**The Law of Fire and Flood**

Professor Christine A. Klein

Spring 2024 (Law 272.34, section 001, 2 credits)

(Current as of Jan. 10, 2024)

**Professor Contact Information:**

ProfessorChristine A. Klein

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Office: Simon Hall 690

Zoom personal meeting room: https://berkeley.zoom.us/j/9841730916

**No required casebook**

There is no required casebook or reader to purchase. Required course readings will be posted on our class bCourses site.

**Class meetings—Thursdays, 3:35 – 5:25 p.m., Law 136**

After class, I will post PowerPoint slides (if any) on our class bCourse site. The slides are for your personal use only and should not be distributed.

**Class recording policy**

At the present time, I do not plan to record classes. However, I reserve the right to change the policy as the semester progresses (and will give you notice if recordings will be available to the class). Likely reasons for potential future recording include, but are not limited to, a resurgence of COVID-related illnesses and absences.

**Office Hours – Simon Hall room 690**

I will hold office hours on Thursdays from 10-11 am and 1:30-2:30 pm. I encourage you to attend office hours to discuss the *Fire and Flood* course, law school, life, or simply to introduce yourself to me. My office hours are “drop-in,” but I’d also be happy to schedule a convenient private time for us to meet in person or on Zoom.

**Attendance – mandatory for first and last classes**

Because this is a small discussion class (with a number of guest speakers), your reliable attendance and participation are critical to a productive and enjoyable course environment. You are *required to attend the introductory meeting and the final meeting*. Apart from those classes, you are permitted *up to 2 absences* without penalty from the remaining 12 class sessions. To the extent possible, please try to avoid absences on the days that we have guest speakers.

**Participation and discussion panel leaders**

This course will be based on group discussion. Students are required to sign up for on-call panels to lead the conversation each week, based on the readings, lectures by the instructor, and presentations by various guest speakers. Currently, I anticipate that each student panel will lead the discussion for two class sessions.

**Written reflection papers**

To stimulate class discussion and to prompt you to think broadly about the readings and lectures, I will ask each student to submit *5 reflection* papers throughout the semester (600-900 words each, graded credit/no credit). In those papers, please comment on the readings for the upcoming class and, if a guest speaker is scheduled, please include at least *2 questions* that you will be prepared to ask the speaker to help insure lively interactions with our guests. The content of the paper is flexible. For example, you might share your reaction to the readings; highlight additional questions; and/or explain similarities (or differences) you have observed between the law, policy, and history of fire, as opposed to that of flood. I hope you will enjoy this exercise, and that it will be a creative and intellectually stimulating opportunity for you. All professional, timely, good-faith submissions will receive full credit. Each paper will be due on Wednesdays (midnight) before the relevant class. (Please note that the bCourses assignment drop box does *not* accept late submissions).

**Exam and Grading Policy**

* Your final exam will be a 3 hour, open-book, open-notes take-home exam. I will give you more specific information about the exam early in the semester.
* Your final course grade will be based on the final exam (90%) and on the five written reflection papers (10%, graded credit/no credit).

**Learning Outcomes**:

After completing this course, students should be able to:

* Be familiar with broad concepts of law, science, history, and policy governing the prevention of and response to wildfire in the United States.
* Be familiar with broad concepts of law, science, history, and policy governing the prevention of and response to floods in the United States.
* Articulate similarities and differences between national policy toward fire and flood, including the relevance of federalism issues.
* Articulate measures that can promote resilience after fire and flood.

**Course Schedule** (subject to change)

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|  | **Topic** |
| Jan.  11 | **Introductory Meeting (mandatory)**  *Disasters, Natural and Otherwise* |
| Jan.  18 | *The Law: The Great Flood of 1927 and Beyond* |
| Jan.  25 | *The Science: River Hydrology and Floodplain Management*  Guest Speaker:  G. Mathias Kondolf, PhD  Professor of Environmental Planning  Landscape Architecture & Environmental Planning  University of California Berkeley |
| Feb.  1 | *The Science: Wildfire Ecology and Management*  Guest Speaker:  Brandon Collins, PhD  Rausser College of Natural Resources, UC Berkeley |
| Feb.  8 | *The Law: The Great Fire of 1910 and Beyond*  Guest Speaker:  Eric Biber  Edward C. Halbach Jr. Professor of Law, UC Berkeley  Director, Energy & Environmental Law Programs |
| Feb.  15 | *Climate Change Attribution*  Guest Speaker:  Michael Wehner, PhD, Senior Staff Scientist  Lawrence Berkeley National Laboratory |
| Feb.  22 | *Liability: Flood Litigation* |
| Feb.  29 | *Liability: Fire Litigation* |
| Mar.  7 | *Resilience: Reducing Risk*  Guest Speaker:  Anna Serra-Llobet, PhD  UC Berkeley  “Risk as a Process: A History-Informed Hazard Planning Approach” |
| Mar.  14 | *Resilience: Sea Level Rise, Cities, and Social Justice*  Guest Speaker:  Kristina Hill, PhD  Director, Institute of Urban and Regional Development  UC Berkeley College of Environmental Design |
| Mar.  21 | *Resilience: Flood Insurance* |
| **S P R I N G B R E A K** | |
| Apr.  4 | *Resilience: Innovative Approaches to Disaster Insurance* |
| Apr.  11 | *Resilience: Disaster-Proofing the Law* |
| Apr.  18 | **Course Debriefing (mandatory)** |
| Apr.  25 | **Review session (tentatively scheduled via Zoom)** |