Emerging Issues: Bred Meat: The Ethics of Eating

David N. Cassuto

David N. Cassuto is a professor of law at Pace University School of Law with a special interest in animal law. This article is an abridged and edited version of his article entitled “Bred Meat: The cultural foundation of the factory farm” that was published in 70 Law & Contemporary Problems 39 (2007), and is also available at http://law.duke.edu/journals/lcp.

Throughout history humans have considered themselves on a higher ethical and moral plane than non-humans. More recently, societal pressure has grown towards recognizing the rights of non-human animals and penalizing activities deemed inhumane and cruel. Yet in spite of this movement, the factory farming industry has remained relatively untouched, unregulated, and free of legal intervention. This article proposes that “the ability of large-scale industrial farms to commodify animals in the face of strong countervailing social forces stems in large part from the legal system’s embracing of a secularized but nonetheless deeply religious vision of human ascendency.”

Federal and state laws offer little protection for the “products” of this industry. The federal Animal Welfare Act, received a medal and presented the 15th Annual Lecture Award by the American Bar Association’s Standing Committee on the Law of the Sea, received a medal and presented the 15th Annual Lecture Award by the American Bar Association’s Standing Committee on the Law of the Sea.

Emerging Issues: Garrison Lecture: The Globalization of Environmental Law

The Garrison Lecture celebrates the vision and public spirit of the attorney whose legal acumen led citizens in their successful advocacy of environmental quality at Storm King Mountain. On April 1, 2009, Robert Percival, Robert F. Stanton Professor of Law and Director of the environmental law program at the University of Maryland School of Law, received a medal and presented the 15th Annual Lloyd K. Garrison Lecture on Environmental Law.

Percival noted that legal systems across the globe are responding to environmental concerns in surprising new ways. As nations upgrade environmental standards, many are transplanting law and regulatory policy from other countries, including some with very different legal systems and cultural traditions. Greater cross-border collaboration between nongovernmental organizations, government officials, and multinational corporations is shaping environmental policy in ways that blur traditional distinctions between public and private law and domestic and international law.

For example, the U.S. Chemical Policy Initiative drew upon domestic laws from the European Union, Canada, Japan, Korea, China, and the Philippines to create policies and standards for chemical regulation. This initiative is contained in European Union legislation called Registration, Evaluation, and Authorization of Chemicals (REACH) that would require testing of chemicals before they are marketed. (See related story page 15). Another example is the Joint Research Project on China’s National Environmental Strategy, which brought together experts from the Environmental and Resources Law Institute of Shanghai Jiao Tong University and the Center for Environmental Legal Studies at Pace Law School.

Private initiatives and public awareness play a role in creating global environmental law. Many private fi-
The Pace Environmental Law Alumni Advisory Council: Growing Up

This spring, the Center for Environmental Legal Studies had the pleasure of talking with Timothy Cox, ’95, current chair of the Pace Environmental Law Alumni Advisory Council (PEAAC). During this interview, Cox updated the Center on PEAAC’s past activities and future plans and also reflected on how his Pace education has influenced his subsequent career.

In some ways, PEAAC is the product of the 2007 thirtieth anniversary celebration of Pace’s environmental law program. At this celebration, Cox as well as several other alumni met to discuss how great it would be to revive an alumni group specific to the environmental law program. The idea caught on, and PEAAC was born shortly thereafter. PEAAC’s official mission is to serve as a conduit between Pace law school and environmental law alumni. The members of PEAAC were very involved in the environmental law program at Pace throughout the 2008-2009 academic year.

As chair, Cox was instrumental in getting PEAAC on its feet. One of the obstacles he foresaw for starting a new group was that it would lose steam with all the demands in the lives of the PEAAC organizational members. To counteract this possibility, Cox and the other members of the board established clear objectives. For the first time, PEAAC chose the honoree for the Nicholas A. Robinson Alumni Award and will make the 2009 award announcement sometime in the near future.

PEAAC was also instrumental in helping NELMCC’s student-run board by contacting alumni to judge the oral rounds of the competition. Cox saw that PEAAC could assist by reaching out to other Pace alumni and encouraging them to participate. As a result, the NELMCC had a successful turnout for judges. As far as holding networking events, PEAAC started out by creating a social event for alumni during the NELMCC. Cox hopes that such an event will become a tradition during NELMCC every year and provide a chance to reconnect with each other and with Pace.

Cox will be stepping down as chair this year due to a range of commitments outside of PEAAC, but he plans to remain involved on the board. He anticipates that PEAAC will continue many of the traditions it started and will add new traditions, such as a hoped for alumni trip to Brazil. To any alumni interested in getting involved, Cox recommends contacting either PEAAC or himself. As Cox said, “PEAAC is always open for more alumni involvement, and such involvement is one of the factors that makes Pace’s environmental law program so successful nationally.” See the PEAAC Web page at http://www.law.pace.edu/peaac.

Pace Environmental Law Review is Raising the Bar With Peer Review

Established in 1982, Pace Environmental Law Review (PELR) was one of the first scholarly environmental law journals. To create new and distinctive opportunities and to foster continued debate and reflection upon some of the most pressing environmental issues, PELR is introducing a peer review process to select articles for publication. Professor Ann Powers, PELR’s faculty advisor, noted, “There is an impressive amount of good scholarship in the environmental area, and the new peer-reviewed PELR will provide a venue and special recognition for top papers.”

Beginning in August 2009, submissions are reviewed internally and then forwarded to a select group of peer reviewers, including academics, practitioners, members of Pace Law School’s world-renowned environmental law full time and adjunct faculty, and other experts in the field. Articles selected for publication will benefit from expedited editorial processing, single-article hard copy publication, and inclusion in a bound volume distributed to PELR’s wide-ranging list of subscribers.

Professor Bridget Crawford, associate dean for research and faculty development, is confident that the peer review process will strengthen PELR’s already outstanding reputation among environmental scholars. “By moving to peer review, the Pace Environmental Law Review has positioned itself to become the preeminent journal for legal scholarship in the area,” she said. “There is no doubt that this is a salutary move for Pace Law School and for contemporary legal scholarship.”

“Pace is uniquely positioned to host an environmental law peer review journal because it is widely recognized for having the most amazing collection of environmental law faculty members in the country, if not the world,” noted Taryn Rucinski, ’10, PELR’s 2009-2010 editor-in-chief.

“PELR’s board and members are all excited to be part of this new and innovative shift to peer review as the outpouring of interest and support from the environmental law community has been overwhelming.”

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John Jay: Revolutionary Role Model for 21st Century Lawyers

The traits that John Jay exemplified as a leader during the Revolutionary War are those that today’s lawyer should be guided by and aspire to achieve, explained Stephen J. Kass, partner and founder of the Environmental Practice Group at Carter, Ledyard and Milburn, speaking at Pace Law School’s annual John Jay Lecture. Jay was known for his sense of decency, his insistence on learning and studying the facts, his clear thinking and writing about opposing views and his aptitude for crafting workable solutions.

Jay was a lawyer who played a pivotal role in the development of our nation. As a local, state, and international statesman, Jay wrote several articles of the Federalist Papers, served as governor of New York, an ambassador to Spain and France, secretary of foreign affairs, and is perhaps best known as the first Chief Justice of the United States Supreme Court. “Jay did more than any lawyer of his era to make the laws and legal institutions of a young nation work to carry out the radical social and political changes promised by the Declaration of Independence,” added Kass.

Pace Honors Mohamed A. Sahnoun with the Elizabeth Haub Award

On May 14, 2009, Pace Law School and the International Council for Environmental Law (ICEL) honored Algerian Ambassador Mohamed A. Sahnoun with the prestigious Elizabeth Haub Award for Environmental Diplomacy. Elizabeth Haub, a philanthropist and enthusiast for conservation, with the prestigious Elizabeth Haub Award for Environmental Diplomacy. Elizabeth Haub, a gerian Ambassador Mohamed A. Sahnoun studied the facts, his clear thinking and writing workable solutions.

In his acceptance speech, Ambassador Sahnoun reaffirmed his commitment to the environment with an eloquent call to address human conflict and climate change. Through his thought-provoking presentation, he illustrated how these two global crises are inextricably intertwined. For example, current conflicts in Somalia are perpetuated by an environmental crisis whereby Somalia soil gradually lost 70% of its use due to drought and desertification. Similarly, he noted that environmental disasters frequently increase numbers of environmental refugees, which in turn strains relations and causes conflicts. To Ambassador Sahnoun, such crises should be addressed by creating a new green economy and by increasing knowledge of fragile areas. Moreover, they must be addressed through a universal, ethical pledge. As he stated, “soft law is not enough; a new institutional mechanism must be established.” In this speech, he designated climate change as the next topic essential to address in international environmental diplomacy, both for the sake of the environment and to prevent human conflict. Pace looks forward to seeing where his work with climate change and prevention of human conflict leads in the future.
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fare Act specifically exempts farm animals from its protections. Likewise, the Humane Slaughter Act, and its “humane methods” mandates, does not include “poultry” in its definition of livestock. For this reason most poultry is not “rendered insensible to pain” before being slaughtered. Without federal mandates, the USDA cannot promulgate regulations promoting the health and well-being of these animals.

Similarly, animal cruelty statutes of many states exempt farming practices, and the requisite intent element is difficult to prove given the numbers of animals. A producer “can easily claim that [he] did not know the condition of any given animal.” Additionally, the low penalties for violating criminal anti-cruelty statutes, and their inability to spawn regulations, contribute to their overall ineffectiveness.

