



Institutions for Effective Climate Action: An International & Comparative Perspective

December 1-2, 2023

Hosted by Queen's Faculty of Law
Donald Gordon Conference Centre (DGC)
Conference Room A

The need for effective climate action is clear. However, progress is slow and the window of opportunity to avoid the worst impacts of climate change is closing. The main objectives of our research exchange are to: i) generate better understanding of how legal institutions may be contributing to lagging climate action across a range of key policy areas, ii) to develop strategies for ways legal institutions might be better leveraged to enhance climate action, and iii) to create community and research connections. Thank you all for participating!

Schedule: (all sessions at DGC)

Friday, Dec. 1

9:15-9:30 am Land acknowledgement and welcome remarks

9:30 - 11:00 am **Panel I: Pricing & Trading Emissions**

- “Carbon Pricing: a Review” - Shi-Ling Hsu (Florida State University College of Law)
- “Do market mechanisms undercut demand for environmental protection?” - Hajin Kim, (U Chicago Law)
- “Carbon pricing and tax floor mechanisms in federal nations” - Rory Gillis (UWO Law)

11:00-11:30 am Refreshment break

11:30 am -1:00 pm **Panel II: Transforming Energy Infrastructure**

- “Outsourcing energy market design” - Joshua C Macey (U Chicago Law)
- “Climate Change, Energy Sustainability and Federalism in Canada” – Mark Winfield (York U, Faculty of Environment & Urban Change)
- “The Hybrid in Climate Change” - Vanessa Casado Perez (Texas A&M, School of Law)

1:00 – 1:45 pm Conference lunch

1:45 – 2:15 pm Post Luncheon Speaker
“Climate change in the North: Prediction, Observation, Mitigation, and Adaptation” - Élise Devoie (Department of Civil Engineering, Queen’s University)

2:15 - 3:45 pm **Panel III: Addressing Ecological Risks**

- “Indigenous Legal Institutions and Climate Change Response in Canada” - Lindsay Borrows (Queen’s Faculty of Law)
- “Building Psychologically Informed Climate Institutions” - Arden Rowell (Illinois Urbana-Champaign College of Law)
- “Green Colonialism at the “Critical” Minerals Frontiers: Towards a Just Energy Transition for Indigenous Peoples” - Sophie Thériault (U Ottawa)

3:45 - 4:00 pm Refreshment break

4:00 – 5:30 pm **Panel IV: Adapting Communities for Climate Extremes**

- “Climate homesteading” - Stephanie M. Stern (U Arizona Law)
- “Adaptation federalism” – Katrina Wyman (NYU Law)
- “Institutions, perceptions & adaptation to extreme climate risks” – Cherie Metcalf (Queen’s Law)

Saturday, Dec. 2

9:00 – 10:30 am **Panel V: Climate Change Equity & Distributive Effects**

- “Just’ green transition: lessons from the EU’s Green Deal” - Josephine van Zeben, (Wageningen University Dept. of Law)
- “Equitable Energy Transition on Native American Lands” - Monika U. Ehrman (SMU Dedman School of Law)
- “Climate Policy: Impacts on Individuals with Disabilities” Sébastien Jodoin (McGill Law)

10:30-11:00 Refreshment break

11:00 am -12:30 pm **Panel VI: Credible Climate Commitments & Accountability**

- “The time has come: the intersection of law, time & climate change” – Andrew Green (U of T)
- “Climate change nuisance litigation in the U.S. and Canada: comparing prospects for success” – Jonathan R. Nash (Emory) (& Alyssa King (Queen’s Law)
- “Green Insurance Claims: How Liability Insurers can Propel Climate Change Action” – Erik Knutsen (Queen’s Law)

