

# CLIMATE ACTION & SUSTAINABILITY LEADERSHIP FOR LAWYERS

Spring 2024

Wednesdays 4:00 to 5:40 p.m. ET Online <https://tennessee.zoom.us/j/7684947117>

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Heather White

Adjunct Professor of Law

University of Tennessee College of Law

[heather@heatherwhite.com](mailto:heather@heatherwhite.com) (please use this email address)

[hwhite52@utk.edu](mailto:hwhite52@utk.edu)

cell: (202) 341-1493

## COURSE DESCRIPTION

Climate disruption and innovation in sustainability will impact all aspects of the legal field from insurance law, contract law, energy and environmental law, banking and finance. Students will gain an understanding of how they can contribute to climate action and sustainability and an appreciation of their own leadership “service superpower.” Course materials will include leadership studies, as well as research and case studies from around the globe reflecting challenges and opportunities from the climate crisis. This is a broad survey class to allow students a greater appreciation for sustainability issues in their particular law practices. Students will analyze and discuss readings in online forums and in an online classroom. In a final project, students will give a “Ted Talk”, write an accompanying essay in an op-ed format, and devise an individual climate action plan to analyze how they envision climate action will impact their chosen legal track or future career.

## COURSE OUTCOMES

In the course, students will:

- Re-think their understanding about how the climate crisis will impact their future practice;
- Consider their own leadership style in service to others and how they might embrace more sustainability personally;
- Gain an understanding of the challenges of the climate crisis to corporations, communities, and individual clients;
- Appreciate key legal issues around intergenerational action, civil rights, clean energy legislation, securities, corporate, and natural resources law;
- Develop strategies for self and the legal profession to exercise more sustainability leadership in practice; and
- Appreciate the connection between climate action and climate justice, so that the lawyer can make better decisions and provide better advice to clients.

Please note that there will be asynchronous lectures on the following dates:

- January 17
- January 31

- March 21
- April 10

**You will need to watch these lectures & post to the discussion forum in order to be marked “present” for these class periods.**

## **ASSIGNED READING**

In most classes, we will read a book chapter and a few articles prior to class. (These reading assignments are posted on Canvas and/or via the links provided in this syllabus). You should also read Discussion Forum posts by your classmates prior to class.

The two assigned books for this class are:

James Clear, *Atomic Habits: An Easy & Proven Way to Build Good Habits & Break Bad Ones* (Avery 2018).

Heather White, *One Green Thing: Discover Your Hidden Power to Help Save the Planet* (Harper Horizon 2022).

## **COMPONENTS OF YOUR GRADE**

### **1) Discussion Forum Posts. 150 Points (10 Posts at 15 Points Each).**

We will use Discussion Forums on Canvas to start a conversation about the readings before class. (Based on your assigned group, you will post by 6 pm on Tuesday night). The schedule is on the syllabus.

Your 200 to 250-word post should have the feel of a law blog post. Let me know if you need examples. Give your post a title that will create interest in reading your post. Be creative in writing your post. You can talk about an aspect of the reading that was particularly interesting to you, an aspect of the reading that you disagreed with and why, how you think the reading will impact you (or not) in practice, an additional case study example of the issue, additional research that you found on the subject of the reading, etc.

The entire class should read the posts prior to class. You are not required to post a reply to your colleagues' posts, but you are welcome to do so.

### **2) Class Participation. 120 points (10 classroom discussions at 12 points each).**

An essential aspect of this course is class participation. For each class (after the first class), you should be actively engaged in the class – participating in the discussion and demonstrating that you read and thought about the chapter readings, assigned articles, and Discussion Forum posts.

Please keep a personal journal (electronic or written) to reflect on your goals, thoughts, and insights on sustainability. Please note that the assigned journal responses will NOT be graded or turned in. They are for your personal professional development only.

You can earn up to 12 points for your participation in each class. Each student has one “excused absence,” when you can be absent for any reason or not participate much (or at all) but still earn 12 points. For any additional absences (regardless of the reason), you will receive 0 points for the day.

### 3) **Presentation & Op-Ed 300 points.**

For your final project, you will write a **750-word op-ed**. Your op-ed should be a 5-paragraph essay reflecting on a principle of the class and how climate change and sustainability create opportunities for the legal profession. You will use the template provided at Canvas to properly format your essay with an eye toward publishing your op-ed in a national or regional newspaper. A grading rubric will be provided in Canvas. (100 points)

Your 10 minute “Ted Talk” presentation will include three sections: (200 points)

- **Case Synopsis.** Provide a synopsis of a real case of climate action or a regulation and its impact (from a country or state of your choice). The case should not be a case that we studied during the semester.
- **Explanations and Solutions.** With citation to authority (studied this semester or based upon additional research), discuss: (1) possible litigation for intergenerational equity on climate action or climate justice, and (2) a promising climate solution that individuals, firms, courts, etc. could support to promote sustainability in the future.
- **Course Lessons & Individual Climate Action Plan.** Finally, reflect upon the most important lessons you have gained from the course, how you might incorporate these learnings into an individual climate action plan, and discuss how you plan to use this information in law school and in practice.

