



American Bar Association
Standing Committee on Environmental Law
740 15th Street, NW
Washington, DC 20005-1022

GLOBAL WARMING II: HOW THE LAW CAN BEST ADDRESS CLIMATE CHANGE

36th National Spring Conference on the Environment

June 6, 2008

University of Maryland School of Law, Baltimore, Maryland

Sponsor

American Bar Association
Standing Committee on Environmental Law

Co-Sponsors

ABA Section of Administrative Law and Regulatory Practice
ABA Section of Business Law
ABA Section of Dispute Resolution - Environment and Natural
Resources ADR Committee
ABA Section of Environment, Energy and Resources
ABA Section of Law Practice Management
ABA Section of Public Utility, Communications and
Transportation Law
ABA Section of Real Property, Trust and Estate Law
ABA Section of State and Local Government Law
ABA Young Lawyers Division

In cooperation with

Environmental Law Institute
University of Maryland School of Law, *Conference Host*



**STANDING COMMITTEE ON
ENVIRONMENTAL LAW**

CHAIR

Howard Kenison
Lindquist & Vennum P.L.L.P.
Denver, CO

MEMBERS

Denise E. Antolini
Honolulu, HI

William W. Bennett, Jr.
Washington, DC

Lisa C. Goodheart
Boston, MA

K. Russell LaMotte
Washington, DC

Joseph L. Manalili
Los Angeles, CA

Jeffrey M. Prieto
Washington, DC

Michele A. Powers
Los Angeles, CA

Michael J. Ramirez
Dallas, TX

Sarah Toevs Sullivan
Kansas City, MO

Kenneth J. Warren
Philadelphia, PA

STAFF DIRECTOR

Elissa C. Lichtenstein

**GLOBAL WARMING II:
HOW THE LAW CAN BEST ADDRESS
CLIMATE CHANGE**

Climate change presents an unprecedented challenge to our legal system, demanding new and creative approaches by environmental attorneys toward policy, legislation, regulation, and litigation. The global consensus that human activity has accelerated the emission of greenhouse gases and rapidly may be nearing a tipping point has sparked new governmental, industry, and citizen action at every level. The turbulence in the law, in the United States and internationally, offers opportunities and risks for business, NGOs, consumers, and political leadership. Every environmental practitioner now needs to keep abreast of these widespread changes, as the implications likely will affect everything from building codes to pollution permits. Against this swiftly changing background, this conference addresses how environmental practitioners increasingly are major players in shaping the new legal frameworks that address climate change issues. Keynote speakers and panelists will address: (1) the prospects for federal regulatory change and its effect on state action; (2) the international paradigm "beyond Kyoto"; and (3) how state and local governments are responding to the climate change challenge, including through initiatives to regulate greenhouse gases. The conference provides an exciting, one-stop opportunity to hear from a diversity of key players who are on the cutting edge of climate change law and policy.

*Sarah Toevs Sullivan
Stephen J. Humes
Conference Co-Chairs*

PROGRAM

8:00 a.m.

Registration and Coffee

8:30 a.m.

Welcome: Howard Kenison, Lindquist & Vennum P.L.L.P., Denver, CO

Conference Goals and Introduction

- **Stephen J. Humes**, McCarter & English LLP, Hartford, CT
- **Sarah Toevs Sullivan**, Bryan Cave LLP, Kansas City, MO

8:45 - 9:45 a.m.

Opening Keynote Address

9:45 - 11:15 a.m.

The Brave New Regulatory World

As Congress moves toward enacting federal climate change legislation, extensive debate is taking place as to what a federal regulatory scheme on climate change should look like. Industrial groups and others argue for a federal action to preempt states and the U.S. Environmental Protection Agency recently declined to grant California a waiver to regulate tailpipe emissions of greenhouse gases from new automobiles. Should state action be preempted? What are the economic and legal effects of the proposed legislation? What does Massachusetts v. EPA mean for USEPA regulation of greenhouse gas emissions from stationary sources, such as power plants? What is technologically feasible? Who should bear the costs? This panel will analyze these issues and provide their expert insights into the potential benefits and costs of a federal climate change program.

Moderator: Kyle W. Danish, Van Ness Feldman, Washington, DC

Speakers:

- **David McIntosh**, Counsel/Legislative Assistant to the Hon. Joseph Lieberman, Washington, DC
- **Vicki Arroyo**, Director of Policy Analysis, Pew Center on Global Climate Change, Arlington, VA
- **Jeffrey R. Holmstead**, Bracewell & Giuliani, Washington, DC

11:15 - 11:30 a.m.

Networking Break

11:30 a.m. - 1:00 p.m.

A New Global Law Paradigm Post-Kyoto?

The expiration of the Kyoto Protocol in 2012 is fast approaching, and the world's nations are under increasing pressure to devise a new international agreement that goes "beyond Kyoto" in time and in approach. On the heels of the new IPCC reports strengthening the scientific consensus on human-caused climate change, as well as hold-out Australia's agreement to adopt Kyoto, the December 2007 Conference of the Parties in Bali proved to be a show-down between the increasingly isolated United States seeking voluntary agreements and much of the rest of the world eager for binding targets. Bali created a framework for further negotiations to replace the Kyoto Protocol, but disappointed the European Union (EU) and many others

and left the Bush Administration still insisting that the world's major economies should strike a separate voluntary deal. What is the new global paradigm for addressing climate change at the international level? Will the shifting global leadership and growing popular pressure for action lead to a historic solution in the near future? Does the global uncertainty erode values of emission reduction credit trading in the EU?