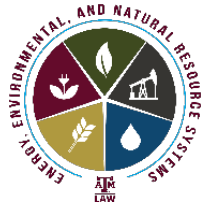
12:30- 1:30 pm Conference lunch

1:30 - 2:30 pm

Panel VIII: Concluding Discussions

- Cross-cutting themes, Knowledge gaps, Future Challenges

Co-sponsors



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Biographies



Lindsay Borrows is an Assistant Professor at Queen's University, Faculty of Law, where she teaches special topics in the field of Indigenous law. Previously she worked as a lawyer and researcher at the Indigenous Law Research Unit (University of Victoria Faculty of Law), and as a staff lawyer at West Coast Environmental Law. In both positions she provided legal support to Indigenous communities and organizations engaged in the revitalization of their own laws for application in contemporary contexts. She has worked on community-engaged projects with different legal traditions including Anishinaabe, Denezhu, Haítzaqv, Nlaka'pamux, nuučaañuł, St'át'imc, Syilx and Tsilhqot'in. She is particularly passionate about the possibilities within land-based legal education, and since 2014 she has co-facilitated various 'on-the-land', community-engaged Anishinaabe Law Camps in partnership with different law schools and communities across Ontario. Her book *Otter's Journey Through Indigenous Language and Law* (UBC Press, 2018) explores the connections between language and law. Lindsay is Anishinaabe and a member of the Chippewas of Nawash First Nation.



Élise Devoie is an Assistant Professor in the Department of Civil Engineering at Queen's and one of the CIFAR Azrieli Global Scholars for 2023-2025. She studies climate change in permafrost environments. Her research group focuses on responsible and productive ways to learn about water below the ground (either as liquid or ice) in cold regions. She brings together the worlds of modelling, fieldwork, and community partnership, working with Indigenous communities in Canada's North, to try to solve real-world problems facing people who live in this region that is particularly exposed to climate change impacts. Her team aims to learn from the past and present through monitoring, historical data, and sampling in order to make predictions about the future in these vulnerable and rapidly changing environments.



Monika U. Ehrman is Professor of Law at SMU Dedman School of Law. She has also taught at the University of North Texas at Dallas and at the University of Oklahoma, where she led the energy and natural resources program and served as the Faculty Director of the Oil & Gas, Natural Resources, and Energy Center at the College of Law. While at the University of Oklahoma, she also held a courtesy appointment at the Michael F. Price College of Business, where she taught in the Executive MBA and Energy Management programs.

Prior to teaching, she served as general counsel of a privately held energy company; senior counsel with Pioneer Natural Resources; and associate attorney at Locke Lord LLP. Before law school, Professor Ehrman worked as a petroleum engineer in the upstream, midstream, and pipeline sectors of the energy industry. In addition to her experience with the technical aspects of the industry, she also worked as an analyst in the areas of commodity risk management and energy trading. She is currently secretary of the AALS Section on Natural Resources & Energy, and she is on the

editorial board of the *Journal of World Energy Law & Business* (published by Oxford University Press). She is a Trustee and former Board Member of the Foundation for Natural Resources and Energy Law and was Vice President Education for the Association of International Energy Negotiators.

Professor Ehrman earned a B.Sc. in Petroleum Engineering from the University of Alberta; J.D. from SMU Law; and LL.M. from Yale Law School. During law school, she was a research assistant for the Yale Center for Environmental Law & Policy; a fellow in the Kauffman Program in Law, Economics and Entrepreneurship; and an editor of the *Yale Journal of International Law*. Her teaching courses have included Property, Natural Resources Law, Energy Law, Water Law, Real Estate Transactions, Oil & Gas Law, Oil & Gas Environmental Law, Remedies, Negotiations, and Transactional Energy Contracts.

Her scholarly interests are in the areas of natural resources, energy, property, and environmental law & policy. She is principal investigator of a multi-year team grant awarded in 2021 from the Alfred P. Sloan Foundation to study the impact of the clean energy transition on Native American communities. She is also researching the mischaracterization of natural resources in property law, currently writing on atmospheric modification, mining & wildfire policy.



Rory Gillis is an Assistant Professor at Western University Faculty of Law. His research focuses on tax law and policy. He was previously a Visiting Assistant Professor at the University of Toronto, a law clerk to Justice Morris Fish of the Supreme Court of Canada, and a Senior Editor of the *Yale Law Journal*. Rory has a BA, summa cum laude, from Yale; a JD from Yale Law; and a doctorate in law (SJD) from the University of Toronto.



