

ALICE KASWAN
University of San Francisco School of Law
2130 Fremont Street
San Francisco, California 94117
(510) 717-0530; 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
Assoc. Prof., 1999-2001
University of San Francisco School of Law, San Francisco, California
Courses: Property, Environmental Law, Administrative Law, and Climate Change Law

Visiting Professor
Spring and Fall 2015
Berkeley Law, Berkeley, California

2010-present
USF Dean's Circle Scholar

Assistant Professor
Fall 1995-Fall 1999
Catholic University School of Law, Washington, D.C.

PRIMARY PUBLICATIONS

Energy, Democracy, and Market Mechanisms, 72 *MIAMI L. REV.* 476 (*forthcoming* 2018)

A Broader Vision for Climate Policy: Lessons from California, 9 *SAN DIEGO JOURNAL OF CLIMATE & ENERGY LAW* __ (*forthcoming* 2018) (selected symposium article)

Untapped Potential: The Carbon Reductions Left Out of EPA's Clean Power Plan (with Kirsten Engel), Center for Progressive Reform (October 2016), *available at* http://progressivereform.org/articles/Untapped_Potential_CPP_1607.pdf

Climate Adaptation and Theories of Justice, in *ARCHIV FUR RECHTS- UND SOZIALPHILOSOPHIE* (2016) (symposium article)

Climate Adaptation and Land Use Governance: The Vertical Axis, 39 *COLUMBIA JOURNAL OF ENVIRONMENTAL LAW* 390 (2014)

Climate Change and Environmental Justice: Lessons from the California Lawsuits, 5 *SAN DIEGO JOURNAL OF CLIMATE & ENERGY LAW* 1 (2014) (selected symposium article)

Controlling Power Plants: The Co-Pollutant Implications of EPA's Clean Air Act §111(d) Options for Greenhouse Gases, 32 VIRGINIA JOURNAL OF ENVIRONMENTAL LAW 173 (2014) (invited symposium article)

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)

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).

SECONDARY PUBLICATIONS

Cooperative Federalism and Adaptation, in THE LAW AND POLICY OF ENVIRONMENTAL FEDERALISM: A COMPARATIVE ANALYSIS (Kalyani Robbins, ed., 2015)

Adaptation Justice, in CLIMATE CHANGE LAW, ENCYCLOPEDIA OF ENVIRONMENTAL LAW (Daniel Farber and Marjan Peeters, eds, 2016)

The Clean Power Plan and Environmental Justice, in *THE CLEAN POWER PLAN: ISSUES TO WATCH* (Center for Progressive Reform, 2015), *available at* http://progressivereform.org/CPP_Intro_1506.cfm.

Climate Change and Land Use: Exploring the Federal Role, 47 *JOHN MARSHALL LAW REVIEW* 509 (2013) (invited symposium article)

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

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

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

PROFESSIONAL AFFILIATIONS AND HONORS

Member, American Law Institute (2012 – present)

Member, Board of Directors, Center for Progressive Reform (2015 to present) (Member Scholar 2009-present)

Chair, AALS Environmental Law Section (2013-14)

RECENT PRESENTATIONS

“A Broader Vision for Climate Policy: Lessons from California,” Just Transitions and the Law Workshop, University of South Carolina School of Law, Columbia, South Carolina (March 2018)

“Disaster Response and Equity,” 2018 Annual AALS Meeting, Panel on the “Disaster Narrative and the State,” San Diego, California (January 2018)

“Integrating Environmental Justice into Climate Policy: Lessons from California,” Symposium on Energy and Climate Policy in the Trump Era (University of San Diego School of Law, Nov. 3, 2017)

“The Virtues of Governance,” Arkansas Law Review Symposium on Environmental Sustainability and Private Governance (University of Arkansas School of Law, Fayetteville, October 2017)

“Energy, Democracy, and Market Mechanisms,” Symposium on Climate Wrongs and Human Rights (University of Miami, Feb. 10, 2017)

“Key Recent Federal Law Developments in the Federal Courts,” California State Bar Environmental Law Conference (Oct. 23, 2016, Yosemite)

“Aborted Regionalism: Disconnects in EPA’s Clean Power Plan,” Vermont Colloquium on Environmental Law (Sept. 24, 2016)

“Environmental Justice Data and the Pursuit of Justice,” Workshop on New Directions in the Analysis of Environmental Justice (Duke University, Aug. 23, 2016)

“Supreme-ly Significant: Environmental Cases in the Supreme Court and the Circuits,” Bar Association of San Francisco (June 16, 2016)

“Cap-and-Trade, Complementary Measures, and Environmental Justice” at the American Association of Geographers Meeting (April 2016)

“What is Environmental Justice,” Symposium on Developments in Environmental Justice, William & Mary School of Law (February 2016)

“Opportunities and Challenges for Carbon Markets under the Clean Power Plan,” Navigating the American Carbon World 2015 Conference, Los Angeles (April 2015)

“Climate Change Adaptation and Justice,” Berkeley Law Environmental Colloquium, Berkeley, Calif. (April 2015)

“Cooperative Federalism and Adaptation,” conference by authors of chapters for a book entitled "The Law and Policy of Environmental Federalism: A Comparative Analysis" at George Washington University Law School, Washington D.C. (April 2015)

“U.S. Supreme Court Panel,” ABA Super Conference on Environmental Law, San Francisco, Calif. (March 2015)

“The Clean Power Plan and Co-Pollutant Benefits,” Stegner Symposium on "Air Quality: Health, Energy, and Economics," University of Utah, Salt Lake City, Utah (March 2015)

“Recent Environmental Developments in the US and California Supreme Courts and the Ninth Circuit,” The State Bar of California Environmental Section, 2014 Environmental Law Conference at Yosemite, Yosemite, Calif. (October 2014)

“Climate Adaptation and Justice,” Swiss Institute of Comparative Law, University of Lausanne, “Philosophy, Law and Environmental Crisis,” Lausanne, Switzerland (September 2014)

“The Supreme Court and the Planet,” Bar Association of San Francisco, San Francisco, Calif. (June 2014)

“Seven Principles for Equitable Climate Adaptation,” Law & Society Association Annual Meeting, “Climate Change Adaptation and Justice,” Minneapolis, Minn. (May 2014)

“Seven Principles for Equitable Climate Adaptation,” Association of Law, Property, and Society Annual Conference, “Risky Land Use, Climate Change, & Disaster Justice,” Vancouver, British Columbia (May 2014)

“Climate Adaptation and Land-Use Governance: The Vertical Axis,” Columbia Law School, “Columbia Journal of Environmental Law Climate Change Symposium,” New York, NY (April 2014)

“Seven Principles for Equitable Climate Adaptation,” The University of Arizona College of Law, Tucson, Ariz. (April 2014)

“Seven Principles for Equitable Climate Adaptation,” UC Berkeley School of Law, “Climate Justice Symposium,” Berkeley, Calif. (March 2014)

“California Cap-and-Trade and the Environmental Justice Lawsuits,” University of San Diego, Climate and Energy Law Symposium (November 2013)

“Climate Change Adaptation: Expanding the Federal Role,” Promise and Limits of Presidential Action on Climate Change,” University of Virginia School of Law symposium, (October 2013)

“Controlling Power Plants: The Co-Pollutant Implications of EPA’s Clean Air Act §111(d) Options,” University of Virginia School of Law symposium, (October 2013) (October 2013).

“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
11/94-6/95 **Morgan, Lewis & Bockius**, New York, New York.
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, Region 9**, 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)