast to Texas, Oklahoma, and West Virginia fighting just as vigorously during the Obama administration against federal regulatory initiatives to use the federal Clean Air Act to mitigate greenhouse gas emissions. How far can states go with their own climate change policies and what limits do federal statutes and the U.S. Constitution place on their powers? This panel will explore key battles over this question, including the scope of Clean Air Act preemption of state climate actions such as California’s AB32 and New York’s Global Warming Solutions Act, the limits on states’ abilities to coordinate climate action with foreign governments, and federal limits on innovative market tools to limit climate change damages. Attendees will gain a better understanding of how states’ actions may positively or negatively intersect with federal regulatory actions.

Panelists
John Nolon, Distinguished Professor of Law, Elisabeth Haub School of Law, Pace University, White Plains, NY
Romany Webb, Senior Fellow, Sabin Center for Climate Change Law, Columbia Law School, New York, NY

10:45 a.m. - 12:00 p.m.
Catalyst Lawyering in the Anthropocene

In recent years, there has been an explosion of climate litigation. Lawyers in private practice as well as within government have taken to the courts, partly in response to regulatory inaction by states and the federal government, but also due to the real and escalating costs of climate impacts to their clients. The claims are varied, from regulatory suits to torts, to nuisance, public, and atmospheric trust claims, as well as securities disclosures and fiduciary duty claims. The defendants also vary, from state and federal governments to private industry. This panel will provide attendees with an overview of the types of claims initiated and the state of play of ongoing domestic climate litigation, including jurisdictional and procedural hurdles encountered. It will also provide key lessons learned from the original (and largely unsuccessful) wave of climate litigation and consider the potential significance of these suits in shaping our response to climate change.

Panelists
Allan Kanner, Senior Partner, Kanner & Whiteley LLC, New Orleans, LA
Julia Olson, Executive Director; Chief Legal Counsel, Our Children’s Trust, Eugene, OR

12:00 p.m. – 1:00 p.m.
Luncheon Keynote: The Biggest Barrier to Solving the Climate Crisis...And What Lawyers Can Do Now to Fix It

Roger Martella, former General Counsel, United States Environmental Protection Agency; co-chair, International Bar Association Task Force on Model Statute for Proceedings Challenging Government Failure to Act on Climate Change; Director and General Counsel, Global EHS, General Electric, Washington, DC

1:00 p.m. – 2:15 p.m.
Emerging Legal Issues in the Transition to Renewable Energy

Renewable energy is an increasingly significant source of electric power. According to the U.S. Energy Information Administration, 28 percent of global electricity was generated from renewable energy sources in 2018 (most produced from hydropower, wind, and solar technologies). In April 2019, electricity generation from renewable energy exceeded coal-fired electric power in the United States for the first time, providing 23 percent of electricity. With close to 50 gigawatts of coal-fired capacity retired since 2015 and seven states setting 100 percent renewable energy targets, the trend is clear, but the pathway to rapid decarbonization by 2030 and zero-carbon by 2050—the accelerated timetable urged by the IPCC—still needs to be charted. Attendees will leave equipped to better advise clients on issues related to renewable energy.

Panelists
Michael Gerrard, Andrew Sabin Professor of Professional Practice; Senior Research Fellow, Sabin Climate Center at Columbia University School of Law, New York, NY
Alexandra Klass, Distinguished McKnight University Professor, University of Minnesota Law School, Minneapolis, MN
Una Outka, Associate Dean, Faculty; William R. Scott Law Professor, The University of Kansas School of Law, Lawrence, KS
Richard Wallsgrove, Assistant Professor of Law, University of Hawai‘i at Manoa, Honolulu, HI

2:30 p.m. – 3:45 p.m.
Local Law and Decarbonization

Local law is playing an increasingly important role in approaches to decarbonization. Decarbonization, in short, involves developing short-term policy options consistent with systemic changes to the energy economy. It can be achieved through a combination of reforms in energy development, use, policies, engineering practice, and law. This panel will address the role of local law...
in decarbonization, including carbon pricing and innovations in building standards; zoning; lighting; appliance and other electrical efficiency; education; transportation heating, ventilation and cooling; and parks and greenways. Along the way to decarbonization, these tools can advance economic, social, environmental, and national security benefits. Attendees will learn how these tools may best serve clients’ interests.

