

ERIN RYAN

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Elizabeth C. & Clyde W. Atkinson Professor of Law
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EDUCATION

HARVARD LAW SCHOOL: *J.D., cum laude, 2001.*

- HARVARD LAW REVIEW, 1999-2001 (Notes Editor).
- Hewlett Fellowship, Harvard Program on Negotiation, 2000-2001.
- Harvard University Graduate National Scholarship.

WESLEYAN UNIVERSITY: *M.A. in World Music and Ethnomusicology, 1994.*

- Full Tuition Graduate Fellowship; thesis: "Trinidadian Steelband and Post-Colonial Identity."

HARVARD-RADCLIFFE COLLEGE: *B.A. in East Asian Languages & Civilizations (China), cum laude, 1991.*

- Harvard-Radcliffe National Scholarship; Gutman Scholarship; Women's Leadership Conference.

RESEARCH EXPERTISE

Property Law: Land use law, public trust doctrine, regulatory takings, exactions, property law theory, remedy rules.
Environmental Law: Envtl. rights, envtl. federalism, climate change, biodiversity, land, water, forests, fisheries, energy.
Water Law: CWA, wetlands, appropriative & riparian rights, permit systems, groundwater, access rights, federal rights.
Negotiation: Negotiation theory, intergovernmental bargaining, emotionality, land use negotiations, media negotiations.
Constitutional: Federalism, separation of powers, interjurisdictional governance, environmental federalism, takings.
China: Chinese environmental law, central-provincial relations, rule-of-law development, history, culture, and politics.

COURSES

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| • <u>Property and Land Use Law</u> | 4 credits |
| • <u>Environmental Policy & Natural Resources Law</u> | 3 credits |
| • <u>Environmental Policy & Natural Resources Short Course</u> | 2 credits |
| • <u>Natural Resources Law Seminar</u> | 3 credits |
| • <u>Water Resources Law and Policy Survey</u> | 3 credits |
| • <u>Water Law Seminar</u> | 2 credits |
| • <u>Negotiation & Settlement Workshop</u> | 4 credits |
| • <u>Negotiation Short Course</u> | 2 credits |

ACADEMIC APPOINTMENTS

Florida State University, College of Law, Tallahassee, FL *2015–present*
Elizabeth C. & Clyde W. Atkinson Professor of Law (2016-present); *Professor* (2015-2016). Associate Dean for Environmental Programs (2020-present); Director, FSU Center for Envtl., Energy, and Land Use Law (2020-22). SUS-FL Advisory Council of Faculty Senates (2020-present). Vice Chair, FSU Faculty Senate (2020-22). Senate Steering Committee (2019-present). FSU Sustainability Committee (founder, 2020-present). Chair, Bar Success Committee (2017). Promotion & Tenure Committee; Appointments Committee; Director, Oxford Program (2024); Faculty (2017).

Ocean University of China, School of Law and Political Science, Qingdao, CHINA *August-September, 2025*
Visiting Professor. Taught Environmental Policy and Marine Resources course to Chinese law students.

Bar Ilan University, Faculty of Law, Tel Aviv, ISRAEL *November, 2018*
Visiting Professor. Taught short course in Water Resources Law and Policy, offered public lecture on water conflicts.

Lewis & Clark University, Northwestern School of Law, Portland, OR 2011 – 2015
Associate Professor. Scholarship Incubator Chair; Diversity, Equity, & Inclusion Committee; Global Law Committee; Environment & Natural Resources Committee; Judicial Clerkships Committee. Liaison with Asian university partners.

Ocean University of China, School of Law and Political Science, Qingdao, CHINA 2011 – 2012
Visiting Professor. Taught U.S. Environmental Law, Property Law, Land Use Law, and Negotiation to Chinese students.

College of William & Mary, Marshall-Wythe School of Law, Williamsburg, VA 2004 – 2011
Assistant Professor (2004-2007); *Associate Professor* (2008 - 2011). University Committee on Sustainability; Environmental Science and Policy Program, Executive Committee; Scholarship Enrichment Committee; Chair, University “Do One Thing for Sustainability (‘DOT’) Initiative.