Furthiing the divide, humans possess inherent value, which “confers membership into the moral community,” and the bundle of legal rights that come with that membership. In contrast, non-humans have an “exchange value” that defines their “transactional worth.” As their value increases, the desire to detach from these commodities increases and makes it difficult to form any relationship with the animals. As objects rather than beings with inherent value, they are only legally protected to the extent that it benefits the rights-holders.

The Supreme Court case Church of Lukumi Babalu Aye, Inc. v. City of Hialeah offers insight into how the human-animal divide has proved so resilient in spite of societal pressure. In Lukumi, attempts to open a Santeria church in Hialeah, Florida were blocked by municipal ordinances that targeted the practice of animal sacrifice. The church filed suit alleging violations of the Free Exercise Clause. The district court found a compelling governmental interest in prohibiting animal sacrifice and the Eleventh Circuit affirmed.

The Supreme Court reversed the decision holding that the ordinances did not pass strict scrutiny because they were underinclusive in that they only targeted religious sacrifice, and the goals of protecting public health and preventing animal cruelty could be accomplished short of complete prohibition. This protection is itself a religious act that requires the Court to draw several conclusions. The first being “that humans and animals are incomparable beings with only humans enjoying moral agency.” Secondly, animals may not enjoy inherent legal protection. Balancing the interests of the Santerians against the interests of the animals is not possible because “weighing a person’s interests against the tools used to accomplish those interests is incoherent.” Having made those two steps the Court could view the ritual sacrifice as a legitimate form of religious expression.

The Court misapplied strict scrutiny. The ordinances were in fact narrowly tailored because ritual sacrifice was a type of killing that the city deemed unnecessary, rather than killing animals for food or sport. The Court observes that the ordinances cumulatively result in prohibiting only the Santerians ritual killings, rather than any other kind of animal killing, suggesting that “[i]t seems troubled not because the statutes are insufficiently narrow but rather because they are too narrow.”

More importantly, the Court did not find a compelling interest in suppressing religious expression in order to protect animals. To do so would seriously undermine a “legal system that is built around the notion that humans are ends and animals are means to those ends, enjoining conduct that expresses that distinction would seriously undermine the human animal dichotomy upon which the system is built.”

The legal system should view the idea of “personhood” as a cluster of concepts rather than a singular concept in order to broaden legal rights for non-human animals. A “posthuman world” recognizes that different beings require different protections to be part of the moral community. For example for livestock, which are “sentient and have the capacity to suffer,” a system where they “live comfortably protected from disease and predators” could be acceptable. However, one criticism of this framework could be that it rewards only human traits in other beings, thus creating a type of “speciesism.”

Animal rights critics often cite that activists have failed to offer a viable alternative to the current human-centered system that would incorporate non-human beings. However, this lack of legal vocabulary should not allow complacency with the routine brutalization of animals. Fragmenting the concept of the legal “person” could be the first step in furthering legal protection for animals.

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Financial institutions now take environmental concerns into account when deciding what projects will receive funding. Consumers from across the globe are able to share information and pressure chemical companies into better practices by refusing to buy certain products. A recent example is the phase-out of bisphenol A (BPA). After negative health consequences of BPA were discovered, manufacturers began “voluntarily” taking it off the market.

Percival noted the result of all this collaboration has been the emergence of “global environmental law” that can be expected to have profound implications for the teaching and practice of environmental law.

Robert Percival received his BA from Macalester College, and MA and JD from Stanford University. He served as a law clerk in the U.S. Court of Appeals for the Ninth Circuit and for U.S. Supreme Court Justice Byron R. White. Prior to joining the Maryland Law faculty, Percival served as a senior attorney for the Environmental Defense Fund. He is the principal author of “Environmental Regulation: Law, Science & Policy.” In 2008 Percival taught as a Fulbright distinguished lecturer at the China University of Political Science and Law. Robert Percival is a former member of the Environmental Law Institute’s board of directors and the former co-chair of the D.C. Bar’s Section on Environment, Energy and Natural Resources. He served as a special master for the U.S. District Court of Maryland and as contributing editor for environmental and natural resources law for the Federal Circuit Bar Journal.

To read Professor Percival’s full remarks, see www.law.pace.edu/pelr
21st Annual National Environmental Law Moot Court Competition: Pirates, Shipwrecks, and More

Pace Law School held the National Environmental Law Moot Court Competition (NELMCC) from Thursday, February 19 to Saturday, February 21, 2009. Recognized as the preeminent environmental law moot in the U.S., the competition draws issues from real cases, thus providing first-hand experience in environmental litigation. Over 400 students, advisors, and judges traveled to the law school for the three-day oral argument competition. Lewis and Clark Law School, the 2008 competition winners, emerged as the winning team from 68 competing law schools.

2009 NELMCC board

The competition is unique in that three adverse teams argue the issues, reflecting the fact that environmental litigation typically involves multiple parties including government representatives, public interest groups, and members of the regulated industry. This year’s complex problem, described as “pirates of the Caribbean meets environmental law” by one team’s coach, involved a shipwreck off the coast of the U.S., an exploration company seeking title to the wreck, the Kingdom of Spain also seeking title to the wreck, the U.S. claim for the salvage. This year’s problem challenged students to deal with distinctive issues they were unlikely to have been familiar with.

Both the law school and the NELMCC board were grateful to the members of the Lawyers’ Committee for Cultural Heritage Protection (LCCHP) for their diligent problem-writing efforts and for offering their unique expertise in this area of law. Contributors included Caroline Blanco, assistant general counsel for the National Science Foundation; Sherry Hutt, J.D., Ph.D., program manager for the National Native American Graves Protection and Repatriation Act (NAGPRA) Program, National Park Service; Gary Nurkin, assistant regional counsel for the U.S. Environmental Protection Agency, Region 2; David Tarler, national NAGPRA program officer for the National Park Service; and Ole Varmer, attorney-advisor for the Office of General Counsel for International Law, National Oceanic and Atmospheric Administration.

Not only does the moot judge oral advocacy skills, but it also tests competitor’s appellate brief writing skills. The final round was judged by Chief Judge William K Sessions III of the U.S. District Court for the District of Vermont; the Honorable Charles J. Sheehan of the Environmental Appeals Board, US Environmental Protection Agency (EPA); and Gary Nurkin of the U.S. EPA, Region 2. The University of Houston Law Center received the David Sive Award for best brief overall. The judges awarded the honor of best oralist to Charlotte Youngblood, hailing from the Paul M. Hebert Law Center at Louisiana State University.

Erin Flannery, ‘09, who served on the 2008 NELMCC board, chaired the 2009 competition. “NELMCC is inspiring and energizing because it gathers hundreds of environmental lawyers in one place for three days of vigorous advocacy as well as excellent networking,” said Flannery. “I was humbled to be surrounded by future environmental colleagues from around the country.” She was assisted by a student board of fourteen Pace Law students, whose jobs ranged from interpreting competition rules to fundraising and hospitality. A group of assistants and a number of additional students volunteered to serve as bailiffs in the courtrooms set up throughout the campus.

Reflecting on the important role each board member plays, Flannery noted, “The 2009 NELMCC board demonstrated amazing teamwork and dedication. The competition takes a year to prepare and requires the board to work through February break to make it a great success.” Thanks to the efforts of the fundraising board, the moot was supported by the generous financial contributions of various individuals and organizations. This year, major supporters included Conestoga-Rovers & Associates (CRA), the National Association of Clean Water Agencies (NACWA), the American Bar Association Section of Environment, Energy, and Resources (ABA SEER), and the Environmental Law Institute (ELI). The competition would also not run as smoothly as it does without the support of Pace environmental law alumni, who provide invaluable assistance with fundraising, scoring briefs, and judging the competition.

As in previous years, Leslie Crincoli served as the professional administrator of the moot. “NELMCC is an annual success because of the tireless support the board gets from Leslie Crincoli and faculty like Dean Alexandra Dunn, Professor Ann Powers, and Dean Jeffrey Miller. We received numerous compliments from visiting professors, lawyers and judges that reflect national respect for Pace’s environmental law programs,” said Flannery.

Alexandra Dunn, assistant dean of environmental law programs, noted, “The best part of the competition for me is experiencing the energy of the students – both the Pace Law students organizing and keeping the experience high quality for all participating, and that of the competitors. I judged four rounds this year and loved every minute of it.”

The complexity of the problem and rigorous level of competition is sure to increase next year. The moot will be held from February 18 to February 20, 2010. Registration forms are available on the Pace Law website at www.law.pace.edu/nelmcc.

Lewis & Clark team members Erica Maharg, Elizabeth Zultoski & Tarra Heinzlen (from left to right)
Students Develop Methodology to Study Vaccine Injuries

More than 30 professors from across the country and Pace faculty gathered for the 11th Annual Professors’ Workshop and luncheon on February 20, 2009 during Pace Law School’s National Environmental Law Moot Court Competition (NELMCC). Following the flurry of activity from the recent completion of preliminary round III, this workshop not only served as a brief respite for the professors, many of whom coach the teams, but also as an opportunity to discuss pressing environmental issues. In attendance from Pace Law School were Dean Emeritus Richard Ottinger, Deans Jeffrey Miller and Alexandra Dunn, and Professors David Cassuto, Karl Coplan, Daniel Estrin, Ann Powers and Marla Wieder.