Andrew Green is Professor and Metcalf Chair in Environmental Law at the University of Toronto Faculty of Law. He researches in the areas of climate change law, administrative law and judicial decision-making (including empirical analysis of how judges make decisions). His most recent book is *Picking up the Slack: Law, Institutions and Canadian Climate Policy* (University of Toronto Press, 2022) which examines how Canadian law and legal institutions have fostered weak action on climate change but provide a basis for change. Professor Green has also written on the climate change law in relation to administrative law, innovation, international trade and social norms. His teaching includes environmental law, climate change law, natural resources law, administrative law, international trade and law and economics.



Shi-Ling Hsu is the D'Alemberte Professor of Law at the Florida State University College of Law, where he served as Associate Dean for Environmental Programs from 2015 to 2019. Prior to his current appointment, Professor Hsu was a Professor of Law and Associate Dean for Special Projects at the University of British Columbia Faculty of Law. He has also served as an Associate Professor at the George Washington University Law School, a Senior Attorney and Economist for the Environmental Law Institute in Washington D.C, and a Deputy City Attorney for the City and County of San Francisco. Professor Hsu practiced law with the firm of Fenwick & West in Palo Alto, California.

Professor Hsu has a B.S. in Electrical Engineering from Columbia University, and a J.D. from Columbia Law School. He also has an M.S. in Ecology and a Ph.D. in Agricultural and Resource Economics, both from the University of California, Davis. Professor Hsu has taught in the areas of environmental and natural resource law, climate change, law and economics, quantitative methods, and property. He is the author of *Capitalism and the Environment: A Proposal to Save the Planet*, *The Case for a Carbon Tax: Getting Past Our Hangups to Effective Climate Policy*, and *Capitalism and the Environment*, and is the co-author (with Josh Eagle) of *Ocean and Coastal Resources Law*.



Prof. Sébastien Jodoin is an Associate Professor in the Faculty of Law of McGill University, where he holds the Canada Research Chair in Human Rights, Health, and the Environment. Drawing on his lived experience with multiple sclerosis, Dr. Jodoin co-founded and directs the Disability-Inclusive Climate Action Research Programme, a pioneering initiative to generate, co-produce, and translate knowledge at the intersections of disability and climate justice. His work in this area has been cited by the Intergovernmental Panel on Climate Change and the United Nations High Commissioner for Human Rights and has been covered by media outlets around the world, including the Associated Press, the CBC, the BBC, and The Guardian. In 2023, McGill University awarded him its Changemaker Prize, awarded to scholars whose dedication to sharing their expertise with the media and the public has significantly impacted society.



Hajin Kim is an Assistant Professor of Law at the University of Chicago Law School. She uses principles from social psychology and economics to study how moral and social influence can shape environmental regulation and firm behavior.

Hajin received her BA in economics, summa cum laude, from Harvard, her JD from Stanford Law School, and her PhD from Stanford's Emmett Interdisciplinary Program in Environment and Resources. Before attending Stanford, Hajin worked for the Boston Consulting Group. She clerked for Judge Paul Watford of the US Court of Appeals for the Ninth Circuit and Justice Ruth Bader Ginsburg of the US Supreme Court.



Alyssa King is an assistant professor at Queen's University Faculty of Law. She teaches and researches in the areas of civil procedure, private international law, comparative law, and contracts.



Erik Knutsen (LL.M., Harvard Law School; J.D., Osgoode Hall Law School; B.A.(Hons.), Lakehead University) is a Professor at the Queen's University Faculty of Law in Kingston, Ontario, Canada. He served as Associate Dean (Academic) for the Queen's Faculty of Law from 2018-2020. His areas of academic interest include insurance law, tort, health law, medical liability, civil procedure and the civil litigation system.

He is the author of *Halsburys Laws of Canada – Insurance*, a co-author of the treatises *Canadian Tort Law and Stempel and Knutsen on Insurance Coverage*, as well as the casebooks *The Civil Litigation Process and Principles of Insurance Law*. He has presented his work at venues in Canada, the United States, Europe, the United Kingdom, and China. He is frequently involved with professional and judicial education initiatives. His work has been cited by Canadian, American, and European appellate and trial courts.

Professor Knutsen was awarded the university-wide Queen's University Baillie teaching award in 2018. He has also three times earned the law faculty's teaching award. He was previously a Visiting Assistant Professor at Florida State University College of Law, where he also earned a teaching award.