University of California Law - San Francisco (formerly UC-Hastings), San Francisco, CA Spring, 2004
Adjunct Professor. Taught Negotiation & Settlement workshop to second and third year law students.

AWARDS AND RESEARCH FELLOWSHIPS

University Teaching Award for Innovation in Teaching, Florida State University, Tallahassee, FL Spring, 2022
Selected from over 2,000 faculty by a university-wide process to recognize teaching excellence, considering such criteria as deploying effective and innovative instructional techniques, imparting a respect for truth and a love of learning, challenging students’ thinking and assumptions, presenting a positive role model, and showing respect for all persons.

Rachel Carson Center for Environment and Society, Munich, GERMANY Summer, 2019
Participation in collaborative scholarly exchange at an international interdisciplinary environmental research center, an initiative of the Ludwig Maximilians Universität, Deutsches Museum, and German Ministry of Education and Research.

U.S.-China Fulbright Program, Qingdao, CHINA 2011-2012
Researched Chinese governance and environmental management while teaching at Ocean University of China and guest-lecturing at more than twenty Chinese universities, U.S. consulates, and other public forums throughout the country.

ADVISING, CONSULTING, AND LEADERSHIP PROJECTS

- **Eurac Research Institute for Comparative Federalism**, Scientific Advisory Board, 2025-present; advise institute on comparative legal and political science funded research investigating societal and territorial pluralism governance.
- **Congressional Briefing on behalf of the Coastal States Caucus: *American Coastal Success and the Public Trust Doctrine***, Aug. 26, 2025. Lead panelist in legislative briefing about the importance of the public trust doctrine to coastal management and its significance for federal law, especially the Coastal Zone Management Act.
- **Association for Law, Property, and Society**, Secretary, 2025-present; Board of Directors, 2016-24; Chair of Mentoring, 2014-25. Help lead international network of property scholars, with special responsibility for mentoring.
- **State University System of Florida, Advisory Council of Faculty Senates**, Member, 2020-25; 2020-22, FSU voting representative (one of two, as Faculty Senate Vice Chair). Legislative Policy Subcommittee, 2021-22. Advised the State University System Board of Governors, S.U.S. Chancellor, and state legislators on higher education policy.
- **Tallahassee Gifted Network**, Executive Board, 2018-2020. Organized educational forums and networking events, participated in legislative affairs, helped secure grants to improve educational opportunities for Florida K-12 students.
- **Florida Supreme Court Qualified Arbitrator**, certified in 2016.

- **ENVIRONMENTAL LAW PROFS BLOG.** Contributing Editor, December, 2011 – June, 2013.
- **Ocean University of China**, Qingdao, CHINA, February-June, 2012. Helped advise development of international exchange programs to integrate foreign teachers and students into Ocean University programs.
- **Virginia Sea Grant**, Gloucester, VA, 2009-11. Legal advisor (paid) to governance network study for National Sea Grant Law Center project researching interjurisdictional governance in the Chesapeake Bay watershed.
- **U.S. Air Force Air Combat Command**, Langley, VA, July 2010. Consulted (unpaid) with Air Force Air Combat Command on instituting a sustainability program similar to the Do One Thing for Sustainability Initiative.
- **University Sustainability Consultations**, 2010. Provided advice to Southern Methodist Univ., Catholic Univ., Virginia Tech, Salem College, and Anne Arundel Community College on university sustainability initiatives.
- **William & Mary Do One Thing (“DOT”) for Sustainability**, 2009-2010. Led sustainability initiative with 2,500 participants from all university sectors, including Chancellor Sandra Day O’Connor and alum James Comey. With national press, DOT helped propel W&M into Princeton Review’s rankings of the nation’s greenest colleges.
- **Audio Case Files**, Williamsburg, VA, 2005-2007. Faculty Advisor and Creative Director for online legal education start-up, acquired by Courtroom Connect. Brainstormed projects, performed recordings, hosted pilot podcasts series.

