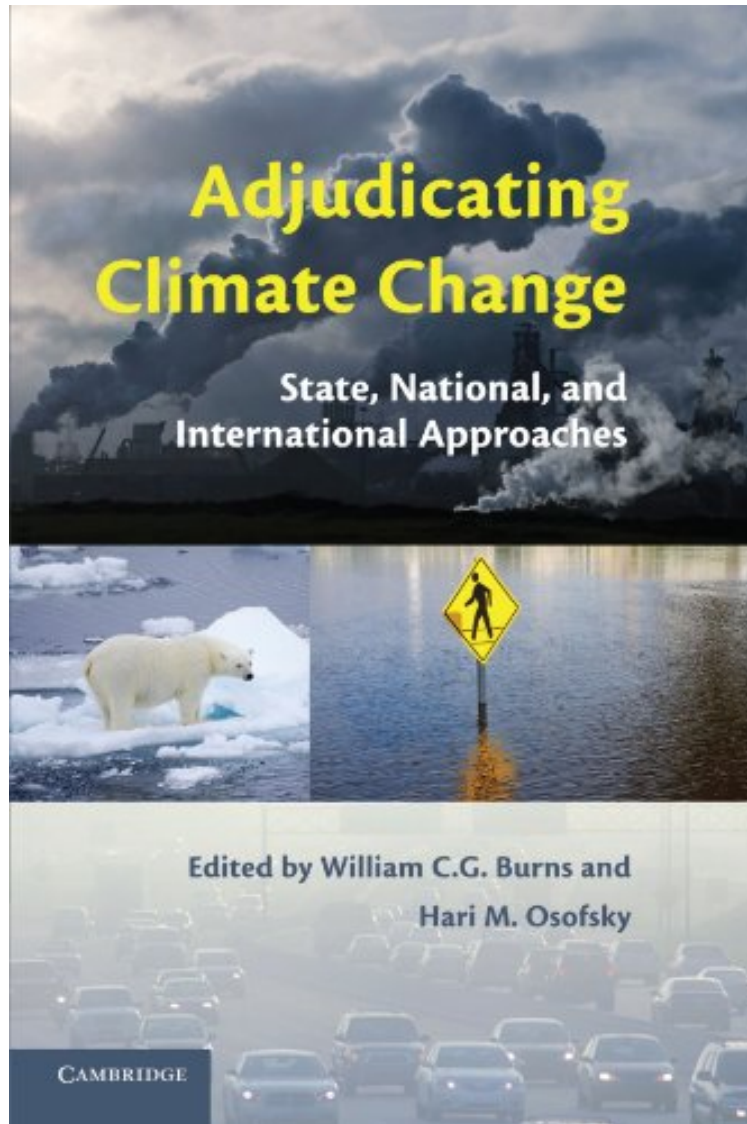


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Adjudicating Climate Change: State, National, and International Approaches

From William C G Burns

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resource for practitioners, policymakers, academics, and students interested in the problem of climate change. It provides a comprehensive and thorough analysis of the impact of state, national, and international litigation on climate change policy. This is a truly worthwhile read!

Courts have emerged as a crucial battleground in efforts to regulate climate change. Over the past several years, tribunals at every level of government around the world have seen claims regarding greenhouse gas emissions and impacts. These cases rely on diverse legal theories, but all focus on government regulation of climate change or the actions of major corporate emitters. This book explores climate actions in state and national courts, as well as international tribunals, in order to explain their regulatory significance. It demonstrates the role that these cases play in broader debates over climate policy and argues that they serve as an important force in pressuring governments and emitters to address this crucial problem. As law firms and public interest organizations increasingly develop climate practice areas, the book serves as a crucial resource for practitioners, policymakers, and academics.

"Climate change stands as the critical environmental issue of our era. Yet governmental efforts to respond to the build-up of greenhouse gases in the atmosphere and the threat this poses of global warming, sea level rise, changed rainfall patterns, and more intense hurricanes have been halting at best, particularly in the United States. In the face of inaction and an inadequate response by legislatures and executive branch officials, the judiciary has stepped into the breach. As Burns and Osofsky -- and the extraordinary team of authors they have assembled -- explain, the most effective push for climate change policy action has come from courts. With a review of key cases at the state, national, and international levels, *Adjudicating Climate Change* tells the story of these lawsuits, exploring the underlying legal theories, the litigants who pursued the actions, the decisions rendered, and the resulting policy impact. Bravo! A "must-read" for students, policymakers, environmental group advocates, business leaders, and researchers." --Dan Esty, Hillhouse Professor of Environmental Law and Policy Yale University

"There is a growing realization that courts have an important role to play in addressing climate change along side of legislatures and international bodies. This book provides a thorough and thoughtful survey of the legal landscape in this rapidly emerging area of litigation." --Dan Farber, Sho Sato Professor of Law and Chair, Energy and Resources Group University of California, Berkeley

"Every profession is being called upon to stretch its capabilities to address the all-engulfing problem of climate change. The legal profession is struggling to find the appropriate roles for courts, legislatures and executives, and to fill in the gaps when one branch (or country) lags behind. Wil Burns and Hari Osofsky have performed a great service by boldly going forth and assembling a formidable collection of cutting-edge theories on what might be done by the courts -- U.S., foreign and international. As with most collections of innovations, many will flop, but some may fly. The seriousness and complexity of the problem make this more than worth the effort for the writers and for their readers. This book considerably advances the ball in helping us all envision how the tools of the law can be brought to bear in addressing this challenge." --Michael B. Gerrard, Director, Center for Climate Change Law Columbia Law School

"...this volume should be of special interest to the growing ranks of public officials (and public intellectuals) venturing into what is quite simply the biggest, hardest 'environmental' problem we have ever faced: globally catastrophic climate change." - Concurring Opinions

About the Author William C. G. Burns is the Class of '46 Visiting Professor with the Center for Environmental Studies at Williams College. Most recently, Dr Burns was a Senior Fellow with the Center for Global Law and Policy at the Santa Clara University School of Law. Additionally, he serves as editor-in-chief of the *Journal of International Wildlife Law Policy* and co-chair of the International Environmental Law Committee of the American Branch of the International Law Association. He received his B.S. in political science from Bradley University and his Ph.D. in international law from the University of Wales - Cardiff College of School of Law. Prior to his academic career, he spent more than twenty years in the nongovernmental sector, including as executive director of the GreenLife Society/Pacific Center for International Studies, a think tank that focused on implementation of international wildlife law. He has published more than 70 articles in a range of law, policy and science journals, including the *Georgetown International Environmental Law*, the *Journal of the American Medical Association* and *Global Change* and he has served as the co-editor of three books.

Hari M. Osofsky is an Associate Professor at Washington and Lee University School of Law. She received her B.A. and J.D. from Yale University. She currently is a Ph.D. student in the Department of Geography at the University of Oregon. Her articles have been published in a variety of journals, including the *Washington University Law Quarterly*, *Villanova Law*, *Chicago Journal of International Law*, *Stanford Environmental Law Journal*, *Stanford Journal of International Law*, *Virginia Journal of International Law* and *Yale Journal of International Law*. Her advocacy work has included assisting with Earthjustice's annual submissions to the U.N. Human Rights Commission on environmental rights and with the Inuit Circumpolar Conference's petition on climate change to the Inter-American Commission on Human Rights. She also has taught climate change litigation courses that assisted the Southern Environmental Law Center and Western Environmental Law Center.