

# Washington Journal of Environmental Law & Policy

---

Volume 7 | Issue 2

---

7-1-2017

## Contents

anon

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wjelp>

---

### Recommended Citation

anon, Table of Contents, *Contents*, 7 WASH. J. ENVTL. L. & POL'Y i (2017).

Available at: <https://digitalcommons.law.uw.edu/wjelp/vol7/iss2/1>

This Table of Contents is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Journal of Environmental Law & Policy by an authorized editor of UW Law Digital Commons. For more information, please contact [lawref@uw.edu](mailto:lawref@uw.edu).

# WASHINGTON JOURNAL OF ENVIRONMENTAL LAW & POLICY

VOLUME 7, ISSUE 2, JULY 2017

---

Published by students of the  
University of Washington School of Law

---

## CONTENTS

<i>Introductory Essay: Catastrophe Thinking, Fast and Slow</i> <i>Todd A. Wildermuth</i>	251
The Internationalization of Climate Damages Litigation <i>Michael Byers, Kelsey Franks, &amp; Andrew Gage</i>	264
Is the “Act of God” Dead? <i>Clifford J. Villa</i>	320
The Nature of Extreme Natural Risks in the Natural Environment <i>Denis Binder</i>	340
Insurance Against Catastrophe: Government Stimulation of Insurance Markets for Catastrophic Events <i>Véronique Bruggeman, Michael Faure, &amp; Tobias Heldt</i> 23 DUKE ENVTL. L. & POL'Y F. 185 (2012)	380
Invest to Withstand the Test of Time: Capital Planning for High-Impact Earthquakes <i>Jan Whittington</i>	444

**Washington Journal of Environmental Law & Policy**

University of Washington School of Law

William H. Gates Hall, Box 353020

Seattle, WA 98195-3020

(206) 543-8838; [wjelp@uw.edu](mailto:wjelp@uw.edu)

<http://www.law.washington.edu/wjelp/>

The *Washington Journal of Environmental Law & Policy* (ISSN 2160-4169) is peer-reviewed and published semiannually by students of the University of Washington School of Law.

**Mission:** The *Washington Journal of Environmental Law & Policy* is a student-run organization that advances legal and interdisciplinary scholarship in the field of environmental law. The Journal provides a forum for students, scholars, and practitioners to examine interdisciplinary environmental issues facing the Pacific Northwest and beyond.

**Submissions:** We invite authors, including professionals and law students from the University of Washington and other law schools, to submit scholarly legal articles and essays on topics of environmental interest. We primarily publish literature on environmental issues specific to the Pacific Northwest, including British Columbia, Montana, Wyoming, Idaho, and Alaska. We also invite authors to submit scholarly articles and essays on environmental topics that do not have a regional focus, but nonetheless impact the Pacific Northwest region. We accept submissions at the address below:

Washington Journal of Environmental Law & Policy

Attn: Articles Department

University of Washington

William H. Gates Hall

Box 353020

Seattle, WA 98195

[wjelp@uw.edu](mailto:wjelp@uw.edu)

**Citation:** WASH. J. ENVTL. L. & POL'Y

**Permission to Copy:** The Articles in this issue may be reproduced and distributed by nonprofit institutions for education purposes, provided that the copies are distributed at or below cost and identify the author, *Washington Journal of Environmental Law & Policy*, the volume, the number of the first page, and the year of the article's publication.