BOOKS

- **LAW FOR THE LAND: THE PUBLIC TRUST DOCTRINE, MONO LAKE, AND A QUIET REVOLUTION IN ENVIRONMENTAL RIGHTS**, Cambridge U. Press, 2026 (exploring how public trust principles evolved from an ancient doctrine of sovereign authority to a modern mandate for sovereign responsibility and a theory of environmental rights, facilitated by groundbreaking litigation at Mono Lake that inspired legal developments around the U.S. and the world).
- **FEDERALISM AND THE TUG OF WAR WITHIN**, Oxford University Press, 2012 (rejecting the conventional “zero-sum” model of federalism and analyzing instead as a project for balancing tension among the underlying principles of good governance, and proposing a model to negotiate the roles of all branches and levels of government in implementing it); <http://www.oup.com/us/catalog/general/subject/Law/ConstitutionalLaw/?view=usa&ci=9780199737987>; OUP Online: <http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199737987.001.0001/acprof-9780199737987>. Reviewed in PUBLIUS: THE JOURNAL OF FEDERALISM by law professor G. Alan Tarr, Vol. 43, No. 3, e9 (May 14, 2013), and political science Professor Jack Maguire, Vol. 43, No. 1, e3 (Nov. 11, 2012).

LAW REVIEW ARTICLES, ESSAYS, & BOOK CHAPTERS (SSRN id=391494; Google Scholar, ResearchGate)

- ***The Four Horsemen of the New Separation of Powers: The Environmental Law Implications of Loper Bright, West Virginia, Sackett, and Corner Post***, 109 MINN. L. REV. 2743 (2025) (article exploring horizontal and vertical separation of powers implications of the new concentration of judicial power in federal regulatory contexts, especially environmental law, and offering a proposal to protect judicial primacy in rights interpretation while sharing authority with the political branches over structural interpretation by requiring deference to qualifying interbranch bargaining). Highly recommended by Prof. Lawrence Solum on Legal Theory Blog, Feb. 13, 2025.
- ***Saving Mono Lake: The Prologue, Peak, and Implementation of the Landmark Audubon Society Public Trust Litigation***, 58 U.C. DAVIS. L. REV. 2631 (2025) (article exploring how the seminal public trust litigation at Mono Lake was interpreted, partnered with other litigation, and implemented by the Water Board, and how it mobilized the political process to change the fate of the Mono Basin, the eastern watershed of the Yosemite high country). Featured by Prof. Dan Ernst on Legal History Blog, May 8, 2025.