The workshop, entitled “The New Administration and Environment, Energy & Resources…What to Hope For, What to Count On,” was moderated by Professor Powers and featured three distinguished panelists: Ken Kirk, executive director of the National Association of Clean Water Agencies (NACWA) and president of the Clean Water America Alliance; Scott Schang, vice president and editor-in-chief of the Environmental Law Reporter at the Environmental Law Institute (ELI); and Carol Werner, executive director of the Environmental and Energy Study Institute in Washington, D.C.

Professor Powers welcomed the group and reflected on the original intentions of the workshop. “Originally, [it] was meant to bring professors together and receive briefings as if they were in Washington,” she said. “This year, we went back to our roots.” Dean Dunn then introduced the panelists and initiated the discussion.

When asked about the big issue on the Hill, and Clean Water Act. Werner addressed what the administration must do in terms of energy and climate change on an international scale. “Climate change is interconnected to many other issues, and they understand that,” she said. “Efforts by Obama and Clinton to build and repair international relations are going to be key, and getting energy legislation through would send the right signals.” Although Kirk was pleased with the fact that between ten and eleven billion dollars of stimulus money was designated for clean water issues, he would have liked to have seen more funding, especially in the way of grants. Many other topics were discussed, including President Obama’s selections for senior environmental positions, and toward the end of the workshop, the floor was opened to attendees to voice their concerns and ask questions.

Despite the variety of topics discussed, Schang gave a thoughtful summary of what the realistic takeaway message should be. “The new administration is highly engaged on environmental issues, particularly climate change,” he said. “Still, the hard political realities of climate change legislation and the economic situation may slow down actual implementation of the administration’s goals.”

Students signing on to the 1322 Project this past January probably did not expect that within a few months they would become conversant in the symptoms of infantile encephalopathy and the difference between hypomyelination and demyelination. However, that is exactly what Pace Law School students Jonne Ronquillo, Allison Kazi, Jillian Petrera, ’10, and Kyle Caffrey, ’11, have done.

A joint endeavor between Pace’s Center for Environmental Legal Studies, Public Interest Law Center (PILC), and attorneys familiar with vaccine litigation, the 1322 Project is an effort by these parties to study the legal machinery of the National Vaccine Injury Compensation Program (VICP).

In 1988, the National Childhood Vaccine Injury Act created the VICP, under which petitioners alleging vaccine injury can bring claims of eligibility for compensation against the Department of Health and Human Services (HHS). These claims are brought before a unique judiciary, the statutorily created Office of Special Masters within the United States Court of Federal Claims in Washington, D.C. This federal vaccine court has received over five thousand claims from families with children who exhibit the symptoms of autism spectrum disorder, and who seek compensation for alleged vaccine injuries. Approximately 1,322 such petitioners have already been compensated, giving the Project its name.

It is the task of the Project to gain as much information as possible about each petitioner’s alleged vaccine injury, as well as the final decisions issued by the special masters in each case. Students are now gathering data and developing an efficient and reliable methodology for organizing each piece of information so that later, a multitude of questions may be answered about these cases.

Recently the Project sent a Freedom of Information Act request to the Health Resources and Services Administration within HHS, which will hopefully result in the release of written decisions or other legal documents that are not available through traditional legal research databases.

After the students complete this phase of the research and have a working database of vaccine court case law, they will begin interpreting the data. Students expect to find trends or patterns in the VICP’s implementation, as well as discern those legal arguments for and against awarding compensation that the special masters have found more persuasive. The 1322 Project will publish a report on its findings so that the public may benefit from the students’ close inspection of this important process in the American judicial system.

Ronquillo and Petrera continued their work with the Project this summer, with Caffrey at the helm as project manager. Midth Bells, ’10, also joined the team for the summer months.
Student Draws Eco-Inspiration from Italian Renaissance Literature

Christopher Riti, ’10, has a background in Italian renaissance literature from Yale University, which renders him a certified humanist of the classical tradition. Many renaissance writers discussed the concept of utopia. Humanism, for Riti, represents this idea – man (and woman!) can come as close to perfection as they want to come, and that choice is what makes humans so special. He found that each advancement of civilization has been, and is being, built upon our previous achievements – discovering, building, learning, and creating. Riti went on to study American History in a Masters of Arts program at Fordham University, and found many similarities between this country’s development and the Italian renaissance. What struck him was how the founding fathers felt that building a democracy, a working government of the people, was the logical next step in our progression as a civilization.

Riti became more interested in environmental issues, especially climate change. He realized that this is our next great republican moment, in the sense that the enormous and unbelievably complex problem of climate change is our species’ newest challenge. He believes that surmounting this obstacle as a collective unit would mark the next stage of our evolution, and signal a massive progressive shift. In illustrating this point, Riti discussed Italian renaissance philosopher Pico della Mirandola, who said that humans are even more powerful and special than angels, precisely because they could be as base or as virtuous as they wanted to be, whereas angels did not have a choice. Riti stated, “My goal, above all else, is to make sure that that choice is the right one.”

Riti came to Pace Law School entirely due to its environmental law program. He found the diverse opportunities available to students and Pace’s dedication to environmental issues for more than thirty years especially appealing. Combined with its proximity to one of the financial capitals of the world, he felt that there was no better place for him to effectuate change.

Riti regularly seeks to remedy inefficiencies, starting with the Pace Law campus, and developed a plan to build a new center in which all aspects of the Pace environmental law program would be housed under one roof. Riti believes that this will make the program more efficient, for it will be easier administratively to identify deficiencies in its resource portfolio and therefore easier to remedy these deficiencies. He also believes that a new building will be the landmark symbol of Pace’s continued commitment to achieving change locally, nationally, and globally.

Riti is also an intern at the Pace Energy and Climate Center (PECC), which does a great deal of work with energy efficiency. One of the projects Riti works on at PECC is the State Technologies Advancement Collaborative (STAC). The STAC work focuses on efficiencies across a number of levels. One of the project’s final goals is to produce a guidebook for developers of small-scale Combined Heat and Power (CHP), detailing the ways in which they might make the financial outlook of their projects a bit more attractive to investors based on CHP incentive programs in Connecticut, Massachusetts, New Jersey, and New York. Another part of the project involves making policy recommendations for getting more out of the programs – through more regional trading, clearer regulations, accessible forms and instructions, and more favorable regulations. Air trading programs have always been of particular interest to Riti because of their logistical appeal. Although he finds reducing environmental “commodities” to monetary values slightly sickening, he also thinks that this will attract a wider range of people to reduce emissions.

“Our own creativity and innovation are really the only things that will save us from the self-inflicted mess of climate change, and this should be the case for both overarching policy and the minutiae of technical details found in these state and regional programs.” notes Riti.

For more information on the Pace Energy and Climate Center, visit www.law.pace.edu/energy

Christopher Riti, ’10, in Machu Picchu
In a Tough Job Market, Environmental Law Externship Gives Students Competitive Edge

During their years at Pace, environmental law students have the opportunity to take advantage of the various experiential courses offered. Although the choice may be overwhelming at times, one of the longest-running and most successful programs is the environmental law externship in New York, which provides the opportunity for students to put their classroom knowledge to the test by working on actual cases in various government and public interest agencies while at the same time gaining invaluable networking experience.

The environmental law externship is offered in both the fall and spring semesters. Students work at their respective placements 12 hours per week for 12 weeks. In addition, they meet once every week with a faculty supervisor to discuss issues that arise in the course of their work and various issues associated with the practice of environmental law. In the past, students worked as externs at the New York State Department of Environmental Conservation, Regions 2 and 3, U.S. Environmental Protection Agency (EPA) Region 2, Environmental Defense Fund, the New York Public Interest Research Group (NYPIRG), the New York State Office of the Attorney General, the Regional Greenhouse Gas Initiative (RGGI), and the Environmental and Energy Committee of the Westchester County Board of Legislators.

Kristen A. Powell, ’10, vice-president of Pace’s Environmental Law Society, who served as a legal intern at the Environmental Protection Bureau (EPB) of the Office of the New York State Attorney General’s Social Justice Division, realized that participation in this externship not only afforded the opportunity to further career goals, but also contributes something positive to society. “Placement in the EPB was ideal,” she said, “as EPB attorneys are able to make an invaluable difference in the lives of New Yorkers by safeguarding public health, protecting the environment, and preserving wildlife and natural resources.” Powell also noted the importance of networking. “Participation in an externship program is one of the most effective ways to connect with attorneys working in the field,” she said.

Another unique aspect of the program is that students may, on their own initiative, establish and coordinate their own placements. “If a student has a strong desire to work in an area in which we do not have placements, they may be able to find a placement more easily on their own,” said Gail Hintz, adjunct professor for the externship since spring 2001 and senior attorney at the New York Energy and Climate Center (PECC), found his own placement with the Regional Greenhouse Gas Initiative (RGGI). While at RGGI, Markey worked on cutting-edge issues such as analyzing RGGI’s offset provisions and considering how RGGI’s Model Rule provisions compare to those of the Chicago Climate Exchange and the Kyoto Protocol. “I was looking to gain practical experience and knowledge that I wouldn’t be able to obtain from a traditional classroom setting,” he said.

Given the current economic situation and tight job market for many people, students gain a competitive edge by participating in an externship. “In addition to getting a wide variety of hands-on experience that other candidates may not have,” said Anne Marie Hirschberger, ’09, who interned at the U.S. Environmental Protection Agency, Region 2, New York/Caribbean Superfund Branch, “I’ve been able to prove myself to senior attorneys through my work-product.” Indeed, externs have received offers from the agencies where they were placed. Professor Hintz recalls that over the years six interns later secured employment at NYSDEC, five at EPA, and one at the U.S. Department of Justice, in addition to other placements with environmental organizations.