## COURSE SCHEDULE

### 1) Wednesday, January 10

Topic: **Course Introduction: Why Individual Climate Action Matters**

Assigned Reading:

Books:

- Read the Introduction: Heather White, *One Green Thing: Discover Your Hidden Power to Help Save the Planet* (Harper Horizon 2022).
  - Take the Service Superpower Assessment on [onegreenthing.org](http://onegreenthing.org)
  - Identify Your Service Superpower, read the chapter based on your profile
  - Answer the Journal Prompts on pages 18 & 117
- Read Chapters 1-3: James Clear, *Atomic Habits: An Easy & Proven Way to Build Good Habits & Break Bad Ones* (Avery 2018).

Article:

- Read Annie Lowrey, [All that Performative Environmentalism Adds Up](#), *The Atlantic* (Aug. 30, 2021)

Discussion about behavior change, individual climate action, and culture change.

### 2) Wednesday, January 17 – **NO CLASS**

Topic: **Know You Can't Go it Alone – Compassion & Climate Justice**

- Watch the asynchronous lecture that will be posted on Canvas on Climate Justice.
- Read the material below & be prepared to discuss on January 24.
- **Discussion Forum: Post a 250-word explanation of what motivated you to take this class.**

Book:

- Read Chapter 12 of *One Green Thing*
- Answer the Journal Prompts at the end of the Chapter 12

Articles:

- Adam Aston, [COP28: What Worked, What Didn't & Where We Go From Here](#), Rocky Mountain Institute, (December 21, 2023).

- Tony Pippa et al, [The State of the Sustainable Development Goals in the United States](#), Brookings Institution ( March 16, 2022).
- [Each Country's Share of CO2 Emissions](#), Union of Concerned Scientists (updated Jan. 14, 2022).
- [COP 27 Reaches Breakthrough Agreement on New Loss and Damage Fund for Vulnerable Countries](#), United Nations Climate Change Committee (Nov. 20, 2022).
- [Olúfémí O. Táíwò and Beba Cibralic, The Case for Climate Reparations](#), Foreign Policy (Oct. 10, 2020).

Discussion of climate justice, compassion, and COP28.

### 3) Wednesday, January 24

Topic: **Think Beyond Your Age – Intergenerational Equity**

**Discussion Forum: Post by 6 pm Tuesday 1/23 before this class.**

Assigned Reading:

Book:

- Read Chapter 13 of *One Green Thing*
- Answer the Journal Prompts at the end of the Chapter 13

Article:

- Samuel Bookman, [Held v. Montana: A Win for Young Climate Advocates and What it Means for Future Litigation](#), Harvard Energy & Environmental Law Program (August 30, 2023).
- Katarina Zimmer, [The Next Climate Battle in the Courts in Over Mental Health](#), *Grist* (July 7, 2022).
- Caroline Hickman et al, [Climate Anxiety in Children and Young People and their Beliefs about Government Responses to Climate Change: a Global Survey](#), *The Lancet* (Dec. 2021)
- Kathrina Gafycz, [Conferring Standing on Youth Plaintiffs Via "Affirmative" Citizen Suit Provisions in State and Federal Regulatory Systems](#), 52 *Tex. Envtl. L.J.* 15 (2022)
- Nathaniel Levy, [Juliana and the Political Generativity of Climate Litigation](#), 43 *Harv. Envtl. L. Rev.* 479 (2019)

Cases:

- *Juliana v. United States*, review [litigation timeline](#)
- *Held v. Montana*, review [the complaint filed](#) in 2020; and the [litigation timeline](#)

Discussion about climate justice, COP28, eco-anxiety and the theory of intergenerational injury, “availability cascades,” standing, and litigation.