- ***Public Trust Principles and Environmental Rights: The Hidden Duality of Climate Rights Advocacy and the Atmospheric Trust***, 49 HARV. ENV'T L. REV. 225 (2025) (article exploring how two seemingly contrasting models of climate advocacy—claims for regulation based on public trust principles and environmental rights—are reciprocal mirror images, because each formulation implicitly partners sovereign obligations with public environmental rights). Excerpted in *THE PUBLIC TRUST DOCTRINE IN ENVIRONMENTAL AND NATURAL RESOURCES LAW* (Blumm, Wood, & Dernbach, 4th ed., 2025).
- ***Sackett vs. EPA and the Regulatory, Property, and Human Rights Based Strategies for Protecting American Waterways***, 74 CASE WESTERN RES. L. REV. 281 (2023) (invited essay about the likely impacts of a decision limiting the reach of the Clean Water Act on the dynamic competition among three strategies for environmental protection).
- ***Privatization, Public Commons, and the Takingsification of Environmental Law***, 171 U. PENN. L. REV. 617 (2023) (article examining the use of property rights to entrench environmental deregulation, and critiquing property theory that uncritically equates private interests in comparatively autonomous forms of property, such as a family home, with more circumscribed private interests in shared commons resources, such as public lands, air, and water). Selected as one of the 20 best environmental articles of the year and for republication in the 2023 ENVTL. LAW & POL'Y ANN. R.
- ***How the Successes and Failures of the Clean Water Act Fueled the Rise of the Public Trust Doctrine and Rights of Nature Movement***, 73 CASE WESTERN RES. L. REV. 475 (2022) (invited essay for symposium on the 50th Anniversary of the Clean Water Act, celebrating its success but recognizing how its focus only on water quality, with few tools to protect sufficient water quantity in waterways, has resulted in competing approaches to protect ailing waterways).
- ***The Public Trust Doctrine, Property, and Society***, in *PROPERTY, LAW, AND SOCIETY* (Nicole Graham, et al., eds., 2022) (chapter reviewing the origins and development of public trust principles to protect different values, in different resources, as vindicated by different legal mechanisms, in different U.S. jurisdictions).
- ***Environmental Rights for the 21st Century: A Comprehensive Analysis of the Public Trust Doctrine and Rights of Nature Movement***, 42 CARDOZO L. REV. 2447 (2021) *with* Holly Curry & Hayes Rule (comparative analysis of the anthropocentric public trust doctrine and the ecocentric rights of nature movement, reviewing the unfolding international and domestic development of both approaches along multiple, related axes of legal differentiation).
- ***Tribute to Professor David Markell: A Colleague Among Colleagues***, 36 J. LAND USE & ENVTL. L. 169 (2021) (invited essay discussing Dave Markell's contributions, scholarly and otherwise, to the field of environmental law).
- ***Environmental Law, Disrupted by COVID-19***, 51 ENVTL. L. REP. 10509 (2021) (*with* Rebecca Bratspies, Vanessa Casado Perez, Robin Kundis Craig, Lissa Griffin, Keith Hirokawa, Sarah Krakoff, Katrina Kuh, Jessica Owley, Melissa Powers, Shannon Roesler, Jonathan Rosenbloom, J.B. Ruhl, and David Takacs).
- ***The Twin Environmental Law Problems of Preemption and Political Scale***, in *ENVIRONMENTAL LAW, DISRUPTED* (Keith Hirokawa & Jessica Owley, eds., 2021) (book chapter arguing that, as key federal environmental regulations are dismantled, advocates should resist ceiling preemption of local environmental regulation and explore regional and private governance alternatives for achieving national-level policy without access to federal authority).
- ***A Short History of the Public Trust Doctrine and its Intersection with Private Water Law***, 39 VIRGINIA ENVTL. L.J. 135 (2020) (tracing the history of the public trust doctrine from its Roman and British origins through modern U.S. law and its evolution from a doctrine of sovereign authority toward a doctrine of sovereign responsibility).
- ***Rationing the Constitution vs. Negotiating It: Coan, Mud, and Crystals in the Context of Dual Sovereignty***, 2020 WISC. L. REV. 165 (2020) (invited essay, assessing Prof. Andrew Coan's provocative argument that judicial capacity is the most determinative factor in the Supreme Court's constitutional interpretation, and exploring its intersection with a

different capacity-driven theory of constitutional interpretation that I offered in *Negotiating Federalism*).