Kristen Powell noted that one sign of a truly successful program is to witness students who feel personally rewarded by the work they do. Here, the Pace Law externship students all agree that the program is a success in that it exposes them to career opportunities, allows them to effectuate real change, and provides that much-needed sense of job satisfaction. “I would strongly recommend the externship program to any student considering a career in environmental law,” said Powell, because “participating in the externship program was the most fulfilling activity I have been involved in at Pace so far.” “I could not have pictured a better way to end my time here at Pace” added Hirschberger, who has since enrolled in Pace’s LLM in Environmental Law, Climate Change Track.
Comparative Water Law: The Brazilian Pantanal

The environmental law program at Pace is one of the best in the nation, in part due to unparalleled opportunities for in-depth studies through the comparative international environmental law program in Brazil. Co-taught by Pace Professors Cassuto and Sampaio, the course’s expansive academic experience and limited class capacity makes it highly sought after. “What makes the course stand out is the interaction with Professor Romulo Sampaio (Sam) from Getulio Vargas Foundation in Rio De Janeiro. We videoconferenced with Sam for half of our classes, and it was a great experience to be able to learn from him while we were in Brazil and the U.S.,” said Seth Victor, ’09, who concentrated in environmental law and international law.

In an ever-globalizing world, comparative international legal studies are crucial in furthering Pace’s goal to create sophisticated, knowledgeable lawyers. “As the country’s environmental issues become increasingly international, so too do the solutions,” declares Professor Cassuto. “In my view,” he explains, “it is increasingly impossible to be a domestic environmental lawyer. One must have an international perspective. The Brazil program offers one way to gain that perspective. It’s not the only way, but I maintain that no other way is as much fun.” While the trip to Brazil is as fun as it is rewarding, comparative international law also requires considerable academic commitment. Throughout the course, students study the environmental legal regimes of the U.S. and Brazil, focusing on one urgent environmental issue each semester. The spring 2009 class focused on water use, availability, and management in both countries. Since wetlands are crucially linked to the world’s supply of freshwater, it was fitting that the class travel to the remote Pantanal, the world’s largest and most biodiverse wetland.

After months of comparative studies, the class flew to Brazil for the spring break of a lifetime, visiting Campo Grande, the Pantanal, and Rio de Janeiro. Accompanied by Professor Cassuto and Assistant Dean Alexandra Dunn from Pace, Professor Sampaio from Rio, and Professor Alan Marks from Pace partner UNIDERP, the University for the Development and Progress of the Pantanal Region, the JD and LLM students enjoyed a full immersion experience, and pursued opportunities to work on their seminar papers. During their time in Campo Grande, students visited with indigenous people, toured the city, and attended a local agricultural expo. After a seven-hour bus ride on mostly dirt roads, the group arrived at Pousada Ararauna, a research facility in the Pantanal which collaborates with UNIDERP. There, paired with local guides, students explored the wetland by boat, horse, and, for those who opted to, passenger plane.

“The plane ride over the Pantanal was invigorating and informative – it really helped us see how interconnected the waterways were, how the whole wetland functions as one system, and is a microcosm of the world’s ecological systems. The more we understand about the environments that we are trying to protect, the better our legal and political systems will be able to respond to pressing social issues” said Amanda Ambrose, a ’09 graduate who plans to specialize in animal law and human rights.

In addition to exploring the Pantanal wetland and experiencing its diverse species and pristine as well as threatened areas, the class visited the Ministério Público (MP) of Rio de Janeiro, which is Brazil’s version of the EPA and DOJ combined. “Our visit to the MP in Rio gave us an unparalleled perspective of the Brazilian legal system, and the public prosecutors at the MP’s office were kind enough to give us detailed presentations about their enforcement work,” reported Erin M. Derrington, ’10, who is pursuing a joint degree at the Yale School of Forestry and Environmental Studies. “Opportunities such as visiting the MP, meeting prominent Brazilian scholars and attorneys, and touring Rio’s botan-

2009 Class in Rio de Janeiro

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ical gardens and ecological reserves abound, thanks in part to Pace Law School’s longstanding involvement in environmental and international legal issues in Brazil.

Brazil is an ideal choice for international environmental law comparisons, offering students a chance to compare and contrast civil and common law systems with the support of Pace’s academic connections and the new Brazil American Institute for Law and Environment (BAILE) (see related story page 17). The class offers students excellent opportunities to meet international law practitioners and to undertake in depth comparisons of topics of their choice. Students are left with a deeper understanding of the principles underlying international environmental protection. Professor Cassuto attests that “this type of experience and familiarity with international environmental issues will serve students well.”

Notably, Professor Cassuto will be studying and teaching in Brazil as a Fulbright scholar in spring 2010. His work there will only serve to further enhance Pace Law School’s Brazilian contacts.

Brazil’s Pantanal

Comparative Water Law: The Brazilian Pantanal

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Hailing from schools all over the country, many law students spend time working in the public interest field for parts of their careers, if not exclusively. Preparing its students for careers in this field, Pace’s renowned environmental litigation clinic provides an opportunity for environmental law students to gain first hand knowledge in the public interest field. Recently, Pace has expanded its public interest environmental law programs with the 2008 establishment of a Public Interest Law Center (PILC) under the direction of Jennifer Friedman. The PILC is committed to assisting environmental law students, and Director Friedman meets individually with those interested in the public sector to assist them with the full range of their career development needs from fellowship applications to resume review. The PILC manages the Summer Federal Work Study Program, which this year provided funding for eight students who worked at unpaid environmental internships at organizations including the Environmental Protection Agency, Riverkeeper, the New York State Department of Environmental Conservation, the U.S. Fish and Wildlife Service, and the Southern Environmental Law Center. The PILC has also cosponsored several speakers and events with the Center for Environmental Legal Studies and the Land Use Law Center, including a panel discussion focused on the mortgage foreclosure crisis in Westchester, and a presentation by Seth Pinsky, president of the New York City Economic Development Corporation. For more on Mr. Pinsky’s visit see related story page 12.

In addition to benefiting from opportunities at the school, Pace students also participate in important public interest events throughout the country. Last spring, five members of Pace’s Environmental Law Society traveled to the University of Oregon School of Law in Eugene, Oregon to attend the 27th Annual Public Interest Environmental Law Conference (PIELC), one of the most distinguished gatherings for public-interest environmentalists in the world. The students attended panels on issues ranging from the rami-

Public Interest Environmental Law at Pace

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Earth Week

On April 22, 1970, the United States celebrated the first Earth Day. Since then, the celebration has been an integral part of the environmental movement. At Pace, the Environmental Law Society (ELS), together with the faculty, staff, and students uses Earth Day and the week leading up to it to spread information, excitement, and interest in the greener side of the law. To celebrate Earth Day 2009, the ELS hosted several events to raise awareness of environmental problems, foster an appreciation for the earth and the natural environment, and accelerate progress for environmental change.

On April 20, 2009, ELS and the Center for Environmental Legal Studies presented “It’s Easy Eating Green: The Hows and Whys of Eco-friendly Eating,” a workshop by Jasmin Singer of Farm Sanctuary and Marisa Miller Wolfson of Kind Green Planet. Jasmin and Marisa have been raising eyebrows all around New York City with their unconventional workshops about compassionate, green living. This presentation provided helpful information on alternatives to the Standard American Diet (SAD), which has major negative environmental consequences.

The following day, ELS and the International Law Society organized a panel on electronic waste (e-waste). E-waste is an emerging problem both domestically and internationally, involving issues of environment, human rights, and trade. The panel began with a 60 Minutes clip on e-waste mismanagement and a brief explanation by Dean Jeffrey Miller about e-waste regulation under the Resource Conservation and Recovery Act.

Panelists included EPA Region 2 attorney and Adjunct Professor Marla Wieder, ’93, who has been working with the New York State Department of Environmental Conservation and the Environmental Protection Agency to negotiate the cleanup of major hazardous waste sites in New York and the Caribbean. Wieder spoke on the complicated problems associated with e-waste: toxic and hazardous chemicals, the recycling-hindering design of electronic equipment, pollution caused by the recycling process, overstuffed landfills, and poor worker safety among e-waste handlers.

Also part of the panel was Kate Sinding, senior attorney at the Natural Resources Defense Council. Ms. Sinding specializes in New York urban and regional issues, including a variety of solid waste, air quality and land use issues. She addressed the need for federal legislation to control the exportation of American made pollution to other countries and also discussed regulations in NYC, which handles 25,000 tons of e-waste per year.

Matthieu Machevian, LLM candidate, who has worked as an intern on the implementation of e-waste regulation in France, joined the panel and discussed directives in place in France that address e-waste. The panel closed with Catherine K. Lin, a specialist in cross-border, multi-jurisdiction transactions. Ms. Lin spoke on the e-waste management scheme in China, one of the leading contributors to e-waste, behind the United States.

Earth Week concluded with its annual Earth Day celebration. The event kicked off with the annual dramatic presentation by faculty and students of Dr. Seuss’s “The Lorax,” which chronicles the plight of the environment and its representative, the Lorax. The Earth Day event featured environmental information on composting, recycling, and where to find local farmers markets, as well as provided vegan food to those in attendance. The Westchester County Veggie Van, which has been retrofitted to run on vegetable oil, was displayed to educate people about renewable energies and promote bio-fuel.

