

**ALICE KASWAN**  
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## **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](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](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)