GABRIEL WEIL

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EDUCATION

Georgetown University Law Center, Washington, DC
Juris Doctor, cum laude, May 2011

GPA: 3.6
Honors: Dean's List, all semesters
CALI Award for best final examination score: Torts (2008),
Economic Analysis of Health Care Law (2011)
Activities: Executive Editor, *Georgetown International Environmental Law Review*

Pace University Elizabeth Haub School of Law, White Plains, NY (ranked #1 in env law)
LL.M. in Environmental Law, summa cum laude, May 2017

GPA: 3.9

Northwestern University, Evanston, IL
Bachelor of Arts in Political Science, Physics, and Integrated Science, June 2008

TEACHING EXPERIENCE

Touro University Jacob D. Fuchsberg Law Center 2022 - Present
Assistant Professor of Law
- Teaching 1L Torts (6 credits over 2 semesters)

University of Wyoming College of Law Fall 2021
Visiting Professor
- Taught 1L Torts (4 credits) and Global Climate Change Law & Policy (2 credits)

PUBLICATIONS

Global Climate Governance in 3D: Mainstreaming Geoengineering Within a Unified Framework, 83 U. PITT. L. REV. _____ (forthcoming 2022).

The failure of global climate change mitigation efforts to reduce climate-related risks to tolerable levels has spurred greater interest in unconventional climate interventions. Many of these interventions are commonly lumped together in the fuzzy category of geoengineering. But the characteristics of climate interventions vary across three distinct dimensions. First, interventions can act either by altering the atmospheric concentration of greenhouse gases or by changing the amount of incoming solar radiation that is absorbed by the earth. Second, the characteristic duration of interventions varies from days to thousands of years. Third, interventions differ in terms of the resources required to effect substantial changes in the earth's climate system. This article argues that rather than treating geoengineering and conventional mitigation interventions as two distinct policy domains, global climate governance would be better served by a unified approach that

addresses all climate interventions in light of these three dimensions. In such a unified framework, influence over multilateral decisions to deploy risky, high-leverage climate interventions could be used as an incentive to induce greater national investment in less risky, more expensive decarbonization efforts.

The Carbon Price Equivalent: A Metric For Comparing Climate Change Mitigation Effort Across Jurisdictions, 125 DICK. L. REV. 101 (2021).

Climate change presents a global commons problem: Emissions reductions on the scale needed to meet global targets do not pass a domestic cost-benefit test in most countries. To give national governments ample incentive to pursue deep decarbonization, mutual interstate coercion will be necessary. Many proposed tools of coercive climate diplomacy would require a one-dimensional metric for comparing the stringency of climate change mitigation policy packages across jurisdictions. This article proposes and defends such a metric: the carbon price equivalent. There is substantial variation in the set of climate change mitigation policy instruments implemented by different countries. Nonetheless, the consequences of any combination of these policies can be summarized in terms of aggregate emissions during a specified period. Given differences in geography, resource endowment, level of development, demographics, and other boundary conditions, aggregate emissions do not lend themselves to meaningful direct comparisons of climate change mitigation efforts. However, there will always be some carbon price that, if implemented in an otherwise neutral policy environment, would have produced this observed level of aggregate emissions during a specified period. This is the carbon price equivalent of the package of policies that produced that level of aggregate emissions. The carbon price equivalent can also be thought of as the weighted average emissions allowance trading price that would have prevailed under a cap and trade system implemented in an otherwise neutral policy environment, with the cap set to match observed aggregate emissions over some period. The carbon price equivalent metric has several applications, including strategic emissions policies, strong trade linkage, and border adjustment of domestic emissions taxes and regulations. This article sets forth procedures for estimating national carbon price equivalents, including a specification of the otherwise neutral policy environment. Design issues and challenges involving currency conversions, production versus consumption emissions, spillover effects of domestic climate policies, use of a social cost of carbon to set regulatory policy, and greenhouse gases other than carbon dioxide are analyzed and resolved. A normative case for the carbon price equivalent metric is advanced in terms of both justice and efficiency. Alternative metrics are considered and found inadequate.

Individual Preferences in Policy Analysis: A Normative Framework , 50 TEX. ENVTL. L. J. 55 (2020).

Measures of individual preferences are a key input in cost-benefit analysis. However, behavioral science has raised questions about the rationality of these preferences. The

Nudge thesis relies on this research to prescribe interventions to influence individual choices. However, the more modest step of limiting reliance on these preferences in evaluating non-paternalistic government policies has not been taken up. We lack a consistent theory of when public policy should defer to these preferences, with legal and policy advocates adopting ad hoc result-oriented approaches. I argue that policymakers should be prepared to override individual preferences in cases where their only plausible rational justification(s) sever their connection to social welfare, undermining their normative motivation. For time discounting, this means eliminating the pure time preference component of the discount rate for most purposes. For valuing mortality risks, it implies shifting from the value of a statistical life method to a modified life-years method. Well-being analysis is considered as an alternative to cost-benefit analysis's reliance on preferences and found inadequate. The concept of laundered preferences is discussed, with an emphasis on how it could be refined to address irrational or normatively unmotivated preferences.

Mitigating Climate Change Through Transportation and Land Use Policy, 49 ENVTL. L. REP. 10473 (2019, with Alejandro E. Camacho, Melissa L. Kelly, & Nicholas J. Marantz).