# WASHINGTON JOURNAL OF ENVIRONMENTAL LAW & POLICY

VOLUME 7, ISSUE 2, JULY 2017

---

**Editor-In-Chief**

Steven McKeveatt

**Associate  
Editor-In-Chief**

Gregory Porter

**Associate  
Editor-In-Chief**

Zoe Wong

**Chief  
Managing Editor**

Douglas McManaway

**Chief  
Articles Editor**

Mathias Deeg

**Executive  
Managing Editor**

Sawyer Margett

**Notes & Comments  
Editors**

Kirstin Gruver

Taylor Halperin

**Managing  
Editors**

Collin Glantz

Michelle Su

William Trondsen

Natan Tubman

**Articles  
Editors**

Kira Johal

Gina Topp

**Editorial Staff**

Reina Almon

Greyson Blue

Ben Crozier

Nadia Eckardt

Stephanie Gero

Gregory Hibbard

Devin Kesner

Emma Luton

Jack McClelland

Julia Michel

Katrina Outland

Crystal Pardue

Christopher Stevenson

Brittney Tubbs

**External Advisor**

Dr. Todd Wildermuth, *University of Washington*

## University of Washington School of Law 2016-2017

### OFFICERS OF ADMINISTRATION

Jessica Brase, M.P.A., Assistant Dean for Finance and Operations  
Christine Cimini, Associate Dean for Experiential Education  
Jonathan Franklin, A.B., A.M., J.D., M.Lib., Associate Dean for Library & Information Systems  
Mary Hotchkiss, B.A., M.S.L.S., J.D., Senior Advisor to the Dean  
Sanne Knudsen, B.A., M.S., J.D., Associate Dean for Research & Faculty Development  
Mathiew Le, B.A., J.D., Assistant Dean for Enrollment  
Pontus Niklasson, M.A., Assistant Dean for Academic Services & Registrar  
Scott Schumacher, B.A., J.D., LL.M., Associate Dean for Academic Administration, Professor of Law, Director of Federal Tax Clinic, Director of Graduate Program in Taxation  
Kellye Y. Testy, B.A., J.D., Toni Rembe Dean & Professor of Law  
Brenda Williams, B.A., M.P.A., J.D., Associate Dean for Students, Equity & Engagement  
Craig Wright, J.D., Assistant Dean for Advancement

### FACULTY EMERITI

William R. Andersen, B.S.L., LL.B., LL.M.  
Thomas R. Andrews, B.A., M.A., J.D.  
Robert H. Aronson, B.A., J.D.  
Julia Gold, B.A., J.D.  
James H. Hardisty, A.B., LL.B.  
Penelope A. Hazelton, B.A., J.D., M.L.L.  
Roland L. Hjorth, A.B., LL.B.  
Linda Hume, B.A., J.D.  
John Huston, B.A., J.D., LL.M.  
Stewart M. Jay, A.B., J.D.  
John M. Junker, B.A., J.D.  
Deborah Maranville, B.A., J.D.  
Kathleen O'Neill, B.A., J.D.  
John R. Price, A.B., LL.B.  
Roy L. Prosterman, B.A., J.D.  
Marjorie D. Rombauer, B.A., J.D.  
Charles Z. Smith, B.S., J.D.  
Frank W. Smith, B.A., J.D., LL.M.  
Philip A. Trautman, B.A., J.D.  
Louis Wolcher, B.A., J.D.

### FACULTY OF LAW

Craig H. Allen, B.S., J.D., LL.M., Professor of Law  
Kimberly D. Ambrose, B.A., J.D., Senior Law Lecturer  
Helen A. Anderson, B.A., J.D., Professor of Law