**Panelists**

John Dernbach, Commonwealth Professor of Environmental Law and Sustainability, Commonwealth Law School, Widener University, Harrisburg, PA

Jeff Gracer, Principal, Sive Paget & Riesel PC, New York, NY

Kit Kennedy, Senior Director, Climate and Clean Energy Program, Natural Resources Defense Council, New York, NY

Danielle Spiegel-Feld, Executive Director, Guarini Center on Environmental, Energy, and Land Use Law, New York University School of Law, New York, NY

**4:00 p.m. – 5:00 p.m.**

Promoting Decarbonization: A Lawyer’s Personal and Professional Responsibility

Ethical challenges may arise when advising clients on decarbonization and other climate-related issues. The panel will explore the ethical responsibilities of a lawyer representing major carbon contributors, including situations in which the client’s objectives may be contrary to the lawyer’s personal beliefs or views. It will also address the fulfillment of a lawyer’s personal ethical responsibilities relating to greenhouse gas emissions, including the lawyer’s duty act to pursue the client’s legitimate interests, within the boundaries of the law. The application of various lawyer ethics rules, including Model Rules 1.6, 1.13, 1.16, 2.1, 3.3, and 4.1 will be discussed.

**Panelists**

Victor Flatt, Dwight Olds Chair in Law, University of Houston Law Center, Houston, TX

James May, Distinguished Professor, Widener University Delaware Law School, Wilmington, DE

Margaret Peloso, Vinson & Elkins LLP, Washington, DC

Irma Russell, Edward A. Smith/ Missouri Chair in Law, the Constitution, and Society; Professor of Law, University of Missouri Kansas City, Kansas City, MO

---

**Climate Disruption and Decarbonization Conference**

Elisabeth Haub School of Law at Pace University | February 19, 2020 | White Plains, NY

**Registration Rates**

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section Member</td>
<td>$300</td>
</tr>
<tr>
<td>ABA Member</td>
<td>$375</td>
</tr>
<tr>
<td>General Attendee</td>
<td>$450</td>
</tr>
<tr>
<td>Gov’t, Public Interest, Academic</td>
<td>$250</td>
</tr>
<tr>
<td>Pace University Professors</td>
<td>$100</td>
</tr>
<tr>
<td>Law Students</td>
<td>FREE</td>
</tr>
</tbody>
</table>
**How to Register**

We encourage you to register online at [ambar.org/seerclimate](http://ambar.org/seerclimate). All attendees must be preregistered for this conference to participate. Any questions regarding registration can be directed to environ@americanbar.org.

**Cancellation Policy**

Registrants who are unable to attend the conference will receive a refund less a $50 administrative fee if written notice of cancellation is received by **February 7, 2020**. No refunds will be granted after this date. Cancellations may be e-mailed to environ@americanbar.org. Registration fees are not transferable to other Section or ABA programs. Attendee substitutions for the program are acceptable. The ABA reserves the right to cancel any program and assumes no responsibility for personal expense.

**Lodging**

The National Environmental Law Moot Court Competition which will take place at The Elisabeth Haub School of Law at Pace University the day after the Climate Disruption and Decarbonization Conference has arranged a special housing rate at the Renaissance Westchester Hotel. The deadline to book your room under this block is Friday, January 31. Book your room [here](#).

A special discount has also been arranged at the Crown Plaza Westchester through The Elisabeth Haub School of Law. For online reservations please visit [here](#) for the Crowne Plaza booking website. Use group code **UN2** for the group rate. You may also make a reservation by calling the Crowne Plaza Reservations at 1-877-270-1393 or 914-682-0050. Be sure to use the group name Pace University Moot Court 2020 for the group rate discount. Please provide all the names of guests sharing the room for online and phone reservations.

**Tuition Assistance**

A limited number of registration fee waivers are available for government employees, public interest lawyers employed with nonprofit organizations, and academics. For programs with tuition costs over $500, qualifying lawyers will receive at least a 50% reduction in the course fee(s). To apply, complete the online application by visiting [here](#). The online application must be received by Friday, **February 7, 2020**.

**Conference Course Materials**

Course materials and related background information if available will be provided to attendees online prior to the conference.

**CLE Credit**

The ABA will seek 6.25 hours of CLE credit in 60-minute states, and 7.5 hours of CLE credit for this program in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at [ambar.org/seerclimate](http://ambar.org/seerclimate) for program CLE details or visit [www.americanbar.org/mcle](http://www.americanbar.org/mcle) for general information on CLE at the ABA.

**Dress**

Section conferences are business casual. The venue may be cool, so please bring a jacket or sweater.

**Dietary Restrictions**

If you have any dietary restrictions, please indicate so during registration or by email environ@americanbar.org by **February 12, 2020**, so that your needs are noted.

**Americans with Disabilities Act**

If any special arrangements are required for a person with a disability to attend this conference, please call Allison Read at (312) 988–5641.

Questions? Contact [environ@americanbar.org](mailto:environ@americanbar.org) with all program related questions.