- ***Federalism as Legal Pluralism***, in THE OXFORD HANDBOOK ON LEGAL PLURALISM (Paul Berman, ed., 2020) (chapter using dynamic federalism as an analytic window into the legal pluralism discourse, noting shared emphasis on systemic spaces for dialogue, contestation, and negotiation and shared rejection of ‘zero-sum’ models preceding them).
- ***From Mono Lake to the Atmospheric Trust: Navigating the Public and Private Interests in Public Trust Resource Commons***, 10 GEO. WASH. J. ENERGY & ENVTL. L. 39 (2019) (invited article tracing the roots of the public trust doctrine from early Roman and British common law through American law to the *Mono Lake* and *Juliana v. US* cases).
- ***Environmental Law, Disrupted***, 49 ENVTL. LAW REPORTER 10038 (Jan. 2019), with Inara Scott, David Takacs, Rebecca Bratspies, Vanessa Casado Pérez, Robin Kundis Craig, Keith Hirokawa, Blake Hudson, Sarah Krakoff, Katrina Fischer Kuh, Jessica Owley, Melissa Powers, Shannon Roesler, Jonathan Rosenbloom, & J.B. Ruhl (collective article assessing how the law must adapt to meaningfully address the changing nature of environmental threats).
- ***Juliana v. United States: Debating the Fundamentals of the Fundamental Right to a Sustainable Climate***, 45 FLA. ST. L. REV. ONLINE 1 (2018), with Mary Wood, James Huffman, Richard Frank, and Irma Russell (scholarly conversation about “the kid’s climate case,” in which youth plaintiffs allege violations of the public trust doctrine and substantive due process fundamental rights in the government’s failure to regulate greenhouse gas pollution). At <http://www.fsulawreview.com/article/juliana-v-united-states-debating-the-fundamentals-of-the-fundamental-right-to-a-sustainable-climate/>.
- ***Breathing Air with Heft: An Experiential Report on Environmental Law and Public Health in China***, 42 U.C. DAVIS ENVIRONS 195 (2018) (article reporting on the intersections of daily life and environmental law in China, a nation still struggling to reconcile economic opportunity with breathable air, clean water, and safe food, even as it reemerges as a dominant world power).
- ***Negotiating Environmental Federalism: Dynamic Federalism as a Strategy for Good Governance***, 2017 WISC. L. REV. 17 (2017) (invited essay, analyzing why the regulatory conflicts confronted by environmental governance almost uniformly call for negotiated multilevel governance).
- ***Secession and Federalism in the United States: Tools for Managing Regional Conflict in a Pluralist Society***, 96 OREGON L. REV. 123 (2017) (article analyzing the history of secession in the United States, and how the United States has shifted to manage regional conflict through the decentralizing and dialogic dynamics of constitutional federalism). *Republished in* Alberto Lopez-Basaguren and Leire Escajedo San Epifanio, eds., CLAIMS FOR SECESSION AND FEDERALISM: A COMPARATIVE STUDY WITH A SPECIAL FOCUS ON SPAIN (Springer, 2019).
- ***Fisheries Without Courts: How Fishery Management Reveals Our Dynamic Separation of Powers***, in *Environmental Law Without Courts*, 32 J. LAND USE & ENVTL. L. 430 (2017) (invited essay analyzing how the paradox of fisheries management intersects with the horizontal separation of powers and other governance issues).
- ***Coercion and the Clean Air Act: Extending Federal Fallback After NFIB***, forthcoming (article analyzing whether EPA could and should fend off constitutional anti-coercion litigation against the Clean Air Act by extending the availability of existing federal fallback alternatives).
- ***Federalism, Regulatory Architecture, and the Clean Water Rule: Seeking Consensus on the Waters of the United States***, 46 ENVTL. L. 277 (2016) (invited article analyzing how the Clean Water Rule wisely harnesses an unlikely convergence among the conflicting positions taken by different Supreme Court justices in *Rapanos v. United States*). Highlighted by Prof. Lawrence Solum on Legal Theory Blog, April 8, 2016; listed on the Yale Comparative Administrative Law Blog’s 32nd installment of Articles on Administrative Law and Regulation, May 12, 2016.

