



#PodcastsInTheClassroom

Episode Question Ideas: Episode 83

To Sue or Not to Sue: Legal Liability and Climate Adaptation with the Conservation Law Foundation

<https://www.americaadapts.org/episodes/legal-liability-and-climate-adaptation-with-the-conservation-law-foundation>

Full Episode Questions

- Deanna and Elena are members of the Conservation Law Fund (CLF). Is there an equivalent of the CLF in your field? What is it? What services do they provide?
- Thinking broadly about Deanna and Elena's interview, how do non-lawyers contribute to legal processes for climate change?
- In preparing to write the report referenced in the episode, CLF identified a gap in climate change adaptation: there was no action being taken. How can your field contribute to closing this gap? Further, how can you contribute to communicating the urgency that Deanna and Elena reference, in addition to their suggestions for litigation.
- What does it mean to be liable for the impacts of climate change? Is there a difference between being directly and indirectly liable? If so, what is the difference?
- How should broader community responses to climate impacts - e.g. city stormwater system maintenance and upgrades intersecting with a city's floodplain planning and zoning - inform the way specific buildings and facilities might be caught up in a liability claim?
- How can we use climate models to plan for adaptive futures? Is it reasonable to use climate models to determine negligence? Why or why not? How could this be relevant in your field? How can we account for the ranges of possible outcomes in different scenarios?
- What types of actions are organizations and associations of professions taking to inform their members of climate change planning? What is your professional association doing to inform members? Is this enough? If no, what else is needed?



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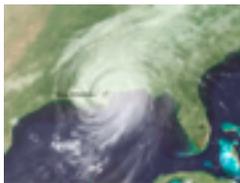
- How do codes of ethics, building codes, and legal negligence differ? How do they work together? Are they hierarchal? Should there be changes to how they currently interact, or do they work well together? Deanna and Elena share a specific example about the American Institute of Architects; what, if anything, can we learn from the Association with regards to updating each of these codes for climate change?

Segment Questions

- At 18:43, Deanna introduces the idea of downscale climate modeling. Is this a new idea for you? How is it being used in your community to “think forward,” as Elena puts it? How might it be?
- At 25:50, Deanna and Elena describe the case against Exxon Mobil, a company which operates a transport facility in an environmental justice community within Massachusetts. What is an environmental justice community? What local environmental justice communities can you identify? How is, in Deanna’s words, “litigation being used to influence behavior” in these areas?
- At 35:39, Elena and Deanna discuss how teaming up as a lawyer and a planner benefits their work, noting that their “ backgrounds lend a different lens to things” and “people listen to us in different ways.” In thinking about your own adaptation work, what surprising partnerships/collaborations have benefited your work? What can others learn from your experience? If you’re just starting a project, how might you work cross-disciplinarily to enhance your outreach and impact?
- At 41:30, Elena describes that professional liability insurance claims may be evaluated with rules that are different from what was in force at the time a project was built. How can you deal that uncertainty in future standards when designing a project today?

Related Open Education Materials

Learn more about issues raised in this episode! You may find the following open educational resources from MIT OpenCourseWare of interest.



[1.010 Uncertainty in Engineering](#) Professor Daniele Veneziano shares materials she used in teaching undergraduates to apply probability and statistics to engineering, including the course syllabus, lecture notes, assignments, and PDF files on topics such as the effect of wind loads on buildings, the relation between the duration and intensity of storms, and the prediction of earthquakes.

Image caption: Hurricane Katrina, showing rainfall extremes. The probability of weather events is used as an example in class. (Image courtesy of [NASA](#).)



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Image caption: *Tacoma Shipyard*, photograph by Michael Lane, 2005. (Image courtesy of openphoto.net.)

[11.368 Environmental Justice](#) In this graduate-level course, Professor JoAnn Carmin explores the application of environmental justice analysis to environmental policy and planning. Educators have access to her syllabus and reading list and to reaction papers written by students in response to the weekly readings.



Image caption: The eruption of Mexico's Parícutin volcano in 1948. (Image courtesy of USGS.)

[12.103 Science and Policy of Natural Hazards](#) Professor Kerry Emanuel, Professor Stephane Rondenay, and Jane Connor share materials from a course on the policy implications of natural hazards. Educators have access to the syllabus, lecture notes, assignments, and a list of links to resources on earthquakes, hurricanes, tornadoes, and the assessment of natural hazards in general.



Image caption: The Deepwater Horizon oil spill illustrates the need for cooperation between corporations and governments to address environmental issues and policy. (This image is in the public domain. U.S. Coast Guard photo by Petty Officer 3rd Class Patrick Kelley.)

[14.42 Environmental Policy and Economics](#) Dr. Hunt Allcott shares materials from an undergraduate course on government's role in environmental regulation. Educators have access to the syllabus, reading list, assignments, and notes and slides from the course's lectures on topics such as cost-benefit analysis, risk and liability, and climate change policy.



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