Robert T. Anderson, B.A., J.D., Professor of Law, Director of Native American Law Center  
William Bailey, B.A., J.D., Law Lecturer  
Elizabeth Baldwin, B.A., M.A., J.D., Law Lecturer  
Karen E. Boxx, B.A., J.D., Professor of Law  
Steve P. Calandrillo, B.A., J.D., Professor of Law  
Ryan Calo, B.A., J.D., Assistant Professor of Law, Co-director of the Center for Advanced Study  
and Research on Intellectual Property  
Angélica Cházaro, B.A., J.D., Assistant Professor of Law  
John A. Clynch, B.A., J.D., LL.M., Law Lecturer, Staff Attorney Federal Tax Clinic  
Thomas D. Cobb, B.A., M.A., M.A., J.D., Senior Law Lecturer  
Molly M. Cohan, B.A., J.D., Law Lecturer  
Ronald K.L. Collins, B.A., J.D., Harold S. Shefelman Scholar  
William Covington, B.A., J.D., Senior Law Lecturer  
Dwight J. Drake, B.S., J.D., Associate Professor of Law  
Melissa J. Durkee, B.A., J.D., Assistant Professor of Law  
Eric Eberhard, B.A., J.D., LL.M., Assistant Professor of Law  
Jonathan A. Eddy, B.A., J.D., Professor of Law, Manager of Afghanistan Legal Educators Project  
Jennifer S. Fan, A.B., J.D., Faculty Director, Entrepreneurial Law Clinic & Law Lecturer  
Mary D. Fan, B.A., J.D., M.Phil., Professor of Law  
Jeff Feldman, B.A., J.D., Affiliate Professor of Law  
Daniel H. Foote, A.B., J.D., Affiliate Professor Law  
Trevor Gardner, B.A., Ph.D., J.D., Assistant Professor of Law  
Robert W. Gomulkiewicz, B.A., M.A., J.D., Professor of Law, Faculty Director, IP LLM, Co-director  
of the Center for Advanced Study and Research on Intellectual Property  
Benjamin Halasz, B.A., J.D., Law Lecturer  
Michael Hatfield, B.A., M.A., J.D., Professor of Law  
Gregory A. Hicks, B.A., J.D., Professor of Law  
Maureen A. Howard, B.A., J.D., Associate Professor of Law  
Sarah Kaltsounis, B.S., M.Ed., J.D., Senior Law Lecturer  
Lisa Kelly, B.A., J.D., Professor of Law, Director of Children & Youth Advocacy Clinic  
Alan Kirtley, B.A., J.D., Associate Professor of Law  
Anita K. Krug, B.A., M.A., J.D., Ph.D., Professor of Law  
Patricia C. Kuszler, B.A., M.D., J.D., Director, Center for Law, Science  
Ben Logan, B.A., J.D., Law Lecturer  
Clark B. Lombardi, B.A., M.A., J.D., Ph.D., Associate Professor of Law, Adjunct Associate  
Professor of Law in International Affairs  
Lisa Manheim, B.A., J.D., Assistant Professor of Law  
Anna C. Mastroianni, B.S., B.A., J.D., M.P.H., Professor of Law  
Shannon Weeks McCormack, B.A., J.D., LL.M., Associate Professor of Law  
Kathleen M. McGinnis, B.A., J.D., Senior Law Lecturer

Jacqueline McMurtrie, B.G.S., J.D., Professor of Law, Director of Innocence Project Northwest  
Theodore A. Myhre, B.A., M.A., M.A., J.D., Senior Law Lecturer  
Peter Nicolas, B.A., M.P.P., J.D., Professor of Law  
Sean O'Connor, B.A., M.A., J.D., Professor of Law, Boeing International Professor  
Elizabeth Porter, B.A., M.Ed., M.A., J.D., Associate Professor of Law  
Anita Ramasastry, B.A., M.A., J.D., Professor of Law  
Jeffrey Riedinger, B.A., J.D., M.A., Ph.D., Professor of Law, Vice Provost for Global Affairs  
Beth Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law  
William H. Rodgers, B.A., J.D., Professor of Law  
Zahr Said, B.A., J.D., Ph.D., Assistant Professor of Law, Co-director of the Center for Advanced  
Study and Research on Intellectual Property  
Lauren Sancken, B.A., J.D., Law Lecturer  
Sallie Thieme Sanford, B.A., J.D., Associate Professor of Law  
Eric Schnapper, B.A., M.A., B.Phil., LL.B., Professor of Law  
Toshiko Takenaka, B.A., LL.M., Ph.D., Professor of Law  
Kellye Y. Testy, B.A., J.D., Toni Rembe Dean & Professor of Law  
Anna Tolin, B.A., J.D., Law Lecturer  
Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law  
Lea B. Vaughn, A.B., J.D., Professor of Law  
Walter J. Walsh, B.C.L., LL.M., S.J.D., Associate Professor of Law  
Kathryn Watts, B.S., J.D., Professor of Law  
Todd Wildermuth, B.S., M.S., Ph.D., Law Lecturer  
Jane K. Winn, B.Sc., J.D., Professor of Law, Co-director of the Center for Advanced Study and  
Research on Intellectual Property  
Jeffrey Wool, B.A., J.B., Condon-Falknor Professor of Global Business Law  
Dongsheng Zang, LL.B., LL.M., LL.M., S.J.D., Associate Professor of Law, Co-Director Asian Law  
Center  
Lara Zarowsky, J.D., Law Lecturer  
David Ziff, A.B., J.D., Senior Lecturer

