

Updated August 11th – version 1.0
LAW 624S - *Climate Change Law & Policy*
Emory University School of Law
Professor Mark Nevitt

Fall 2025 | Monday 2:00 – 4:00 | Room 5G Gambrell Hall
mark.nevitt@emory.edu | Office Hours: Room G509 - After Class (or email for appt)

Course Overview: I LOVE TEACHING this course, and I am excited you're taking it with me! Climate change is one of the most difficult problems facing humankind. This semester, we will directly address this issue from a legal and policy standpoint. Smart, solution-focused Emory University School of Law graduates will play a vital role in solving the many problems caused by climate change.

Learning Objectives:

- Explain the basic causes of climate change and how it impacts the U.S. and international communities, with a particular focus on the Global South and disadvantaged communities.
- Understand core climate change terms such as “climate adaptation” and “mitigation.”
- Understand the state of climate change litigation and the governing domestic climate change legal framework affecting climate change.
- Understand the main legal components of the international law frameworks (i.e., UN Framework Convention on Climate Change and the Paris Agreement).
- Understand “climate change federalism” and the role of sustainability initiatives already underway at the state and local level.
- Understand climate change’s security implications, with an emphasis on disaster law and how climate change impacts the military.

Grading:

- A research paper will comprise 80% of the grade.
- Class participation, as well as an in-class presentation (related to your research paper), will comprise 20% of the grade.
- Because this is a small class, I will need everyone to do the reading to facilitate a healthy and robust group discussion. I encourage people to speak up and “take chances” in asking questions and engaging with the reading. I reward active and engaged students!

Oral Presentation & Paper:

- Toward the end of the semester, each student will make a 10-12-minute presentation that will be accompanied by a short Q&A session.
- The paper/presentation should address how a particular nation, state, locality, or industry is responding to climate change.
- These presentations will begin toward the end of the semester once you have a “feel” for the applicable laws, subject matter, and research on your topic.
- Your presentation is related to your paper topic. Part of the goal of the presentation is to synthesize your research to assist you prior to handing in the final paper.

- As this course addresses both the law with policy implications, please be as clear as possible about what the *law* is and what the applicable *policy* is.

Key Dates:

- Paper/Presentation Topic Selection Due: **Friday, September 19th.**
 - An email to me is fine with a short paragraph describing your paper topic and your initial research plan. I am, of course, happy to discuss
- Substantive Paper Draft – Optional, but required for writing requirement – **Friday, October 31st** (email to me is fine).
- Final Paper: **Friday, December 5th, 5:00 p.m. EST.**
 - Please treat this as a judicial filing deadline, where extensions are available only in emergency and extraordinary circumstances.

Electronics & Attendance Policy:

- Laptops are permitted but must be used for class purposes only.
 - I feel strongly about this, and allow laptops, but my views are mostly aligned with Prof. Cole’s views at Georgetown, [here](#).
- Please let me know if you’re going to miss a class by sending me an email 48 hours in advance. You are allowed to miss one class without explanation, though again, prior notice is appreciated. For any further absences (e.g., family/medical), please come talk to me. Inconsistent attendance may affect your final grade.
- Attending class over Zoom is not an option.

Use of Artificial Intelligence/ChatGPT: AI tools are not a substitute for your careful review of the materials I have assigned for class or of the source material relevant to your scholarly paper. I expect your classroom participation and written work product to demonstrate that you have read and thought critically about the underlying sources. You may not use content created by generative AI software such as ChatGPT to compose any part of your paper. Violations of this policy will be treated as plagiarism. Consistent with the Emory Law Student Bulletin, plagiarism will result in an “F” and/or other sanctions deemed appropriate by the Professional Conduct Court.

Course Materials: There is no required casebook. All materials are hyperlinked below and contain a variety of law review articles, book chapters, videos, podcasts, and judicial decisions. For some materials, I will post the material to Canvas and/or e-mail this to you separately. The library has also set up a Course Reserve website at: <https://reserves.library.emory.edu/Shib/ares.dll?SessionID=X165904929X&Action=10&Form=60&Value=169570>

Accommodations: If you have a documented disability and anticipate barriers related to the format or requirements of this course, or if you believe you have a disability (e.g. mental health, attention, learning, vision, hearing, physical or systemic) and need accommodations for this semester, you should contact the Office of Accessibility Services (OAS) to learn more about the registration process and steps for requesting accommodations. Website: accessibility.emory.edu; Phone: 404-727-9877; Email: accessibility@emory.edu.

- If you are currently registered with OAS and have not received your accommodation notification letter within the first week of class, please notify OAS immediately. Students who have OAS-

approved accommodations in place are encouraged to contact me during the first week of the semester to discuss your specific needs for the course as related to your approved classroom accommodations and any exam accommodations that will need to be implemented during the semester. Accommodations for final exams will be administered by the Office of Academic Engagement and Student Success. All discussions with OAS, Student Support, and faculty concerning the nature of your disability remain confidential.