### 4) Wednesday, January 31 - **NO CLASS**

Topic: **See Energy in a New Light –The Clean Energy Future**

***Discussion Forum: Post by Tuesday 1/30 at 6 pm ET.***

Watch Asynchronous Lecture posted in Canvas & complete the assigned reading below:

Assigned Reading:

Book:

- Read Chapter 14 of *One Green Thing*
- Answer the Journal Prompts at the end of the Chapter 14

Articles:

- Lance T. Brasher et al, [Biden signs landmark bill with climate implications](#), 43 No. 04 Westlaw Journal Environmental 02 (Sept. 7, 2022).
- Sara Dewey, "[What to Know about the SEC's Proposed Climate Risk Disclosure Rule](#)," Harvard Environmental & Energy Law Program, (4/7/22).
- Securities and Exchange Commission, [The Enhancement and Standardization of Climate-Related Disclosures for Investors \(2022\)](#).
- [Craig Galli, Jill Van Noord, Jenny Warfield, Esg Reporting and Investing the "Nudge" Needed to Stumble Toward A Circular Economy](#), Nat. Resources & Env't, Summer 2022, at 19.
- Wes Henricksen, [Intended Injury: Transferred Intent and Reliance in Climate Change Fraud](#), 72 Ark. L. Rev. 713 (2020)
- Watch Benjamin Franta, ["Global Warming: From Scientific Warning to Corporate Casualty," TEDX talks](#), July 20, 2021.

Be prepared for next week's discussion about climate policy, litigation against oil companies, and proposed SEC rules and climate risk.

**5) Wednesday, February 7**

**Topic: Understand You are What You Eat - Regenerative, Sustainable Agriculture**

***Discussion Forum: Post by 6 pm Tuesday 2/6 before this class.***

Assigned Reading:

- Book: Read Chapter 15 of *One Green Thing*
- Answer the Journal Prompts at the end of the Chapter 15

Read the following articles:

- PBS News Hour, [Farmworkers are dying in extreme heat. Few standards exist to protect them](#), (Aug. 6, 2021)

- PBS News Hour [The U.S. will develop a federal heat standard for the first time. Here's what advocates and labor experts want.](#) (Oct. 7, 2021).
- [Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#), Proposed Rule by the Occupational Safety and Health Administration, 86 FR 59309 (Oct. 27, 2021).
- Alexia Brunet Marks, [Carbon Farming Our Way Out of Climate Change](#), 97 Denv. L. Rev. 497 (2020).
- Sarah J. Morath, [Regulating Food Waste](#), 48 Tex. Envtl. L.J. 239 (2018)

Discussion about worker's rights, regenerative agriculture, and farm policy.

## **6) Wednesday, February 14**

Topic: **Protect the Source – Safeguarding Water Quality & Quantity**

***Discussion Forum: Post by 6 pm Tuesday 2/13 before this class.***

Assigned Reading:

- Book: Read Chapter 16 of *One Green Thing*
- Answer the Journal Prompts at the end of the Chapter 16

Watch the film *Erin Brockovich* (streaming on Netflix and Amazon)

Scan the following articles:

- Brandon Loomis, [As the Colorado River is stretched thin by drought, can the 100-year-old rules that divide it still work?](#) Arizona Republic (Nov. 20, 2022).
- [Overview of the Flint, Michigan Water Crisis](#), Channel WNEM Detroit (Dec. 2022)
- Erik D. Olson, [The Broken Safe Drinking Water Act Won't Fix the PFAS crisis](#), NRDC blog (Sept. 12, 2019)
- McKayla McMahon, [Tides of Plastic: Using International Environmental Law to Reduce Marine Plastic Pollution](#), 28 Hastings Envtl. L.J. 49 (2022)
- Leticia M. Diaz & Margaret R. Stewart, ["Forever Chemicals": Forever Altering the Legal Landscape](#), 7 Belmont L. Rev. 308 (2020)

Discussion about forever chemicals, multinational treaty on plastic pollution, and water scarcity.

## **7) Wednesday, February 21**

Topic: **Vote with Your Wallet -- Sustainable Commerce**

***Discussion Forum: Post by 6 pm Tuesday 2/20 before this class.***

Assigned Reading:

- Book: Read Chapter 17 of *One Green Thing*
- Answer the Journal Prompts at the end of the Chapter 17

Read the following articles:

- Anna Turns, [The Chemicals That Linger in Your Blood](#), BBC (May 13, 2022).
- Claire Fischer, [Is Twitter the New Ftc and EPA? Publicized Private Action As the Anti-Greenwashing Mechanism in Modern Society](#), 33 Geo. Envtl. L. Rev. 315 (2021).
- Victoria St. Martin, [“EPA Opens Civil Rights Investigation into Louisiana’s “Cancer Alley,”](#) Inside Climate News (April 25, 2022).

Discussion about updating the Toxic Substances Control Act, FTC jurisdiction over “green marketing” claims, and consumer activism.

### 8) Wednesday, February 28

**Topic: Love Your Mother Earth- Natural Resources Law**

**Assigned Reading:**

***Discussion Forum: Post by 6 pm Tuesday 2/27 before this class.***

Books:

- Book: Read Chapter 18 of *One Green Thing*
- Answer the Journal Prompts at the end of the Chapter 18

Articles:

- Maurgerite Holloway, [Your Grandchildren’s Yellowstone Will Be Radically Different](#), *New York Times* (Nov. 15, 2018).
- David Truer, [Return the National Parks to the Tribes](#), *The Atlantic* (May 2021).
- Mackenzie Landa, [Species Protection As A Natural Climate Solution](#), 50 Envtl. L. Rep. (ELI) 10498 (2020)

Discussion about the creation of the national parks, nature deficit disorder, and nature-based climate solutions.

