

ENVIRONMENTAL LAW AND POLICY ANNUAL REVIEW

2022–2023 PRIVATE ENVIRONMENTAL GOVERNANCE ARTICLE OVERVIEW CHART

The 2022–2023 [Private Environmental Governance Article Overview Chart](#) highlights articles that student editors identified during their review of articles for potential inclusion in the [Environmental Law and Policy Annual Review \(ELPAR\)](#), which is published as the August issue of the Environmental Law Institute’s [Environmental Law Reporter](#) in partnership with [Vanderbilt University Law School](#).

The articles included in the chart are drawn from a pool that includes every environmental article published from August 1, 2022, through July 31, 2023, in the general law reviews from the top 100 law schools (as ranked by U.S. News and World Report in its most recent report) and journals listed in the “Environmental and Land Use Law” and “Energy and Natural Resources Law” subject areas of the most recent rankings compiled by Washington & Lee University School of Law, with certain modifications. The chart does not include articles that were published during the stated publication window but embargoed (i.e., released after a delay) by Westlaw beyond the initial screening period.

AUTHOR(S)	TITLE	CITATION AND URL
Armour, John Enriques, Luca Wetzer, Thom	<i>Green Pills: Making Corporate Climate Commitments Credible</i>	65 ARIZ. L. REV. 285 https://arizonalawreview.org/pdf/65-2/65arizlrev285.pdf
Brett, Annie	<i>Environmental Silver Bullets</i>	49 ECOLOGY L.Q. 601 https://www.ecologylawquarterly.org/print/environmental-silver-bullets/49-3-brett_internetready/
Brewster, Rachel	<i>Enabling ESG Accountability: Focusing on the Corporate Enterprise</i>	2022 WIS. L. REV. 1367 https://wlr.law.wisc.edu/wp-content/uploads/sites/1263/2023/01/14-A_Brewster-Camera-Ready-1367%E2%80%931406-PDF-.pdf
Condon, Madison	<i>What’s Scope 3 Good For?</i>	56 U.C. DAVIS L. REV. 1921 https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/56-5_Condon.pdf
Esty, Daniel C. de Arriba-Sellier, Nathan	<i>Zeroing in on Net-Zero: From Soft Law to Hard Law in Corporate Climate Change Pledges</i>	94 U. COLO. L. REV. 635 https://scholar.law.colorado.edu/cgi/viewcontent.cgi?article=1020&context=lawreview
Fairfax, Lisa M.	<i>Dynamic Disclosure: An Exposé on the Mythical Divide Between Voluntary and Mandatory ESG Disclosure</i>	101 TEX. L. REV. 273 https://www.law.ufl.edu/law/wp-content/uploads/Dynamic-Disclosure-Final.pdf

AUTHOR(S)	TITLE	CITATION AND URL
Georgiev, George S.	<i>The Market-Essential Role of Corporate Climate Disclosure</i>	56 U.C. DAVIS L. REV. 2105 https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1082&context=faculty-articles
Gözlügöl, Alperen A. Ringe, Wolf-Georg	<i>Net-Zero Transition and Divestments of Carbon-Intensive Assets</i>	56 U.C. DAVIS L. REV. 1963 https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/2024-01/56-5_G%C3%B6zl%C3%BCg%C3%B6l-Ringe.pdf
Griffith, Sean J.	<i>What's "Controversial" About ESG? A Theory of Compelled Commercial Speech Under the First Amendment</i>	101 NEB. L. REV. 876 https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=3366&context=nlr
Kim, Sung Eun (Summer)	<i>The Duality of Variance Among ESG Assessments</i>	88 MO. L. REV. 409 https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=4609&context=mlr
Koonce, Kamari	<i>The Race to Net Zero: How ESG Investors Are Driving Corporations to Ethically Lower Greenhouse Gas Emissions</i>	46 ENVIRONS ENV'T L. & POL'Y J. 111 https://environs.law.ucdavis.edu/sites/g/files/dgvnsk15356/files/media/documents/ENV-46-2-Koonce.pdf
Lin, Albert C.	<i>Fixing Net Zero Leakage</i>	58 WAKE FOREST L. REV. 119 https://escholarship.org/content/qt9w17z9f8/qt9w17z9f8.pdf?t=sdvtf3
LoPucki, Lynn M.	<i>Corporate Greenhouse Gas Disclosures</i>	56 U.C. DAVIS L. REV. 405 https://www.law.ufl.edu/law/wp-content/uploads/LoPucki-CorporateGreenhouseGas-Disclosures11.8.22.pdf
Lund, Dorothy S.	<i>Asset Managers as Regulators</i>	171 U. PA. L. REV. 77 https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9797&context=penn_law_review

AUTHOR(S)	TITLE	CITATION AND URL
Mance, Anna A.	<i>How Private Enforcement Exacerbates Climate Change</i>	44 CARDOZO L. REV. 1493 https://cardozolawreview.com/wp-content/uploads/2023/09/5.-MANCE.44.4.2.Print-Update.pdf
Metcalf, Cherie Nash, Jonathan R.	<i>Beliefs, Information, and Institutions: Public Perception of Climate Change Information Provided by Government Versus the Market</i>	47 WM. & MARY ENV'T L. & POL'Y REV. 1 https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1125&context=faculty-articles
Miazad, Amelia	<i>From Zero-Sum to Net-Zero Antitrust</i>	56 U.C. DAVIS L. REV. 2067 https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/56-5_Miazad.pdf
Moffa, Anthony	<i>Private Environmental Nudges</i>	127 DICK. L. REV. 361 https://digitalcommons.maine.law.maine.edu/cgi/viewcontent.cgi?article=1141&context=faculty-publications
Nows, David	<i>Corporate Innovation: One Path to More Sustainable Big Business</i>	91 U. CIN. L. REV. 437 https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1466&context=uclr
Rose, Paul	<i>Sustainability Verification</i>	72 AM. U. L. REV. 1017 https://aulawreview.org/wp-content/uploads/2023/08/6-Rose.pdf
Schwartz, Jeff	<i>Stewardship Theater</i>	100 WASH. U. L. REV. 393 https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1348&context=scholarship
Tallarita, Roberto	<i>The Limits of Portfolio Primacy</i>	76 VAND. L. REV. 511 https://wp0.vanderbilt.edu/lawreview/wp-content/uploads/sites/278/2023/03/The-Limits-of-Portfolio-Primacy.pdf
Vandenbergh, Michael P. Moore, Patricia A.	<i>Environmental Governance by Contract: The Growing Role of Supply Chain Contracting</i>	12 MICH. J. ENV'T & ADMIN. L. 1 https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1139&context=mjeal

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Wang, Pianpian	<i>From Polluters to Protectors: The Potential of Unilateral Environmental Commitments Made by Companies in the U.S. and China</i>	24 VT. J. ENV'T L. 348 https://irp.cdn-website.com/ee52edf5/files/uploaded/Wang_Vol%2024%20Issue%204.pdf
Winden, Andrew W.	Caremark's <i>Climate Failure</i>	74 HASTINGS L.J. 1167 https://hastingslawjournal.org/wp-content/uploads/4-Winden-final.pdf