Our Mutual Commitments

- If you have any questions about the course material, I want to be as accessible to you throughout this semester as possible to ensure you are working towards the learning objectives, understand the material, and generally are enjoying the course.
- You likely selected this class because you have an interest in the topic. Climate Change Law & Policy is a rapidly developing area of law, and I will do everything within my power to keep you apprised of the latest developments and bring in relevant guest speakers.
- You will be prepared for class and be ready to engage in class discussion upon arrival.

Schedule of Classes and Readings

Readings are incorporated into the syllabus or available online. Please contact me if you are having difficulty accessing any reading.

Please note that readings may change to accommodate recent developments and to adjust for guest lecturers' schedules. In addition to the reading, you are highly encouraged to stay up to date on the latest climate change matters that are discussed in the news. Doing so will only assist in your participation grade. We will often begin each class with an "in the news" section on changes in climate change law and policy. For each class, I pose 2-3 questions ahead of time to help focus your readings that we will discuss in class.

Part I: Climate Change: Overview and Scientific Basis

1. August 18th– Course Overview, Introduction, and Scientific Basis

- Required: Fifth National Climate Assessment, Report in Brief – Read Chapter 1: Understanding Risks, Impacts, and Responses, 23-66 (On Course Reserves)
- Required: Watch Professor Vicki Arroyo's [TED Talk presentation](#)
- Optional: As the World Burns, New Yorker Article (Optional, on Course Reserves, but gives a good overview of the politics of Climate Change).
- Q1: If we have the tools to "solve" climate change, why haven't we done so?
- Q2: Prof. Arroyo's talk is from 2012. What progress have we made on climate change since then? In your opinion, has the climate crisis become more or worse urgent?
- Q3: Climate change legislation failed in Obama's first term. What are the political challenges in passing climate legislation? Why is climate change a political problem?

2. August 25th – The State of Climate Science/ Guest Speaker: [Dr. Amy Sharma](#)

- Review Fifth National Climate Assessment & Read 111-113 (Southeast) 139-143, as well as the Respective Geographic Location that you call home. Skim the Remaining Portion of Chapter 1
- Optional - For an international perspective on climate science, Skim [UNIPCC – Global Warming of 1.5 degrees Celsius: Summary for Policy Makers](#)
- As part of your assignment this week, each student should have two questions to ask Dr. Sharma.

****NO CLASS Labor Day – September 1st****

3. September 8th – Climate Law and Regulation

- *Massachusetts v. EPA*, 549 U.S. 497 (2007).
 - Please read the entire opinion, but focus on Justice Stevens’ majority opinion and Justice Roberts’ dissent.
- American Electric Power v. Connecticut, 564 U.S. 410 (2011)
- Assignment/Quick Presentation: What is your hometown or state doing to address climate mitigation? Adaptation? Climate response?
 - Q1: Within your state, is there a state or local climate office? Are there laws addressing climate change (or its effects, such as sea level rise) within your state?
 - Q2: How do Justice Roberts and Justice Stevens differ in their approach to standing as it relates to climate change (injury, causation, redressability)?
 - Q3: What are the practical implications of *Mass v. EPA* for addressing climate change? Why is this important for *AEP v. Connecticut*?

Part II: Domestic Climate Change Law & Policy (Federal, State, Localities)

4. September 15th - U.S. Domestic Law & Authority to Regulate – Mitigation

- Research Librarian; Guest Lecturer – Review Library Resources
- Review *Mass v. EPA* (continued)
- [Endangerment Finding Reading Press Release](#)
- Read *West Virginia v. EPA*, 142 S. Ct. 2587 (Focus on Justice Roberts’ opinion and Justice Kagan’s dissent).
- CLIMATE CHANGE AND TRUMP – READING TBD
- Q1: On what theory did West Virginia prevail over the EPA?
- Q2: How would you describe EPA’s authority to regulate GHG emissions today?

5. September 22nd – U.S. Climate Litigation & New Strategies

- [Held v. Montana](#) - this decision is 103 pages long. Please skim the procedural history and science to get the “gist” and focus on the legal analysis.
- *Juliana v. U.S.*, 947 F.3d 1159 (9th Cir. 2020).
- Is [Climate Change a National Emergency?](#), JUST SECURITY, (FEB. 25, 2021).
- Q1: What is the holding in *Held v. Montana*? What is the significance of this case?

- Q2: What powers are implicated if climate change were declared to be a national emergency? What are the pros and cons of declaring a climate emergency?
- Q3: Why did the litigants in *Held* succeed and the litigants in *Juliana* fall short?

6. September 29th – Climate Adaptation I

- Climate Adaptation Reading: JB Ruhl - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2514173
- Mark Nevitt, [Can Law Adapt to Meet the Climate Crisis – Lawfare](#)
- [AGG Talks Podcast: Breaking the Cycle](#)
- Q1: What are the legal challenges in addressing climate adaptation?
- Q2: How do the legal and policy challenges associated with adaptation differ from mitigation?