Professor Knutsen is an elected member of the American Law Institute, the European Law Institute, and an Honorary Fellow of the American College of Coverage Counsel.

He has practiced tort and insurance litigation in New York at Paul, Weiss LLP where he assisted with 9/11 World Trade Center cases, in Toronto at Fasken Martineau LLP, and in Thunder Bay at Carrel + Partners LLP. He is a member of the bar of Ontario, Canada. Professor Knutsen regularly consults with lawyers on cases heading to trial or appeal, including cases at the Supreme Court of Canada, American courts, and other courts and tribunals around the world.



Josh Macey teaches and writes about bankruptcy, environmental law, energy law, and the regulation of financial institutions. He is the three-time winner of the Morrison Prize for most influential environmental law article of the previous year ("Zombie Energy Laws," 73 *Vanderbilt Law Review*; "Long Live the Federal Power Act's Bright Line," 134 *Harvard Law Review*; "Clean Energy Through Grid Reliability," 74 *Stanford Law Review*). He is also a co-author on one of the leading Energy Law casebooks and was recognized by the American Bankruptcy Institute in the class of 2023 "40 Under 40" emerging leaders in insolvency practice.

Professor Macey graduated from Yale College, the London School of Economics, and Yale Law School. He has worked at Morgan Stanley and clerked for Judge J. Harvie Wilkinson III on the Court of Appeals for the Fourth Circuit.



Cherie Metcalf (BAH (Econ)(Queen's); MA, PhD (Econ)(UBC); JD(Queen's); LLM (Yale)) is Associate Dean Research and Associate Professor at Queen's Faculty of Law, cross appointed to the Department of Economics. Her research generally focuses on environmental and resource law and policy, especially intersections with Indigenous rights. She often uses empirical methods and interdisciplinary approaches, drawing on her training in economics. Her most recent project relates to climate change and received funding from the Social Science & Humanities Research Council of Canada (SSHRC) and the Canadian Foundation for Legal Research. She has published in journals including the *Northwestern University Law Review*, *International Review of Law & Economics*, *Canadian Public Policy*, *University of Toronto Law Journal*, and *Journal of Empirical Legal Studies* and regularly presents in Canada and the US. She held a Fulbright at Yale and was an invited visitor at the University of Colorado Faculty of Law & Institute of Behavioral Sciences Institutions Program, and Vancouver School of Economics at UBC. She teaches public & constitutional law, law & economics, and (occasionally) international environmental & resource law.



Jonathan Nash is Robert Howell Hall Professor and director of Emory Law's Center on Federalism and Intersystemic Governance. Nash specializes in federal courts and jurisdiction, the study of courts and judges, and environmental law (both domestic and international). Before coming to Emory Law, Nash served as the Robert C. Cudd Professor of Environmental Law at Tulane University. He has served as a visiting professor at the University of Chicago Law School and at Hofstra University School of Law. Nash is a prolific scholar, publishing numerous leading journals. His scholarship has been cited in numerous judicial decisions.

Prior to teaching, Nash was a law clerk to the Honorable Donald Stuart Russell of the US Court of Appeals for the Fourth Circuit and to the Honorable Nina Gershon, then Chief Magistrate Judge of the US District Court for the Southern District of New York. Professor Nash also worked as an attorney in New York. Professor Nash received his bachelor's degree in mathematics summa cum laude from Columbia University in New York, his J.D. magna cum laude from New York University School of Law, his LL.M. from Harvard Law School, and his Ph.D. in political science from Emory University.



Vanessa Casado Pérez is a Professor and Dean's Research Chair at Texas A&M School of Law and a Research Professor at Texas A&M Department of Agricultural Economics. Her scholarship focuses on property and natural resources law. She was the Pace- Haub Environmental Law 2021-22 Distinguished Junior Scholar and the Utah S.J. Quinney College of Law's Stegner Center Junior Scholar 2022. Her research has been published, among others, by NYU Law Review, Northwestern Law Review, Iowa Law Review, and University of Southern California Law Review.