The combination of all these informative and entertaining events made for another great Earth Week celebration at Pace. 🌿
Profiles

Environmental Justice and Human Rights and the Environment Courses Now Offered at Pace

Pace Law School’s environmental law program is well known for its unique and ever diversifying curricula. “The environmental law program at Pace offers a wealth of opportunities. We have unparalleled programs, faculty with superb experience in the field, and timely concentrations that reflect the world’s most pressing environmental issues. Cultivating a world environmental ethic is a priority for Pace Law School, our environmental faculty, and staff,” Alexandra Dapolito Dunn, Assistant Dean of environmental law programs, explained.

There is no such thing as an isolated social or environmental program. In fact, human rights and environmental issues can be considered inextricably linked. Pace Law School’s courses on human rights and the environment and environmental justice highlight the intersection of environmental, human rights, and social justice advocacy. For over three decades, the environmental justice (EJ) movement has raised awareness of and attempted to address the disturbing trend of environmental risks disproportionately impacting low income and minority groups. It is somewhat surprising, then, that few law schools besides Pace offer courses that focus on themselves. Pinsky emphasized. City subsidies, financial service incentives and infrastructure investments are some of the many tools EDC employs to achieve its goal of maintaining New York City’s status as a place where people want to live and companies want to do business.

Policy and Practice

Seth Pinsky, NYC Economic Development Corporation, Addresses Pace

Work in New York’s public development sector is not for those who lack tenacity or vision. It takes creativity and persistence to bring altruistic aims such as increasing affordable housing and mixed use development to fruition. Despite procedural challenges in the public sector, “personal job satisfaction is quantum levels higher,” asserts Seth Pinsky, president of the NYC Economic Development Corporation (EDC), contrasting his work in the public sector with his former corporate and investment-banking experience. Mr. Pinsky’s five years with the EDC have been years of incredible growth and city investment in urban planning and green development. Highlighting achievements such as rezoning 6,000 New York City blocks and the Hunters Point South affordable housing development and Willets Point reclamation, Mr. Pinsky emphasized EDC’s pivotal role in balancing business and development with environmental concerns and historical preservation. The goal, he explained, is “making New York City a place that continues to be an enthralling place to live, work and visit.”

In May 4, 2009 consortium held at the law school and co-hosted by Pace’s Center for Environmental Legal Studies, Public Interest Law Center, and Real Estate Law LLM, Mr. Pinsky discussed the impacts of our current recession on New York City’s development. “New York has been here before and has emerged triumphant,” he reflected. Icons such as the Empire State Building, the Rockefeller Center and the Robert F. Kennedy Bridge (formerly the Triborough Bridge) are testimonials that careful development investments in times of financial instability can reap lasting rewards. Mr. Pinsky and the EDC staff were appointed by Mayor Bloomberg, but EDC is a 501(c)(3) organization that works with the city to develop and implement a development strategy for the five boroughs. This strategy includes revitalizing the waterfront, creating jobs, and bolstering the city’s revenue base, while addressing environmental justice concerns of displacement and marginalization of low-income residents that often accompany such endeavors. EDC and the city have attempted to minimize negative societal impacts of development, including affordable housing in city-run development projects and have proactively addressed environmental concerns, passing a mandate for LEED certification of city-backed urban development projects. The Willets Point remediation site will yield 50 percent affordable housing units, a new school and open space, and will be New York’s first “LEED neighborhood.”

Additional EDC projects include the Yankee and Mets Stadiums, the World Trade Center redevelopment, the extension of the number 7 subway line, and the Coney Island mixed-use area. For more about NYCEDC projects, incentives and zoning, visit http://www.nycedc.com/LivingInNYC/InteractiveMap/Pages/InteractiveMap.aspx.

Land use and environmental legal considerations are intertwined with EDC’s focus on creating opportunities and investing in public works. LEED requirements reduce energy requirements of new developments, and pay for themselves. Pinsky emphasized. City subsidies, financial service incentives and infrastructure investments are some of the many tools EDC employs to achieve its goal of maintaining New York City’s status as a place where people want to live and companies want to do business.
Pace’s Environmental Litigation Clinic continues to protect the Hudson River, its tributaries and the New York City watershed by serving as legal counsel for Hudson Riverkeeper, Inc. (RvK). Under the supervision of the clinic’s attorneys, students work on all aspects of RvK’s citizen suits and investigations of environmental violations. The clinic’s recent involvement in a potential citizen suit against a New York racetrack demonstrates that the hard work begins long before suit is ever filed.

During the 2008-09 school year the clinic and RvK staff investigated reports of turbid (muddy, cloudy water) discharges in Accord, NY into the North Peter’s Kill, a creek in Ulster County that empties into the Hudson River. The concerned citizens reporting the problem attributed the turbid discharges to a nearby racetrack, Accord Speedway. Accord Speedway is a short track racetrack that features regular auto racing and demolition derby events. RvK did an initial site investigation in October 2008 and began compiling evidence, including photographs, video recording and water samples from the North Peter’s Kill. Tests of the water confirmed the turbidity and that it contained settleable solids and suspended solids, all of which are pollutants under the Clean Water Act (CWA).

The CWA bars the discharge of a pollutant from a point source into waters of the United States without a National Pollutant Discharge Elimination System (NPDES) discharge permit, or permit issued under an analogous State Pollution Discharge Elimination System (SPDES) program. 33 U.S.C. § 1251, et seq. A point source is defined generally as any “discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel…”

33 U.S.C. § 1362(14). The site visit observations and other evidence gathered by the clinic/RvK substantiate that turbid water is being discharged from at least two such point sources on Accord Speedway. One source is a hose located in the in-field that pumps turbid water runoff away from the center of the racetrack and into a field on the southern portion of the speedway property. The water pools in this location and then flows through a drainage ditch into a wetland area on an adjacent property of an Accord resident. The wetland drains into a pond and from there into the North Peter’s Kill.

The other identified discharge originates from the pit road and is conveyed directly into the North Peter’s Kill. The speedway has installed hay bales and silt fencing along the pit road to serve as erosion control, but these have failed to prevent the discharges from reaching the creek. It is also believed that the discharges contain oil, grease, gas and other pollutants found on and around the racetrack. Accord has not obtained an NPDES or SPDES permit for these, or any other discharges.

In addition to these CWA violations, RvK also contends that these activities violate the federal Resource Conservation and Recovery Act (RCRA). 42 U.S.C. § 6901, et seq. RCRA prohibits the open dumping of solid waste and the operation of open dumps. RCRA regulations require that facilities or practices in floodplains not restrict flow, reduce the temporary water storage capacity of the floodplain, or result in a washout of solid waste that would pose a hazard, to human life, wildlife, land or water resources. 40 C.F.R. § 275.3-1(a). The speedway is located in a floodplain and its activities both reduce the water storage capacity and cause a washout of solid and hazardous waste.

Both the CWA and RCRA have citizen suit provisions that allow RvK to bring suit on behalf of its members for violations of these environmental laws. However, both statutes require that petitioners send a Notice of Intent to Sue (NOIS) to the alleged violators no less than 60 days prior to filing suit, or the action is premature. The NOIS must also be provided to the U.S. Environmental Protection Agency in order to permit their intervention prior to the 60-day deadline. In the end, the 60-day notice period is meant to offer time for the violators to come into compliance or demonstrate that measures are being taken to do so and thus avoid litigation. Before sending its NOIS letter to Accord, the clinic made a final site visit to the North Peter’s Kill in April 2009. At this time, Riverkeeper staffer and clinic student Carly Lynch, ’09, observed the turbid discharges were still ongoing and collected additional evidence. Armed with ample evidence to move forward, the clinic sent an NOIS on May 19, 2009 to the owners/operators of Accord Speedway on behalf of RvK’s members living near and/or recreating on the North Peter’s Kill.

In the NOIS, RvK indicates it would be willing to discuss effective remedies for the violations during the 60-day notice period. On its website, Accord has posted its public response to the recent NOIS and states, “[m]anagement has been working with the DEC and engineers since April 2008 and ALL potential points of entry into the stream that may cause pollution have been corrected to their satisfaction.” RvK does not intend to waive the “checkered flag,” and allow Accord to continue its illegal activities. Absent substantial steps to remedy the unpermitted discharges, a citizen suit remains imminent.
ew York is experiencing increased support for renewable energy and energy efficiency programs and the Pace Energy and Climate Center (PECC) is very involved in developing these programs.

The American Recovery and Reinvestment Act granted hundreds of millions of dollars for energy projects in New York State. PECC is currently advising the New York State Public Service Commission (PSC) on how to invest stimulus money in the development and deployment of smart grid technologies. Additionally, PECC has partnered with New York State, the Land Use Law Center, and the Edwin G. Michaeian Institute for Public Policy and Management in educating local governments on the stimulus money available to them and how to best utilize this money. In support of this effort, PECC participated in the Federal Stimulus Package Conference at Pace Law School in early June during which Executive Director James Van Nostrand moderated the panel entitled “Finding the ‘Green’ to Go Green.”

PECC also participates in the New York State Energy Research and Development Authority’s (NYSERDA) Advisory Group on how to spend the money the state receives from the Regional Greenhouse Gas Initiative (RGGI) auctions. In January, Indeck Corinth, L.P., a power generator, sued the state, arguing that RGGI is an illegal program. PECC wrote an amicus brief with other environmental organizations, including the Natural Resources Defense Council, to advocate the state’s position in defense of RGGI.