Moderator: Professor John Dernbach, Widener University School of Law, Harrisburg, PA

Speakers:

- **Stephen Harper**, Corporate Director, Environment, Energy and Logistics Policy, Intel Corporation, Santa Clara, CA
- **Nigel Purvis**, Resources for the Future, Brookings Institution and Climate Policy Center, Washington, DC

1:00 - 1:30 p.m.

Lunch

1:45 - 2:30 p.m.

Luncheon Keynote Address

2:30 - 4:30 p.m.

State and Local Action: The New Leaders in Climate Change Law?

The regulatory regime for climate change is changing rapidly at the regional, state and local levels, especially on the heels of the U.S. Supreme Court opinion in Massachusetts v. EPA and the current lack of federal climate change legislation. How are state and local governments responding to the challenges? What does the framework of existing law allow? This panel will focus on state and regional initiatives to regulate carbon dioxide emissions as well as on litigation across the country on a variety of climate-change related issues. Issues to be discussed include efforts to legislate reductions in emissions, to require project developers to disclose greenhouse gas emissions and to consider mitigation alternatives, to mandate reduced energy consumption in buildings and appliances, and to reduce the emissions from governmental operations.

Moderator: Michael B. Gerrard, Arnold & Porter LLP, New York, NY

Speakers:

- **Seth Kaplan**, Senior Attorney; Director, Clean Energy & Climate Change Program, Conservation Law Foundation, Boston, MA
- **Margaret E. Rice**, Deputy Commissioner, Permitting and Enforcement, Department of Environment, City of Chicago, IL

5:00 p.m.

Closing Remarks

5:30 p.m.

Conference Reception

Financial support for this program is generously provided by:

American Bar Association Fund for Justice and Education

Arnold & Porter LLP

Brown McCarroll, L.L.P.

Bryan Cave LLP

Kirkpatrick & Lockhart Preston Gates Ellis LLP

Lindquist & Vennum P.L.L.P.

McCarter & English LLP

Stikeman Elliott LLP

University of Maryland School of Law

Van Ness Feldman

Weston Benshoof Rochefort Rubalcava MacCuish LLP

THE CONFERENCE HOST AND SITE

This conference is hosted by the University of Maryland School of Law and takes place in the Ceremonial Moot Court Room at the Nathan Patz Law Center, 500 W. Baltimore Street, Baltimore, Maryland.

Traveling to the Conference Site:

- *By car:* From I-95, take route 395 ("Downtown Baltimore") and exit onto Martin Luther King, Jr. Blvd. Turn right at fourth traffic light onto Baltimore Street. Turn left at second traffic light onto Paca Street. Go ¼ block and turn right into the Baltimore Grand Garage. Lexington Market garages also are available on Paca Street.
- *By plane:* Conference participants may use any of the three regional airports. The closest and most convenient is Thurgood Marshall/Baltimore-Washington International (BWI). If you prefer to fly into the Washington, DC area, use Reagan National Airport (DCA) or Dulles International Airport (IAD). Shuttle and light rail to Baltimore are available from BWI, and rental cars are available at all three airports.
- *By train:* Baltimore's Penn Station is on main Amtrak routes and close to the School of Law. More information may be found at <http://www.amtrak.com/stations/bal.html>. Amtrak and MARC commuter trains also run from Union Station in Washington, DC to Camden Yards and Penn Station in Baltimore. *Note:* MARC runs only Monday-Friday.

Special Needs

Any person with special needs who would like to attend the program should contact Laura Mrozek at the Law School at least 72 hours in advance at 410/706-8157.

Accommodations

A block of rooms will be held until May 21 at the Radisson Plaza Lord Baltimore Hotel, 20 West Baltimore Street, Baltimore, MD 21201. The hotel is located just a few blocks from the Law School. To receive our rate of \$143 + tax, advise the hotel that you are with the "ABA Standing Committee on Environmental Law 2008 National Spring Conference." To reserve a room, call 410/539-8400 or 800/333-3333. To receive the conference rate, reservations must be made by phone using our group designation.

CONFERENCE REGISTRATION FORM

Register using this form or on our web site at
<http://www.abanet.org/publicserv/environmental>

_____ YES, I will attend. Reserve a space for me at the fee circled below. I enclose a check or credit card authorization payable to "American Bar Association" (government employees may enclose an authorized purchase order).

CONFERENCE FEE *

<input type="checkbox"/> ABA Member \$325	<input type="checkbox"/> General Attendance \$400	<input type="checkbox"/> Academic/NGO/Gov't \$150	<input type="checkbox"/> F/T Student \$25
---	---	---	---

GROUP FUNCTION ATTENDANCE

I will attend _____ Lunch _____ Reception
(Please select)

Please reserve space for (print or type):

Name _____

Title _____

Firm/Affiliation _____

Address _____

Telephone _____ Fax _____ Email _____

If using a credit card, check one:

_____ Visa _____ MasterCard _____
Card # _____ Expiration Date _____

**Your conference fee covers admission to all sessions, course materials, breaks, lunch and reception.*

This program will be submitted for Continuing Legal Education (CLE) credits.
CLE forms and course materials will be available on-site.

CANCELLATION POLICY

We will give full refunds of registration fees, less a non-refundable administrative charge of \$50, for cancellations received by May 30, 2008. Cancellations received after that date will not be refunded, but substitute registrants may be designated in writing with advance notification to our office. We are not responsible for sleeping room, meal, travel or other charges or fees arising from cancellations or changes, and will bill registrants for any costs we incur in such instances.

Questions? Contact us at scel@staff.abanet.org or call us at 202/662-1694.

If mailing, return completed form along with payment made payable to "ABA" to:
Carrie Coleman, American Bar Association, 740 15th Street, NW, Washington, DC 20005-1022
or fax form with credit card information to 202/638-3844, Attn: Carrie Coleman.