**ADJUNCT AND VISITING FACULTY**

Betsy Baker, B.A., J.D., LL.M., Counsel to the Dean - Alaska Programs & Affiliate Professor of  
Law  
Gad Barzilai, B.A., LL.S., LL.B., M.A., Ph.D., Adjunct Professor of Law  
Katherine Beckett, B.A., M.A., Ph.D., Adjunct Professor, Law Societies and Justice Program,  
Sociology  
Andrew Benjamin, J.D., Ph.D., Affiliate Professor of Law  
Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law  
Denise Dudzinski, Ph.D., MTS, Adjunct Professor, Bioethics and Humanities  
John Haley, Professor of Law  
Thomas Hazlet, B.S., Pharm.D., Dr.P.H., Adjunct Associate Professor, Pharmacy  
Nancy S. Jecker, B.A., M.A., M.A., Ph.D., Adjunct Professor of Law

Sang Jo Jong, Visiting Professor

Alicia LeVezu, B.A., J.D., Supervising Attorney, Child and Youth Advocacy Clinic

Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law

Arzoo Osanloo, B.A., J.D., Ph.D., Adjunct Associate Professor of Law, Law, Societies and Justice Program

Saadia Pekkanen, B.A., M.I.A., Ph.D., M.S.L., Adjunct Associate Professor of Law

Clare Ryan, B.S., M.S., Ph.D., Adjunct Professor, School of Environmental and Forest Sciences

Thomas Schoenbaum, B.A., J.D., Visiting Professor

Hugh Spitzer, B.A., J.A., LL.M., Acting Professor of Law

Jessica West, B.A., J.D., Visiting Associate Professor

Susan Whiting, B.A., Ph.D., Adjunct Associate Professor of Law

Nathalie Williams, B.S., Ph.D., Associate Professor of International Studies

#### GALLAGHER LAW LIBRARY STAFF

Crystal Alberthal, B.A., M.L.I.S., Librarian, Serials and Research Services

Karen Ballard, B.A., Library Specialist, Cataloging

Rob Britt, B.A., M.A., M.A., East Asian Law Library Services Coordinator

Judy Davis, B.A., M.L.I.S., Librarian, Access & Resource Sharing and Reference

Anna Endter, B.A., J.D., M.L.I.S., Librarian, Head of Research Services

Grace Feldman, B.A., J.D., M.L.I.S., Librarian, Research Services

Sharon Hall, Library Specialist Supervisor, Cataloging

Tricia Hart, B.A., M.L.I.S., Librarian, Cataloging

Ingrid Holmlund, A.B., J.D., M.L.I.S., CILP Co-Editor

Peggy Jarrett, B.A., M.S.L.I.S., Librarian, Collection Development, Government Information, & Reference

Richard Jost, B.A., M.A., M.A., Interim Director, Law Librarianship Program

Choong Kim, B.A., Fiscal Specialist, Washington Law Review, Washington International Law Journal

Kaden Mack, B.A., Library Technician, Circulation

Ann Nez, B.A., M.L.I.S., Librarian, Technical Services Coordinator

Cheryl Nyberg, B.A., M.S.L.I.S., Librarian, Digital Innovation and Reference

Nikki Pike, Program Operations Specialist, CILP

Patty Roberts, B.A., Library Technician Lead, Evening Circulation Supervisor

Tania Schriwer, B.A., J.D., M.L.I.S., CILP Co-Editor

Reba Turnquist, B.A., M.L.I.S., Librarian, Collection Development

Mary Whisner, B.A., J.D., M.L.I.S., Librarian, Research Services

Alena Wolotira, B.A., J.D., M.L.I.S., Librarian, Reference Services & Circulation; CILP Exec. Editor

Quan (John) Zhang, B.A., M.A., Ph.D., Library Specialist, Acquisitions



