#### ALICE KASWAN

University of San Francisco School of Law 2130 Fremont Street San Francisco, California 94117 (415) 422-5053; kaswan@usfca.edu

**EDUCATION** Harvard Law School, J.D. cum laude, 1991

Harvard Environmental Law Review: Articles Editor, 1990-91

Executive Editor, 1989-90

University of California, Berkeley, B.S. with highest honors,

December 1984

Major: Conservation and Resource Studies

Honors: Phi Beta Kappa

### ACADEMIC EXPERIENCE

Professor, 2001-present University of San Francisco School of Law, San Francisco, California

Assoc. Prof., 1999-2001 Courses: Property, Environmental Law, Administrative Law, and

International Environmental Law.

2010-present Dean's Circle Scholar

Assistant Professor Fall 1995-Fall 1999

Catholic University School of Law, Washington, D.C.

#### PRIMARY PUBLICATIONS

**Environmental Justice and Environmental Law**, 24 FORDHAM ENVIRONMENTAL LAW REVIEW (2012-2013) (invited symposium article)

**Seven Principles for Equitable Adaptation**, XII SUSTAINABLE DEVELOPMENT LAW & POLICY JOURNAL 41 (2013) (environmental justice symposium issue)

**Domestic Climate Change Adaptation and Equity**, 42 ENVIRONMENTAL LAW REPORTER 11125 (2012) (climate justice symposium issue)

Climate Change, the Clean Air Act, and Industrial Pollution, 30 UCLA JOURNAL OF ENVIRONMENTAL LAW & POLICY 51 (2012) (invited symposium article).

Reconciling Justice and Efficiency: Integrating Environmental Justice into Domestic Cap-and-Trade Programs for Controlling Greenhouse Gases, in Arnold, Denis, ed., ETHICS AND GLOBAL CLIMATE CHANGE (Cambridge University Press, 2011)

**Decentralizing Cap-and-Trade? State Controls Within a Federal Greenhouse Gas Cap-and-Trade Program**, 28 VIRGINIA JOURNAL OF ENVIRONMENTAL LAW 343 (2010)

**Greening the Grid and Climate Justice**, 39 ENVIRONMENTAL LAW 1143 (2009) (invited symposium article)

**Decentralizing Cap-and-Trade? The Question of State Stringency**, 1 SAN DIEGO JOURNAL OF CLIMATE & ENERGY LAW 103 (2009) (invited symposium article).

Climate Change, Consumption, and Cities, 36 FORDHAM URBAN LAW JOURNAL 253 (2009) (invited colloquium article).

A Cooperative Federalism Proposal for Climate Legislation: The Value of State Autonomy in a Federal System, 85 DENVER UNIVERSITY LAW REVIEW 791 (2008) (invited symposium article).

Environmental Justice and Domestic Climate Change Policy, 38 ENVIRONMENTAL LAW REPORTER 10287 (2008). (reprinted in edited form as Justice in a Warming World, in 26 The Environmental Forum 48 (2009)).

The Domestic Response to Global Climate Change: What Role for Federal, State, and Litigation Initiatives? 42 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 39 (2007) (symposium article).

**Distributive Justice and the Environment**, 81 NORTH CAROLINA LAW REVIEW 1031 (2003).

**Environmental Laws: Grist for the Equal Protection Mill,** 70 University of Colorado Law Review 387 (1999).

Environmental Justice: Bridging the Gap Between Environmental Laws and "Justice," 47 AMERICAN UNIVERSITY LAW REVIEW 221 (1997).

## PROFESSIONAL AFFILIATIONS AND HONORS

Member, American Law Institute (2012 – present)
Member Scholar, Center for Progressive Reform (2009 to present)
Chair Elect, Executive Committee, AALS Environmental Law Section (2012-13)
State Bar of California, member, Environmental Law Section

### RECENT PRESENTATIONS

The Clean Air Act, Climate Change, and Industrial Pollution: Traditional v. Market-Based Regulation, University of Minnesota Law School Consortium on Law and Values, "Legal & Policy Pathways for Energy Innovation," Minneapolis, Minn. (April 2013)

**Keynote Presentation: Seven Principles for Equitable Adaptation**, American University Washington College of Law, "Sustainable Development Law and Policy Symposium," Washington, D.C. (March 2013)

Key Recent Environmental Law Developments in the U.S. Supreme Court, the Ninth Circuit Court of Appeals, and the California Supreme Court, 2012 State Bar of California Environmental Law Conference (October 2012)

"Reconceiving the Federal Role in Land Use: The Climate Change Imperative,"

Vermont Colloquium on Environmental Scholarship (Oct. 12, 2012)