Arden Rowell is a Professor of Law at the University of Illinois. She works on risk regulation and on bringing interdisciplinary insights into environmental law. She is the coauthor of three recent books: *The Psychology of Environmental Law*, *A Guide to U.S. Environmental Law*, and *A Guide to EU Environmental Law*.



Professor Stephanie M. Stern researches and teaches in the areas of climate adaption policy, water law, and housing and property law. Her current research focuses on legal frameworks for residential and agricultural climate retreat (relocation) in response to climate-induced sea-level rise and drought. Her work integrates water law, property law and theory, and law and psychology to address human dislocation and environmental impacts from climate change and, in some cases, from climate adaptation policies. Professor Stern's scholarship has been published in the *Duke Law Journal*, *Michigan Law Review*, *Columbia Law Review*, *Cornell Law Review*, *Virginia Law Review*, and leading peer-reviewed journals. She has been a visiting professor at Yale Law School and Hebrew University. At the University of Arizona College of Law, Professor Stern teaches water law and climate adaptation, participates in the Arizona Institute for Resilient Environments and Societies, and serves on the Climate Health U.S.-France working group. Prior to academia, Professor Stern practiced property law at Kirkland & Ellis, LLP, served as a fellow of the Yale Center for Environmental Law and Policy, and clerked for the Honorable Kermit Lipez on the U.S. Court of Appeals for the First Circuit. Professor Stern is a graduate of the Yale Law School.



Sophie Thériault is Full Professor in the University of Ottawa Faculty of Law (Civil Law Section), where she served as Vice-Dean, Academic (2019-2023), and as Vice-Dean Graduate Studies (2015-2017). She is also a member of the Global Young Academy (2020-2025). Professor Thériault's research focuses on Indigenous peoples' rights in the context of natural resources extraction; Indigenous environmental governance; environmental justice and environmental rights; and food security and sovereignty for Indigenous peoples. Her work examines the myriad ways in which state law dispossesses, subjugates, and marginalizes Indigenous peoples, especially in relation to the extraction of natural resources on their traditional lands. It also focuses on the role of law on creating, reproducing, and potentially remediating environmental injustices for Indigenous peoples and other marginalized groups.



Josephine van Zeben is Professor and Chair of the LAW group at Wageningen University (WUR, the Netherlands) and part of the Transdisciplinary Advisory Board of [JPI Climate](#).

Prof. van Zeben's research focusses on the regulation of environmental issues by public and private actors across jurisdictions, with particular attention for polycentric governance theory and developments related to the European Union. She is research lead of the LAW Group's program "[Law for the Living Environment](#)". Her research also draws on her teaching of law to non-law students and lawyers from foreign jurisdictions by actively searching for optimal ways of analysing complex legal and societal problems so as to facilitate interdisciplinary solutions.

Prof. van Zeben is co-editor-in-chief of [Transnational Environmental Law](#), and is part of the editorial board of several other academic journals, including the Croatian Yearbook of European Law and Policy, and Istituzioni del Federalismo, and board member of several associations, such as the Society for Environmental Law and Economics. She has held visiting professorships at Notre Dame Law School (United States), La Trobe Law School (Australia) and provides guest lectures across the world. Between 2012 and 2022, she taught Environmental Regulation: Law and Policy at the ETH Zürich.



Mark Winfield is a Professor of Environmental and Urban Change at York University. He is also Co-Chair of the Faculty's Sustainable Energy Initiative, and Coordinator of the Masters in Environmental Studies (MES) program and joint MES Studies/Juris Doctor program offered in conjunction with Osgoode Hall Law School. He has published articles, book chapters and reports on a wide range of climate change, environment and energy law and policy topics. His co-edited volume, Sustainable Energy Transitions in Canada, was published by UBC Press in November 2023.



Katrina Wyman is the Wilf Family Professor of Property Law at NYU School of Law, where she teaches and researches in the areas of Property and Environmental Law. Wyman is faculty director of NYU Law School's Frank J. Guarini Center on Environmental, Energy and Land Use Law, and faculty director of the law school's Environmental and Energy LLM program. She is currently co-authoring a book about the role of large cities in U.S. environmental law in the first decades of the twenty-first century. Wyman has a BA, MA and LLB from the University of Toronto, and an LLM from Yale Law School.