Several U.S. state and local governments have adopted strategies for reducing greenhouse gas (GHG) emissions from transportation and land development. Although some have made significant progress in reducing GHG emissions from the power sector, transportation emissions in most states continue to rise. This article details the range of existing and proposed state interventions to reduce transportation sector GHG emissions, analyzes the tradeoffs between these strategies, and offers recommendations to improve and supplement such initiatives, including funding and technical assistance and strategic use of planning mandates. Additionally, regulating land use, shifting transportation spending, removing barriers to implementing road pricing policies, and altering standards for environmental impact analysis can more effectively reduce transportation-sector GHG emissions to mitigate climate change.

Incentive Compatible Climate Change Mitigation: Moving Beyond the Pledge and Review Model, 42 WM. & MARY ENVTL. L. & POL'Y REV. 923 (2018).

This article critiques the voluntary, bottom-up "pledge and review" model for global climate change mitigation. Climate change represents a global commons problem, where individuals, businesses, and nation-states all lack sufficient incentives to reduce their greenhouse gas emissions to levels consistent with meeting their collectively agreed upon mitigation goals. The pledge and review approach, which many see as a major breakthrough, relies primarily on moral pressure and reputational incentives to foster cooperation on mitigation efforts over and above those driven by maximization of narrow conceptions of national interests. Given the scale of the emissions reductions required to meet stated mitigation goals, the substantial economic costs of deep decarbonization, and the central role of fossil fuels in the global

economy, these soft factors are likely to prove too weak. Projections based on the pledges embodied in the Paris Agreement indicate that the world is not on a path to avoiding dangerous anthropogenic interference with the global climate, and there is no enforcement mechanism to assure that the commitments made in Paris are kept. Indeed, early indications suggest most nations will not meet their Paris commitments. These limitations suggest the need for more robust and mutually coercive mechanisms to encourage the adoption of emissions controls based on the full global costs they generate.

Subnational Climate Mitigation Policy: A Framework for Analysis, 23 COLO. J. INT'L ENVTL. L. & POL'Y 285 (2012).

This paper addresses the optimal role for state mitigation policy in the face of insufficient federal action. It contrasts a first-best regime of robust global carbon pricing, in which the proper role for sub-national governments would be limited to complementary policies like land use reform and congestion pricing, and to implementation and enforcement of higher order policies, with the current situation in which sub-national policies can also substitute for and promote federal action. Substitution means achieving direct emissions reductions and demonstrating, to the extent possible, a credible commitment to mitigation. Promotion means building constituencies for robust federal action and demonstrating and refining mitigation policies for application at the national level. On the margin, there are tradeoffs between these mechanisms for state policy in terms of allocation of political capital and other scarce resources. Optimal management of these tradeoffs depends on examining basic assumptions regarding the necessity of robust national and global action and the effectiveness of state policies at promoting such action.

Costs, Contributions, and Climate Change: How Important Are Universal Emissions Commitments?, 23 GEO. INT'L ENVTL. L. REV. 321 (2011).

This note addresses the importance of universal binding emissions caps for multilateral mitigation policy, exploring the potential problems posed by outliers both in terms of burden-sharing and more technical issues like leakage and the feasibility of reliable offsets. For forestry offsets, it concludes that near-universal participation among nations with substantial tropical forest cover is necessary to make the system viable. For other kinds of offsets involving non-tradable sectors, it is only necessary that jurisdictions directly involved in offsets trading accept binding emissions limits. Leakage is generally a marginal phenomenon in economic terms, but may present a significant political obstacle to climate mitigation, and countermeasures may backfire. Finally, sheer arithmetic requires that most significant emitters accept binding caps in the near future in order for atmospheric greenhouse gas concentrations to be stabilized at a tolerable level.

PROFESSIONAL EXPERIENCE

Touro University Jacob D. Fuschberg Law Center
Assistant Professor of Law 2022 - Present

- Teaching 6-credit 1L torts course (over 2 semesters)

University of Wyoming College of Law Fall 2021
Visiting Professor of Law

- Taught 4-credit 1L torts course and 2-credit climate change law & policy course

Climate Leadership Council 2019-2022
Senior Research Associate

- Conducted original research supporting CLC's border-adjusted carbon tax and dividend plan

Georgetown University Law Center
Visiting Researcher 2019-2022

- Pursued independent legal scholarship and participated in faculty and fellows workshops

University of California, Irvine School of Law
Fellow, Center for Land, Environment, and Natural Resources 2018 - 2019

- Conducted research and facilitated roundtable workshops on environmental law and policy issues

Ford Foundation U.S.-China Climate Policy Exchange Program Summer 2017
Participant

- Traveled across China meeting with government officials and business leaders to learn about the country's climate change policies and investments, wrote report for Ford Foundation

Pace Energy and Climate Center Spring 2017
Student Research Associate

- Conducted law and policy research on projects related to energy efficiency, renewable energy, transmission and metering infrastructure, and rate-making proceedings

United Nations, Sri Lanka Delegation
Adviser Fall 2016

- Represented Sri Lanka delegation at UN committee meetings and advised on law and policy

American Association of State Highway and Transportation Officials
Program Manager for Climate Change 2015 - 2016

- Managed the Resilient and Sustainable Transportation Systems technical assistance program

Energy Programs Consortium
Program Analyst 2013 – 2014

- Served as liaison between HHS and EPC for administering LIHEAP state training program
- Conducted legal research and writing in support of energy efficiency and renewable programs

Georgetown Climate Center
Institute Associate 2012 – 2013
Research Assistant 2010 – 2011

- Drafted analytical memos on legislation, EPA regulation of GHG emissions, and court cases
- Supervised student projects on climate adaptation for experiential learning seminar

White House Council on Environmental Quality
Law Clerk Fall 2011

- Provided legal analysis to guide administration policy on legislation and executive orders
- Drafted official comments on major EPA and DOE rulemakings

REFERENCES

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