- "Domestic Climate Change Adaptation and Equity," AALS Mid-Year Meeting on Torts, Environmental Law, and Disasters (Berkeley, June 10, 2012)
- "Climate Change, the Clean Air Act, and Industrial Pollution: Traditional versus Market-Based Regulation," 2012 Law & Society Annual Meeting (Honolulu, June 5, 2010).
- "Climate Adaptation: Reconsidering the Federal Role in Land Use Planning," Workshop on *New Directions in Environmental and Energy Law, Policy, and Geography,* University of Minnesota, May 5, 2012.
- "Climate Change Adaptation and Land Use: New Avenues for Cooperative Federalism," University of Oregon School of Law's 30th Annual Public Interest Environmental Law Conference, "New Frontier: The Political Crossroads of Our Environmental Future," Eugene, Ore. (March 2012).
- "Climate Adaptation and Land Use: Reconsidering the Federal Role," Annual Meeting of the Law and Society Association, San Francisco, Calif. (June 2011).
- "Toward a Well Adapted Future: A Legal Framework and Action Agenda for Climate Change Adaptation in the Puget Sound," Center for Progressive Reform Online Conference, (May 2011). (Co-presented with Robert Glicksman, Catherine O'Neill, Robert R.M. Verchick, and Yee Huang.)
- "The Clean Air Act, Climate Change, and Pollution," UCLA School of Law symposium on "Perspectives on Climate Change, Pollution, and the Clean Air Act," Los Angeles, Calif. (April 2011).
- "Climate Adaptation and Equity," University of San Francisco "Symposium on Sustainability and Social Justice" (April 2011).
- "Climate Adaptation and Land Use: Reconsidering the Federal Role," Northwestern Law "Searle Research Roundtable on Climate Change, Adaptation, and Environmental Law," Chicago, Ill. (April 2011).
- "Land Use and Climate Adaptation: The Federal Role," Association of Law, Property, and Society Second Annual Meeting at Georgetown Law School, Washington, D.C. (March 2011).
- "Climate Change Adaptation and Equity," Seattle University School of Law "Toward a Well Adapted Future in the Puget Sound: A Symposium on Climate Change Adaptation and the Law," Seattle, Wash. (January 2011).
- "The Supreme Court Take on Environmental Law: Our Annual Supreme Court Review," Bar Association of San Francisco Panel, San Francisco, Calif. (November 2010).

- "Ethics and Fairness," Fordham University Center for Research "Contemporary Finance Conference on Carbon Politics and Finance," New York, N.Y. (October 2010).
- "U.S. Supreme Court Environmental Law Cases, 2009-2010 Term," California State Bar Association Annual Meeting, Monterey, California (September 2010)
- "Sea Level Rise and Equity: A Domestic Perspective," conference on "Ocean Impacts of Climate Change: Science, People, & Policy," Eugene, Oregon (September 2010)
- "State Controls within a Federal Cap-and-Trade Program," Southeastern Association of Law Schools' Annual Meeting, Palm Beach, Florida. (July 2010)
- "CARB's Draft Regulation for a California Cap-and-Trade Program and What it Means for California: An Environmental Justice Perspective," UC Berkeley Center for Law, Energy, and the Environment Speaker Series, (March 2010)
- "Climate Change, Federalism, and Regional Equity," Association of Property, Law, and Society Annual Meeting at Georgetown University Law Center, Washington, D.C. (March 2010)
- "Carbon Trading: Help or Harm? A Domestic Environmental Justice Perspective," UC Berkeley 6th Annual Environmental Justice Symposium, (February 2010)
- Co-Panelist, "The Supreme Court Takes on Environmental Law: Our Annual Supreme Court Review," Bar Association of San Francisco Environmental Law Section, (November 2009)
- "Environmental Justice and Domestic Climate Change Policy," University of Oregon conference "Advocating for an Environmental Equality: Legal and Ethical Duties in a Changing Climate," Eugene, Ore. (September 2009)
- "Greening the Grid and Climate Justice," "Greening the Grid" conference, Lewis & Clark Law School (April 2009)
- "Decentralizing Cap-and-Trade," University of San Diego School of Law Climate and Energy Law Symposium on "Federal Preemption or State Prerogative: California in the Face of National Climate Policy," San Diego, California (February 2009)
- "Cities, Consumption, and Climate Change," Cooper-Walsh Colloquium: The Future of the American City, Fordham Law School, New York, NY (November 2008)
- "Reconciling Justice and Efficiency: Integrating Environmental Justice into Cap-and-Trade Programs for Controlling Greenhouse Gases," Georgetown Law Environmental Research Workshop, Washington, DC (November 2008)
- "Living Up to AB 32: Creating an Effective, Equitable, and Efficient Cap-and-Trade Program" on the panel, "Cap-and-Trade and Environmental Justice: Can Markets Work for Both Consumers and Regulated Industry," Annual California State Bar Association Environmental Law Section Conference, Yosemite, California (October 2008)

"A Cooperative Federalist Proposal for Federal Climate Change Legislation: The Value of State Autonomy in a Federal System," University of San Francisco School of Law Faculty Scholarship Workshop (September 2008)

"The Role of Environmental Justice in California's Cap-and-Trade Program: Achieving Efficiency, Efficacy, and Equity in Compliance with AB 32," California Air Resources Board (May 2008)

"Designing Cap-and-Trade Programs to Meet the Three E's: Efficacy, Equity, and Efficiency." From Protection to Empowerment: Policy Solutions to Ensure Equal Access to the Green Economy Conference, UC Berkeley School of Law (April 2008)

"Reconciling Efficiency and Justice: Integrating Environmental Justice into Cap-and-Trade Programs for Controlling Greenhouse Gases." Energy and Responsibility: A Conference on Ethics and the Environment, sponsored by the University of Tennessee, Knoxville (April 2008)

"Environmental Justice and Climate Change Policy." Symposium on Climate Change: Integrating Environmental Justice into Policy, Regulation, and Litigation, Denver University Sturm College of Law (February 2008)

## PROFESSIONAL EXPERIENCE

Associate Morgan, Lewis & Bockius, New York, New York.

11/94-6/95 Associate in Environmental Practice Group.

Associate Berle, Kass & Case, New York, New York.

10/92-10/94 Associate in boutique@ law firm specializing in environmental, land use, and commercial

matters on behalf of community groups, government, developers and industry.

Judicial Clerk Justice Marie L. Garibaldi, New Jersey Supreme Court.

1991-1992

# **OTHER EXPERIENCE**

Project Manager U.S. Environmental Protection Agency, San Francisco, California. 12/87 - 8/88

Oversaw cleanup of hazardous waste sites to ensure compliance with federal

Superfund regulations and coordinated project management activities with state

counterparts. Recipient of Special Achievement Award.

**BAR ADMISSIONS:** California (1993) (inactive status)

New York (1993) (registered as "retired" from practice of law)