### 9) Wednesday, March 6

**Topic: “Every job is a climate job”: How the Climate Crisis will Impact the Legal Profession**

***Discussion Forum: Post by 6 pm Tuesday 3/5 before this class.***



### Assigned Reading:

Articles:

- Robinson Myer, [The Climate Economy is about to Explode](#), The Atlantic (Oct. 5, 2022).
- American Bar Association, [Climate Change Will Cast a Shadow Over Your Law Practice](#), (July 2021).
- Kate Kouchakji, [How the climate crisis is changing the legal profession](#), International Bar Association (Sept. 2021).
- Hana Vizcarra, [Climate Change is Changing the Practice of Law](#), Harvard Environmental & Energy Law Program blog (July 30, 2020).

Discussion about different legal practices and the implications that climate change and the clean energy economy will bring.

### 10) Wednesday, March 21- **NO CLASS**

Topic : **How to incorporate your Service Superpower in your future legal career** -Sustainability Leadership & Career Planning

**Discussion Forum: Post by 6 pm Tuesday 3/20.**

Watch the Asynchronous Lecture posted on Canvas.

### Assigned Reading:

Books:

- Read Chapters 8-10, and Chapters 15, 19 & Conclusion: James Clear, *Atomic Habits: An Easy & Proven Way to Build Good Habits & Break Bad Ones* (Avery 2018).
- Read the Chapter 19 of **One Green Thing**
- Review your course materials and past readings

Articles:

- Jen Fisher & Alix Lebec, [It's Time to Invest in Human Sustainability: Why Mental Health and Well-being Needs to Be an Essential Part of ESG](#), ThriveGlobal (2022)

Be prepared for next week's discussion of climate leadership, mental health and well-being as part of the concept of "sustainability," and individual climate action plans.

### 11) Wednesday, March 27th

**Topic: Sustainability, Climate Leadership, Well-Being and YOUR Career**

*No Discussion Forum.*

Review past readings, be prepared for in depth discussion of climate leadership, mental health and well-being as part of the concept of “sustainability,” and individual climate action plans.

12) **Wednesday, April 3**

**Topic: Draft Op-Ed and “Ted Talk” Discussion**

*Discussion Form: Post your favorite TED talk to the discussion forum and describe why it works.*

**Assignment:** Bring a sample op-ed to share with the class.

Activity: Individual Meetings to Discuss Your Op-ed, TedTalk, and Climate Action Plan.

13) **Wednesday, April 10 - NO CLASS**

**TOPIC: Effective Interdisciplinary Communication of Sustainability & Climate Action**

**Due: Your op-ed is due on Canvas by 6 pm on 4/9.**

**Assignment:** Watch the asynchronous lecture posted on Canvas.

**Assignment:** Finalize your TED Talk.

14) **Wednesday, April 17**

**Topic: Presentations & Course Wrap Up**

**Presentations** (No Discussion Forum) Your TED Talk slides are due at 6pm on Tuesday 4/16 via Canvas or my email at [heather@heatherwhite.com](mailto:heather@heatherwhite.com)

Assignment: Present your “TED talk” and be prepared to discuss your op-ed with the class and your individual climate action/sustainability leadership goals.

**Background on Professor Heather White**

Professor Heather White has more than 20 years of experience in environmental law and advocacy. She is an author and founder of the nonprofit OneGreenThing.org, the former executive director of the environmental health watchdog EWG, and a past President & CEO of Yellowstone Forever, the nonprofit partner to Yellowstone. Heather has also served as an adjunct faculty member at Georgetown University Law Center, Director of Education Advocacy for the National Wildlife Federation, Counsel to US Senator Russ Feingold (D-Wis.), a presidential campaign staffer and recount attorney for Al Gore, and an associate at Bass, Berry & Sims law firm. White received her J.D. from the University of Tennessee College of law, where she was managing editor of the *Tennessee Law Review*, and a bachelor's degree in environmental science as an *Echols Scholar* from the University of Virginia. White is a frequent spokesperson in the national media on conservation and sustainability issues and has been featured on *Good Morning America*, *CBS News*, *PBS*, *ABC*, *MSNBC*, and cited in *The Washington Post*, *New York Times*, *the Tennessean*, and *The Guardian*. She serves on several national nonprofit boards and lives in Bozeman, Montana. You can learn more at [heatherwhite.com](http://heatherwhite.com).