PECC has made strides as the lead environmental advocate in the PSC’s proceeding on implementing the Energy Efficiency Portfolio Standard (EEPS), a goal of reducing projected electricity consumption in the state by 15 percent by 2015. Specifically, the PSC issued a ruling stating that PSC staff will release a “straw man” proposal for a pilot on-bill financing program. In an on-bill financing program, a utility provides zero percent financing of energy efficiency improvements to customers through their monthly electric bills. Once the PSC releases its proposal, PECC will enter into formal negotiations with concerned parties to submit a joint-proposal for the pilot program to the PSC. PECC also participates in an advisory group under the EEPS order that reviews utility filings to implement energy efficiency programs.

In further work on energy efficiency, PECC is a member of the New York City Energy Policy Task Force, developing recommendations to implement PlanNYC 2030’s goal of reducing greenhouse gas emissions by 30 percent by 2030. PECC also participates in the development of the State Energy Plan, which is expected to be released by the end of this year with an anticipated goal of reducing the State’s greenhouse gas emissions 80 percent below projected levels by 2050.

Additionally, PECC is intervening in Con Edison’s request for a rate increase. Specifically, PECC is asserting that this rate increase would not need to be as high as Con Edison proposes if it were to consider distributed generation (DG) to generate electricity. In this case, PECC will also recommend removal of barriers to combined heat and power (CHP) as a means of saving energy and reducing rate increases. PECC is also developing research that identifies the benefits of DG that are of quantifiable value to utilities. This research is intended to refute “cross-subsidization” arguments from net metering opponents; namely that small generators are unfairly subsidized by other rate-payers under the net metering regulations. In conjunction with Columbia University, PECC is undertaking a study on microgrids. Microgrids involve the distribution of power from a DG unit to adjacent customers, allowing the DG unit to be scaled more efficiently.

In furtherance of its substantial work on CHP, PECC is working with the brownfield redevelopment community to explore the advantages of siting clean CHP on redeveloped sites; exploring the advantages of siting CHP at wastewater treatment plants, which are large energy users; creating a New York State Hospital CHP Guidebook as well as a guidebook describing incentives for small-scale CHP development through emission reduction credits in New York, New Jersey, Connecticut, and Massachusetts; and exploring CHP in critical infrastructure planning since installing onsite generation improves site reliability.

PECC has many research projects involving renewable energy. In 2008, it received a $750,000 grant to be a project leader in the creation of a roadmap for developing biofuels in New York. During the past few months, the research team has held a number of workshops around the State to obtain feedback from local communities. PECC staff educated state communities on wind energy as part of a project with the New York State Association of Regional Councils. This project involved producing wind education e-mail bulletins and a white paper and fact sheet on community wind.

Solar power has become the focus of several projects at PECC. In May, staff members and a law student intern attended the annual American Solar Energy Society Solar 2009 conference where they presented the paper “Capturing the Value of Distributed Generation for More Effective Policymaking.” Also at the conference, staff member and Pace Law alumna Dana Hall moderated and organized a forum on case studies in community solar, showcasing a variety of arrangements that allow a greater number of people to realize the benefits of solar energy. On September 10, 2009, PECC hosted “Illuminating Solar Finance: Shedding Light on the Essential Elements of Financing Solar Projects,” a one-day conference targeted towards legal service and financial sector professionals at the New York City campus.

Finally, there were important additions to PECC this summer. First was the addition of seven new interns comprised of students from Pace Law School and the Bard Center for Environmental Policy to support staff while gaining invaluable experience through work on energy policy. Second was the addition of the zero-emissions electric Mini-E as the “staff car.” Executive Director James Van Nostrand was one of 450 customers chosen by MINI to participate in a one-year field study, providing MINI with feedback on his experience with the vehicle. Interns and staff have also had the opportunity to drive this vehicle, which has the new PECC logo displayed on its doors.

Jamie Van Nostrand with Mini-E
Land Use Law Center Continues to ‘Gain Ground’

This article is an abridged and edited version of Pace’s Land Use Law Center’s Spring 2009 issue of its e-newsletter, Gaining Ground, available at http://www.pace.edu/lawschool/files/landusenewsletter/2009_Spring/LandUseNewsletter.pdf.

The Land Use Law Center (LULC) continued to build on its efforts to promote projects and strategies for successful and sustainable redevelopment with its Mayors Redevelopment Roundtable (MRR) program. The program, which is part of LULC’s Land Use Leadership Alliance (LULA), initially targeted communities in New York’s lower Hudson Valley region. This past spring the LULA training expanded beyond the lower Hudson Valley MRR’s, and convened leaders from communities in both Pennsylvania and Connecticut, as well as other New York regions.

The LULA workshop series consists of four-day comprehensive sessions aimed at identifying redevelopment issues and problems; providing resources, strategies, and assistance that foster quality urban redevelopment projects; and presenting land development, and building initiatives that urban communities can use to promote energy efficiency and low impact development.

In spring/summer 2009, community leaders from nine cities in the lower Hudson region convened for workshops focused on navigating the land use system, dispute resolution, and comprehensive planning techniques to achieve sustainable growth.

In Pennsylvania’s Upper Delaware River corridor, leaders from four counties were trained on how to pursue land development and conservation strategies in communities where these interests are often in conflict.

In Connecticut, leaders of towns in the Quinnipiac River region gathered to work on fostering collaborative decision making techniques aimed at protecting the Quinnipiac watershed.

There were also LULA training sessions focused on the creation of affordable housing in New York’s Westchester County, and other sessions aimed at agriculture preservation in Connecticut.

This past spring the lower Hudson MRR workshops spawned the creation of the Corporation Counsel’s Roundtable (CCR). The CCR’s objective is to provide a forum for attorney’s representing these communities to address legal issues presented by the region’s land use development goals. LULC acts as facilitator at CCR’s and serves an advisory role on land use and environmental law, as well as in matters of dispute resolution and consensus building.

Pace law students continue to serve an integral role at LULC, particularly with its Research and Innovation (R & I) initiatives. Through seminar courses, case studies, projects and publications, students learn skills that will make them practice ready attorneys. This past year many R & I projects focused on transit oriented development (TOD). Specifically, one project resulted in the creation of “TOD tool kits” that summarized exemplary TOD ordinances throughout the country identified through research and interviews with municipal planners and leaders. To find out more about this and other R & I efforts, see the Gaining Ground database available on LULC’s website; see http://www.law.pace.edu/landuse.

Pace and Beveridge & Diamond Collaborate on REACH

On March 10, 2009, the Pace Center for Environmental Legal Studies and Beveridge & Diamond, P.C. (B&D) hosted a Continuing Legal Education (CLE) seminar on the corporate impacts and legislative responses to new European Union (EU) chemicals legislation know as REACH (Registration, Evaluation, Authorization and Restriction of Chemicals). REACH was adopted by the EU in June 2007 and became operational one year later. What is most surprising to those first learning about REACH is how far reaching in scope the EU legislation is for non-EU companies and businesses.

REACH establishes specific registration and reporting obligations for all EU manufacturers, importers, and downstream users of chemical substances, preparations of chemical substances (e.g., cleaning products), and substances in articles which are expected to be released under normal conditions. The impact of this legislation is that any U.S. company exporting chemicals, chemical substances, or products containing chemicals into the EU likely has some REACH reporting obligation. These obligations vary depending on the type and quantity of substances being exported. Sophisticated legal expertise is required to distill over 800 pages of complex titles, chapters, articles, annexes, and appendices. For instance, Desiree Giler Mann, ’01, counsel for IBM, discussed the REACH reporting implications for not only all of the technological products exported, but even the reporting requirements for plastic anti-static wrap that is used during shipment. REACH compliance can be a significant financial burden on U.S. companies, some larger companies quoting upwards of $6.8 million per year for REACH compliance.

The main objective of REACH is to protect human health and the environment from the potentially harmful effects of chemicals. REACH applies the precautionary principle as its framework, which, for the most part, is antithetic to current U.S. chemical management regulations under the Toxic Substances Control Act (TSCA). REACH reverses the burden of proof by requiring industry to provide evidence of the safe use of their products before they are manufactured and marketed, rather than requiring government authorities to show lack of safety, which is how TSCA currently works. Mark Duvall, principal at B&D, discussed some of the aspects of REACH and how it may be applied to TSCA reform efforts. Specifically, Mr. Duvall discussed congressional responses to REACH, with new legislation called the Kid-Safe Chemicals Act (KSCA), being the most recent reform to the U.S’s chemical management policies and frameworks. KSCA creates a safety standard of “reasonable certainty that no harm will be caused by aggregate exposure,” prohibits the entry of new chemicals into commerce unless manufacturers demonstrate compliance with the safety standard, and prohibits existing chemicals in commerce if the Environmental Protection Agency finds that the manufacturer failed to demonstrate compliance with the safety standard. KSCA is expected to be reintroduced this year.
Nicholas A. Robinson Named First University Professor

This spring, Professor Nicholas A. Robinson became the first university-wide professor in the history of Pace. Pace’s Provost, Geoffrey Brackett, made the announcement of Professor Robinson’s promotion to University Professor. “Nicholas Robinson is one of the world’s most distinguished public intellectuals. His brilliant contributions to establishing global environmental law are well known. This appointment, which recognizes and strengthens his worldwide role as a catalyst for environmental thinking, will help his effectiveness in training environmental lawyers and make him a valuable colleague for faculty members across many disciplines,” said Brackett.

