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### Editor's Note

Rebecca J. Wilkins

Erik Lemmon

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## EDITORS' NOTE

Global climate change affects human lives. Low-income communities, people of color, and indigenous societies are particularly affected by social and cultural disruptions, impaired health, and unjust financial burdens. In every country, city, and town across the globe, the poor suffer more than the affluent from the effects of global climate change. In U.S. cities, wealthier citizens mitigate the effects by their choices in jobs and housing. They can afford to relocate or insure their property and their health. They work and live in air-conditioned offices that shut out bad-pollution days, and not on construction sites or in contaminated neighborhoods. Low-income Americans are three times more likely to die from respiratory ailments and two times more likely to die from a heat wave than their wealthier neighbors. Around the world, the effects of climate change are felt disproportionately by poorer countries, especially those at the equator and the poles. Lack of infrastructure and resources constrain their ability to cope with the consequences. Yet, they are the least likely to have contributed to the greenhouse gas emissions that caused them.

Global climate change is among the most compelling and complex concerns of today. As world leaders struggle to address this issue, the disproportionate impact on the poorer communities of the world must be part of their discourse. The climate change policies that are adopted, whether at the local, state, regional, national, or global level, must address this disparate impact. Whether shaping policies related to greenhouse gas emissions, transportation, housing, energy production, or industry, policymakers must consider the effects of these policies on poorer communities.

The *Denver University Law Review* Symposium "Global Climate Change: Integrating Environmental Justice into Policy, Regulation, and Litigation" was held on February 15, 2008. The Symposium brought together some of the most distinguished scholars and practitioners in this field to discuss how lawyers concerned with climate change and social justice can raise these issues in shaping legislation, influencing regulation, and pursuing litigation. The articles in this Issue are a result of that inspiring and powerful discourse.

First, Colorado State Attorney General John Suthers' keynote address takes the position that activist state attorneys general have overstepped their roles in pursuing many of the climate change cases, primarily due to their political ambitions. Next, Professor Federico Cheever explores the lawyer's role in addressing global warming and reminds us to think like a lawyer in finding the parties responsible and holding them accountable. Professor Alice Kaswan's article describes California's

efforts to do just that, and proposes a cooperative federalist structure in which the states and the federal government can work together.

Professor Anita Halvorssen discusses the issue on a global scale, analyzing the international agreements, their effectiveness, and amendments anticipated when the world leaders meet in Copenhagen in 2009. Next, Professor Sarah Krakoff explores the disproportionate impact of climate change on Native Americans, who contribute very little to global warming but suffer its effects in a particularly painful way because of their cultural attachment to the land.

Professor Marilyn Averill reviews how the courts have dealt with climate change issues, emphasizing that these types of cases allow examination of ethical and social issues within the particular factual context of a legal case. Professor James May examines how the courts have used the political question doctrine to avoid hearing these cases and argues that the doctrine should not serve as a bar to judicial resolution.

Professor Gary Bryner then describes the market's failure to account for carbon emissions and argues that capturing these costs in the price of goods is essential to improving the quality of our environment. Professor Robert Hardaway discusses the inputs to the climate change equation and argues that while certain economic policies such as a carbon tax or a cap-and-trade system may have some effect on reducing greenhouse gases, we may be just "rearranging deck chairs on the Titanic" until we get population growth under control. Finally, Professor Ved Nanda uses the European Union's Gas Emissions Trading Scheme as a template for a market-based solution that can provide incentives for curbing greenhouse gas emissions.

We are honored to have these contributors to this Issue of the Law Review. We would also like to thank the other speakers that participated in the Symposium. Luke Cole, Director of the Center for Race, Poverty, and the Environment, began our Symposium with the fascinating and heartrending story of the Inupiat people in the tiny Alaskan village of Kivalina. Their simple way of subsistence living from hunting and fishing is being destroyed by climate change, and they are pursuing compensation in the courts. Other speakers made excellent contributions to our panels: Robert R. Nordhaus, Member, Van Ness Feldman, LLC, Washington, D.C.; Vickie Patton, Deputy General Counsel, Environmental Defense Fund; Eric Toder, Ph.D., Senior Fellow, Urban Institute, Senior Staff, Urban-Brookings Tax Policy Center; Professor Ed Ziegler, University of Denver Sturm College of Law; and our other keynote speaker, Jim Holtkamp, Manager of both the Global Climate Change and Environmental Practice Groups at Holland & Hart LLP.

The 2008 Symposium would not have been as successful without the support and contributions of many people at the University of Denver Sturm College of Law. Professor Cheever, who was our Symposium

advisor and host, provided much-appreciated advice and guidance throughout the process. We would also like to thank the faculty members who served as moderators of the Symposium panels: James van Hemert, Director, Rocky Mountain Land Use Institute; Professor Robert Hardaway, University of Denver Sturm College of Law; Jay Tutchton, Director, Environmental Law Clinic, University of Denver Sturm College of Law; Professor Cheever, University of Denver Sturm College of Law; and Professor Mark Hughes, University of Denver Sturm College of Law. In addition, our Assistant Symposium Editors, Adam Aldrich, Page Crowther, and Joshua Nathaniel, were instrumental in putting each of the panels together. Thank you also to the various staff members at the Sturm College of Law that helped with logistics and marketing, especially Continuing Education Consultant Giselle Diaz, Director of Events Lauri Mlinar, and Law Review Office Coordinator Gracie Aguirre. We also appreciate the financial support and sponsorship of the Rocky Mountain Mineral Law Foundation and the law firm of Holland & Hart LLP. Finally, we also thank Michael Smith, Justin Curry, and Forrest Plesko, incoming Editor-in-Chief, Managing Editor, and Senior Articles Editor, for their hard work in preparing this Issue.

Rebecca J. Wilkins  
*Symposium Editor*

Erik Lemmon  
*Editor-in-Chief*