7. October 6th Climate Adaptation Law II, Managed Retreat & Disaster Law

- Mark Nevitt, [How do we ‘Manage’ Managed Retreat, Kleinman Energy Paper.](#)
- A.R. Siders, [Managed Retreat in the United States](#)
- Mark Nevitt, [8 Takeaways from the Texas Flood Tragedy](#), *Just Security* (Jul 28, 2025)
- Case Study: Norfolk, VA Pilot Project [Lecture]
- Q1: What are the climate justice issues associated with climate impacts and managed retreat?

Part III: International Climate Change Law

8. October 13th: International Environmental Law Part I

- Download and read the [Text](#) - United Nations Framework Convention on Climate Change (UNFCCC) to understand the structure of the Convention.
- Read: Paris Agreement Text
<https://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf>
 - Skim 1-21 and focus on the text of the agreement
- Q1: What is the UNFCCC’s approach to solving climate change? What are the pros and cons of this approach?
- Q2: What is the Paris Agreement’s Approach to addressing climate change? What are the pros and cons of this approach?
- Q3: What is the legal status of these international agreements within U.S. law?

9. October 20th: No Class – Please spend this week writing your Drafts, due 31 Oct.

10. October 27th: International Environmental Law Part II

- **Review: UNFCCC & Paris Agreement**
- Mark Nevitt, [Assessing COP29 in Baku](#) *Just Security*
- [International Court of Justice Summary of Advisory Opinion](#)
- [Melissa Stewart, What to Watch for Following Historic Climate Opinion from ‘The Oceans Court’](#), *Just Security*, June 4, 2024
- Q1: What was the holding in the ICJ decision? The ITLOS decision?

- Q2: What are the challenges associated with the Conference of Parties

Draft Paper Due Friday, October 31st – email to me is fine

11. November 3rd Climate Change and the Arctic

- [Nevitt & Percival, Polar Opposites: Assessing the State of Environmental Law in the World's Polar Regions, 59 B.C. L. Rev. 1655 \(2018\).](#) Read Arctic Section and Parts III and IV; skim Antarctica Section
- Mark Nevitt, [Just Security Post: Climate Change and Arctic Security](#)
- [Climate Change and Implications for National Security and International Law \(Texas A & M Journal of Property Law\)](#)
- Q1: How is climate change affecting the Arctic?
- Q2: You are assigned to the NATO Office of Legal Advisor and are asked to provide legal advice on the “law of the Arctic” and recommendations for NATO operations in the Arctic.
- Q3: How is climate change a national security issue?

12. Friday, November 7th –Emerging Hot Topics in Climate Change

- This class will be held in Room 5E – note the Friday time
- Guest Speaker (tentative): Dr. Koko Warner [via Zoom]
- ICJ Decision Opinion: Read/Review

13. Monday, November 10th: Innovative Climate Change Solutions

- Presentations Group #1 [Schedule to be assigned]
- 72 hours before the presentation, each student should upload a 1-2 page summary document to Canvas under Announcement that highlights their project. Everyone should be prepared to read and

14. Monday, November 17th: Climate Progress and Final Thoughts

- 72 hours before the presentation, each student should upload a 1-2 page summary document to Canvas that highlights their project. This is the reading assignment.
- [Coglianese and Nevitt Op-Ed \(Washington Post\)](#)
- Presentations Group #2

Final Paper Due: E-mail to me; Friday, 5:00 EST, December 5th

Climate Change Paper Guidance

- Please refer to the Student Handbook on pages 87-88 for Upper-Level Writing Requirement guidelines.
 - For those of you who choose to use this class to meet those writing guidelines, a “substantial” first draft is required. For those students not pursuing the upper-level writing requirement, the first draft is optional, although encouraged.
- As a general matter, papers should focus on a particular geographic area and describe and analyze how that particular area is addressing climate change. This geographic area is broadly defined and may include a state, county, city, region, or nation. Examples include:
 - Addressing how a small island developing state is responding to sea level rise.
 - Analyzing a state’s climate adaptation plan, offering areas of improvement.
 - Describing and analyzing a large city or nation’s mitigation efforts.
- As a general matter, every paper must demonstrate the following:
 - Complete and thorough research of the topic with appropriate and accurate citations to sources used. Research must include reference to (a) primary sources such as case and statutory authority and (b) secondary materials, including but not limited to legislative history materials, law review articles, and other works of legal scholarship and non-legal materials where appropriate.
 - Thorough analysis of the researched materials consistent with the logical development of an overall premise or theme;
 - Original analysis including identification of unresolved issues and suggestions for their resolution, conclusions based upon the analysis of the sources, and suggestions for likely future developments where appropriate; and
 - Clear, well-organized discussion of the topic with due regard to the fundamentals of good expository writing, including conformance with grammatical rules, accurate spelling and punctuation, and proper sentence and paragraph structure.
- Minimum requirements:
 - Papers must be a minimum of 30 pages in length, exclusive of footnotes and bibliography.
 - Papers must be typed double-spaced on 8 1/2” by 11” paper with one-inch margins and font no larger than 12 points.
 - Footnotes must conform to the rules of citation found in the *Uniform System of Citation (the “Bluebook”)*.
 - A bibliography of sources must be attached to the paper.
- Outstanding papers will include a strong normative section that prescribes changes to the law, governance structures, or other policies.