Environmental law did not exist when Robinson was a law student. In the nearly four decades since, he has envisioned and crafted legal concepts that many nations now accept but struggle to enforce, in part because of a shortage of environmental lawyers. Robinson was instrumental in founding the environmental law program at Pace in 1977. He has since become one of the world’s leading figures in environmental law because he built both the law and the supply of lawyers. In his new position, Robinson now has the opportunity to influence over 13,000 undergraduate and graduate students. “Environmental law has emerged from being a new subfield of law into a maturing framework of stewardship that restores and tries to maintain ecosystem services, safe drinking water, and healthy air,” Robinson noted. “As University Professor, my research and lecturing will focus, with some urgency, on the changes that climate change requires of us all.”

A graduate of Brown University and of Columbia Law School, in 1969 (immediately after the first Earth Year), Robinson served on the first legal advisory committee to the President’s Council on Environmental Quality, advising on implementation of the National Environmental Policy Act. Early in his career he also drafted New York State’s Tidel Wetlands Act and Freshwater Wetlands Act. In the administration of New York Governor Mario Cuomo, he served as general counsel of the state Department of Environmental Conservation, where he authored the state’s Wild Bird Law.

During the Cold War with the U.S.S.R., Robinson was appointed by five U.S. presidents as a delegate to environmental law negotiations, learning Russian and working out agreements on such matters as exchanging information on legislation for environmental protection, managing natural resources, and assessing environmental impacts. He played a key role in creating the UN Charter for Nature.

Robinson has long been a leader of the International Union for the Conservation of Nature, an organization headquartered in Switzerland with members including 75 countries, 106 governmental agencies, and over 850 non-governmental organizations. In 2003 he founded the IUCN Academy of Environmental Law, a consortium that now includes more than 100 universities around the world with environmental law programs. It is the first learned society ever established in environmental law.

Robinson’s current scholarship includes completing new casebooks on The Law of Climate Change and Cultural Heritage Law, expanding his multi-volume treatise on Comparative Environmental Law and Regulation to include chapters on most of the world’s nations, and finishing his study on Environmental Policy and Law in Russia.

One of Robinson’s new responsibilities will be to deliver communiqués on the environment and how higher education can address it. He presented the first, titled “Of Bees and the Biosphere: Climate Change and Us” as part of the University’s extensive Earth Month activities on Earth Day, April 22, at Pace’s Pleasantville campus. The discussion focused on the global crisis in the loss of biodiversity, symbolized by widespread declines in honey bees across the U.S., and the global crisis in climate change, symbolized by sea level rises in New York State and around the world. He stressed, “[T]he challenges posed by climate change are undermining our accomplishments in sustainable development and will demand new reforms. As our society retools our energy regimes and restructures our coast lines to adapt to sea levels much higher than we have today, it will rethink how environmental law functions.”

Ethics and Professionalism in Environmental Law

On February 20, 2009, Pace’s Center for Continuing Legal Education in conjunction with the National Environmental Law Moot Court Competition (NELMCC) presented a panel entitled “Ethics and Professionalism in Environmental Law: Up In Smoke?” Held during the NELMCC, this panel provided attendants with vital information on what “professionalism” entails from various roles in the legal field. The panel included perspectives from in-house counsel, outside counsel, the bench, as well as engineers. Highlighted throughout the panel was the fine line between zealous advocacy and professionalism.

Professor David Cassuto, who teaches professional responsibility at Pace, served as moderator of the panel and facilitated the question and answer part of the presentation. Pace alumna, Wendy Venoit, ’96, a partner with Pepe and Hazard, LLP who works exclusively in arbitration and litigation introduced the panelists. Each panelist spoke individually before joining together for an interactive panel discussion on professionalism and courtesy within the environmental law field. Ms. Venoit was also tasked with presenting the relevant rules applying to lawyers that were applicable to the panel.

Other panelists included Steve Quigley, an engineering consultant and president of Con-
Pace is continuing its collaboration with Brazil through the launch of the Brazil-American Institute for Law and Environment (BAILE), headed by Pace’s Professor David Cassuto. In addition to its current and previous partnerships with Brazilian institutions, Pace offers a comparative environmental law course, taught partly in Brazil, which focuses on American and Brazilian environmental issues. BAILE will build upon Pace’s unique affiliation with Brazil.

BAILE is a research, teaching, and policy center that aims to further Brazilian and American efforts in environmental protection by creating a forum where Brazil and the United States can pursue their shared environmental goals. Among other activities, BAILE plans to conduct faculty, student, and graduate exchanges; an international moot court; the creation of educational courses; and the development of joint Pace/Brazil graduate degree programs in the future.

BAILE also has additional plans for the future. During the spring 2009 school term, twenty Pace students traveled to Brazil with Pace’s comparative international environmental law class. While there, they studied the Pantanal region’s unique wetland ecosystem with Professor Alan Marks from the University for the Development and Progress of the Pantanal Region (UNIDERP) (see page 9). BAILE plans to continue such educational exchanges with UNIDERP, and also plans to collaborate with UNIDERP on the first ever International Conference for the Sustainable Conservation of the Pantanal Region in 2011. BAILE also plans to launch a summer program hosted at Pace in 2010 that will provide participants with a comprehensive introduction to environmental law in both Brazil and the United States.

Pace has collaborated with such groups in the past on other issues affecting the Hudson River. In 2008, the Beacon Institute and Pace Law partnered to form a Science, Technology, and Policy Center with the aim of increasing dialogue between research, law, and policy experts. Through this center, Pace students have the opportunity to work with technology and science leaders to form policy recommendations backed by the latest information and research.

During a retreat this spring, the organizations discussed potential collaborations based on each organization’s current projects. The outcomes of this discussion are uncertain, but the retreat clearly increased dialogue regarding the ways in which science and policy relate to each other and how to improve that relationship.

Pace Meets with Science and Technology Leaders to Explore Future Collaborations

In spring 2009, Pace Law, the Beacon Institute for Rivers and Estuaries (Beacon Institute), the Cary Institute of Ecosystem Studies (Cary Institute), and Hudsonia met in a day-long retreat to discuss potential future collaborations in science, technology, and policy along the Hudson River.

The Beacon Institute is a one-of-a-kind research and education center dedicated to the study of rivers and estuaries. Recently, it has become extensively involved in technological initiatives designed to monitor the Hudson River through sensors placed throughout the river. Beacon Institute hopes that through these initiatives it will be possible to monitor the river minute-by-minute and forecast potential changes.

The Cary Institute and Hudsonia both conduct research regarding ecosystem health along the Hudson River. The Cary Institute, established in 1983, is dedicated to the application and dissemination of ecosystem research and currently operates several research stations along the Hudson River. Through these stations, the Cary Institute can measure both meteorological elements such as wind speed, precipitation, and temperature, as well as water quality elements such as turbidity. Hudsonia focuses on research along the Hudson as well, but Hudsonia uses its research to create extensive habitat maps for areas of ecological importance. Similarly, Hudsonia is involved in research and educational initiatives regarding rare and endangered animals.

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Photo: Patricia Dunne, Beacon Institute for Rivers and Estuaries

Brazil-American Institute for Law and Environment Launched

Research and Discovery

Hudson River

Photo: Patricia Dunne, Beacon Institute for Rivers and Estuaries
Facult y Accomplishments

Professor David Cassuto and several other U.S. animal law professors have filed an amicus curiae brief in U.S. v. Stevens, which was recently granted certiorari by the U.S. Supreme Court. The brief does not support either party, but offers expertise to the Court as it decides as a matter of first impression whether preventing animal cruelty is a compelling state issue. The brief cites to Professor Cassuto’s scholarship in this area. Cassuto also appeared before Westchester County law makers in support of a proposed bill to ban exotic animals on county property. He testified at the request of a community organization working for several years on this issue, which relates to the cruel treatment of animals in circuses. Cassuto was invited to present his paper, “Owning What You Eat: A Risk Analysis of Industrial Farming,” at the International Conference on The Animal Within the Sphere of Human Needs, held at the University of Quebec at Montreal. He lectured on a similar topic, “Industrial Agriculture and the Risk Society — A Study in Bad Decision-making,” at the annual conference of the Global Ecological Integrity Group in Florence, Italy. Cassuto is also an invited speaker for a national teleconference organized by the Animal Legal Defense Fund on issues, concerns and opportunities relating to teaching animal law courses. Additionally, he has completed a book chapter on the Endangered Species Act and state and federal water law, which will be included in a forthcoming ABA book tentatively titled Water Resources.


Professor John Nolon was interviewed for an article entitled “The Future of Westchester’s Environment,” featured in the April issue of Westchester Magazine. He was also appointed to New Rochelle’s Sustainability Advisory Board by Mayor Noam Bramson to help guide the city’s progress as one of three cities in the nation selected competitively as a sustainable urban community. Nolon received the 2009 National Leadership Award for a Planning Advocate from the American Planning Association in Minneapolis. He is the 2009-2011 recipient of the Hopkins Chair, an endowed chair established to honor Judge James A. Hopkins, who served as interim dean of the Law School in 1982-83. The chair is awarded every two years to a faculty member who has made extraordinary contributions to the law school primarily in the areas of scholarship and teaching. Nolon also co-presented “Training Stakeholders, Creating Forums, and Paving the Way for the Mediation of Climate Change Conflicts” in Denver, Colorado as part of the Association For Conflict Resolution’s 2009 Environment and Public Policy Section conference entitled “Managing Climate Change Through Collaborative Governance: The Use and Practice of Environmental Conflict Resolution in Addressing Policy Challenges Globally and Locally.” Additionally, Nolon discussed emerging issues and opportunities in green development at a CLE program co-sponsored by the Land Use Law Center, the PECC, and the Michaelian Municipal Law Resource Center.

Dean Emeritus Richard Ottinger received the 2009 Environmental Protection Agency (EPA) Environmental Quality Award, the highest recognition presented to the public by the U.S. EPA, for his many notable contributions to the environment through a lifelong dedication to the resolution of environmental issues. The honor is given to those individuals or organizations that have made significant contributions to improving the environment and public health in EPA Region 2, which covers New Jersey, New York, Puerto Rico, the U.S. Virgin Islands and seven federally-recognized Indian Nations. For more information on Professor Ottinger’s many career achievements, visit http://www.pace.edu/page.cfm?doc_id=34272.

Professor Ann Powers was among the international academics invited to speak at the International Conference on the Protection of the Coastal and Marine Environment hosted by Lusia University in Lisbon, Portugal. Her topic was “Land, Water and Climate: The Threats to Small Island and Most Vulnerable States.”

Professor Nicholas Robinson was also featured in a local NBC news interview and a Gannett webcast for his knowledge of the problems that bees are facing with the collapse of hives across the USA and parts of Europe, jeopardizing agricultural pollination. Robinson spoke at the National Environmental Policy Act (NEPA) at 40 Conference at George Washington University. He was also sent by Brazil’s state department to present a series of six lectures, including lectures in Sao Paulo at the Planetve Verde annual conference on International Environmental Law, focused on UN Disaster Relief and Preparedness for Climate Change; at a graduate student conference on new or original research themes in environmental law for students to pursue in writing; in Porto Allegre on the Environmental Policies of the Obama Administration; at the Federal University of Rio Grande do Sul; at the Pontifical University on Climate Change Laws; in Brasilia to a private University on Climate Change Law, where he also met with the head of IBAMA (Brazilian Institute for Environment and Renewable Resources); and at Manaus at the 1st International Conference of the High Courts of the 1st Judicial Circuit in Brazil, which covers all of the Amazon region.

Professor Darren Rosenblum obtained a grant from the United States Agency for International Development (USAID) and Higher Education for Development (HED) to set up a program for a CAGTA-DR Environmental Law Capacity Building Initiative at Georgia State. His expertise areas will include international trade and environment.

Adjunct Professor Jessica Bacher, ’03, presented “Training Stakeholders, Creating Forums, and Paving the Way for the Mediation of Climate Change Conflicts” in Denver, Colorado, along with Professor John Nolon and Tiffany Zezula, as part of the Association For Conflict Resolution’s 2009 Environment and Public Policy Section conference entitled “Managing Climate Change Through Collaborative Governance: The Use and Practice of Environmental Conflict Resolution in Addressing Policy Challenges Globally and Locally.”

Assistant Dean and Adjunct Professor Alexandra Dunn’s article, “Using Green Infrastructure to Alleviate Poverty and Promote Healthy Communities: Legal and Policy Solutions for the Urban Environment” was accepted for publication in Volume 37 of the Boston College Environmental Affairs Law Review (EALR), expected in December 2009. Dunn was also featured in the April 2009 issue of the Catholic University of America’s alumni magazine as one of the law school’s graduates making an environmental difference.

Adjunct Professor Robert Goldstein, ’92, has been chosen to continue his participation in the Community Advisory Group (CAG) to the Hudson River EPA GE superfund site as a representative “academic member.” In this capacity, Mr. Goldstein will represent the Pace Center for Environmental Legal Studies.


Adjunct Professor Steven P. Solow, who teaches Pace’s D.C. externship class each summer, contributed to a chapter on Environmental Criminal Enforcement in a new ABA book, Environmental Litigation: Law and Strategy. Solow recently moved to chair the environmental and white collar litigation practice at the D.C. firm of Katten Muchin.

Professor Jamie Van Nostrand, executive director of the Pace Energy and Climate Center, presented on “Recent Developments in Combined Heat and Power (CHP) Technology” at a Con Edison Strategic Issues Seminar at Con Edison’s Learning Center in Astoria, Queens. Van Nostrand also attended a thematic debate on energy efficiency and renewables at the United Nations. The Pace Energy and Climate Center worked with the International Union for the Conservation of Nature to prepare a statement for the thematic debate, which was presented by Narinder Kakar. Additionally, Van Nostrand participated in a conference of the Climate Legacy Initiative at Blue Mountain Center at Blue Mountain Lake, NY. He was also quoted in the New York Times article “For Broadwater Gas Plant, Opposition on Many Fronts” for his opinion on the liquid-natural gas
Tiffany B. Zezula, ’03, senior managing attorney of the Kheel Center on the Resolution of Environmental Interest Disputes spoke on the resolution of environmental disputes at the 11th Annual Spring American Bar Association Section of the Dispute Resolution’s conference in New York.

Hana Heineken, ’10, president of the International Law Society, has been appointed secretary of the New York City Bar’s Committee on International Environmental Law.

Meredith Van Horn, ’10, was awarded the Theodore Gordon Flyfishers (TGF), Inc. Founder’s Fund Scholarship. This merit scholarship is offered annually in the name of the TGF founders, to a single recipient who has demonstrated excellence and outstanding dedication in a field of study that falls within an environmental field of a school or department.

Abby Osgood, ’12, Alice Hung, ’11, Adam Ciffone, ’11, Philip Baumgarten, LLM candidate, and Alexandra Hankovszky, ’08, are working on a collaborative project with the New York League of Conservation Voters (NYLCV) on the implementation of Westchester County’s Climate Action Plan. The project received mention in the NYLCV newsletter, Ecopolitics.

Jeeyeop Kim, ’08, who came to Pace with the goal of pursuing a faculty position in Korea because of his interest in land use law is now a professor of Urban Design & Planning at Ajou University in Korea.

Mathieu Machevin, LLM, has been selected to serve in a year-long position at the Union of the Comoros Mission to the United Nations.


Mark R. Rielly, ’01, an associate at the Law Offices of Matthew F. Pawa, P.C., was involved in defending the clean car regulations passed by California and several states under the Clean Air Act from challenged by the auto industry.

Kirstin Etela, ’04, Megan Baroni, ’06, and John Poakeart, ’02, are practicing environmental law as associates in the Stamford office of Robinson & Cole. Ms. Etela focuses on state and federal regulatory compliance, transactional counseling, and environmental litigation; Ms. Baroni on federal and state administrative compliance, transnational environmental issues and environmental litigation; and Mr. Poakeart on regulatory compliance and transactional counseling, federal, state, and local permitting and enforcement, site remediation, brownfield development, including projects under the New York State Environmental Quality Review Act (SEQRA) and the New York State Brownfield Cleanup Program (BCP), and regulatory and transactional matters involving renewable energy projects and services.

IN MEMORIAM

Bill Fahey, an early member of the Pace Law adjunct faculty and significant contributor to the environmental law program, passed away and was honored at a ceremony cosponsored by the New York State Bar Association’s Environmental Law Section. We extend our condolences to the Fahey family.

Our condolences to the family and friends of Bill Shore, a Hudson River leader and the director of the Nature Network, who passed away May 29, 2009.

We express our condolences on the passing of Lord Gordon Slyn, a leader of the environmental movement in the UK and recipient of an honorary degree from Pace Law School. Lord Slyn is remembered for his humanist message and unique desire for justice.
Pace entered the fall semester 2009, with almost twenty students enrolled in its new, one-of-a-kind curriculum as part of its environmental LLM program: a Climate Change Track. Specifically, the Climate Change Track requires students to take courses in cutting edge issues including Climate Adaptive Management, Climate and Insurance, Eco-Markets and Trading, Climate and Corporate Practice, and Disaster Law and Emergency Preparedness. This new program is a perfect fit for Pace and builds upon its current, extensive environmental law program. Assistant Dean Mark R. Shulman, one of the developers of the Climate Change Track’s curriculum, stated, “For lawyers, climate change will present unique challenges and Pace is uniquely capable of addressing these challenges.”

Professor Nicholas Robinson, founder of the environmental law program at Pace, first had the idea to create this novel LLM program. When the Intergovernmental Panel on Climate Change (IPCC) was established in 1988 and subsequently released assessment reports revealing the damage caused by human-induced greenhouse gas emissions, it became apparent to Professor Robinson that climate change was going to magnify and exasperate all other environmental phenomena. As he stated in his essay written for Pace Law School’s 30th anniversary celebration of its environmental law program, “legal relations once taken for granted, or assumed to be stable, will be altered in the wake of the physical effects of climate change.” Additionally, the Supreme Court’s decision in Massachusetts v. EPA altered a number of practice areas in the law. The opinion’s recognition that anthropogenic greenhouse gas emissions exist and cause redressable injuries provided a legal precedent based on the IPCC’s findings.

In order to stay at the forefront of environmental law, Pace created a program to equip lawyers with the proper tools to address the coming onslaught of legal issues resulting from global climate change. Assistant Deans Alexandra Dunn and Shulman received input from the environmental law faculty and from the national environmental community to create a curriculum focused on educating lawyers on the rapidly changing practice areas affected by these new scientific findings and legal precedents. Dunn recruited new adjunct professors uniquely experienced in these emerging areas of law due to the school’s proximity to New York City. Furthermore, Pace is offering CLEs based on the Climate Change Track to educate a broader group of lawyers who want to stay current on these new issues.

Students participating in the Climate Change Track will leave Pace better able to practice in an altered legal system. As Energy and Climate Director Van Nostrand stated, “Assuming Waxman Markey gets passed this year, the landscape for lawyers in 2010 will be entirely different. A price on carbon opens up new analyses with clients who want advice in dealing with these issues. The Climate Change Track is a great way to help the marketability of our graduates.”