- **“Multilevel Environmental Governance in the United States,”** ENVIRONMENTAL SCIENTIST, Vol. 25.3, Nov. 2016, pps. 50-57 (distilling the lessons of American experimentation with environmental federalism and multilevel governance for other nations). Available for download at <https://www.the-ies.org/resources/quadrophilia-how>.
- ***Environmental Federalism’s Tug of War Within***, in THE LAW AND POLICY OF ENVIRONMENTAL FEDERALISM: A COMPARATIVE ANALYSIS (Kalyani Robbins, ed., Edward Elgar 2015) (closing chapter analyzing how environmental law showcases the wider conflicts in federalism theory and the structures of governance it has evolved to manage them). Noted on the Legal Theory Blog on December 26, 2014.
- ***Response to Heather Gerken’s “Federalism and Nationalism: Time for a Détente?”***, 59 ST. LOUIS L.J. 1147 (2015) (essay, invited by Heather Gerken, responding to her lead symposium piece on the synthesis of federalism and nationalism ideals in federalism theory, addressing “What Con Law Can Learn from Environmental Law”). Noted on the Legal Theory Blog on April 26, 2016.
- ***The Public Trust Doctrine, Private Water Allocation, and Mono Lake: The Historic Saga of National Audubon Society vs. Superior Court***, 45 ENVTL. L. 561 (2015) (invited article reviewing the history and significance of the Los Angeles-Mono Lake water conflict, and considering its implications for future public trust conflicts). Recommended by Prof. Lawrence Solum on the Legal Theory Blog, May 7, 2015.
- ***Negotiating Federalism and the Structural Constitution: Navigating the Separation of Powers both Vertically and Horizontally (A Response to Aziz Huq)***, 115 COLUM. L. REV. SIDEBAR 4 (2015) (essay, invited by Aziz Huq, situating his work and that of other recent authors within the emerging literature on negotiated structural governance). Featured by the Practical Academic on the Legally India Blog’s Constitutional Law list, June 3, 2015.
- ***The Spending Power and Environmental Law After Sebelius***, 85 U. COLO. L. REV. 1003 (2014) (article analyzing the Supreme Court’s new spending power doctrine and its impact on spending power-based programs of cooperative federalism in environmental law, with special attention to highway fund penalties associated with the Clean Air Act). Cited in RICHARD L. REVESZ, ENVIRONMENTAL LAW AND POLICY (Aspen, 3rd ed., 2015); noted on the Legal Theory Blog on January 21, 2014.
- ***The Elaborate Paper Tiger: Environmental Enforcement and the Rule of Law in China***, 24 DUKE ENVTL. L. & POL’Y F. 184 (2014) (article reviewing how enforcement hurdles have undermined the success of Chinese environmental law and proposing a modest but politically feasible reform measure to strengthen accountability).
- ***When Socrates Meets Confucius: Teaching Creative and Critical Thinking Across Cultures Through Multilevel Socratic Method***, 92 NEB. L. REV. 289 (2013) (internationally touted case study about adapting the Socratic Method to teach critical thinking skills underemphasized in China and group competency skills underemphasized in U.S. legal education). Selected for “The Rule of Law with Chinese Characteristics in Transition,” Hong Kong Univ., June 5, 2013; proposed as a model for pedagogical reform in Eastern Europe pursuant to the U.N. 2030 Sustainable Development Agenda, Sławomir Redo, et al., *On Education in the Global Culture of Lawfulness*, in Cezary Kosikowski, ed., ADVANCING CULTURE OF LAWFULNESS: TOWARD THE ACHIEVEMENT OF THE 2030 AGENDA, 23 BIAŁOSTOCKIE STUDIA PRAWNICZE 3 (2018).
- ***Environmental Law After Sebelius: Will the Court’s New Spending Power Limits Affect Environmental State-Federal Partnerships?***, AMERICAN CONSTITUTION SOCIETY (October 1, 2013) (issue brief analyzing the regulatory impacts of the new spending power doctrine in the Supreme Court’s 2012 health reform decision, *National Federation of Independent Business v. Sebelius*), available at http://www.acslaw.org/sites/default/files/Ryan_After_Sebelius.pdf. Responses by Prof. Eloise Pasachoff at <http://www.acslaw.org/acsblog/education-law-and-the-new-coercion-doctrine>; Emily Martin, Nat. Women’s L.C., at <http://www.acslaw.org/acsblog/ask-cora-mcrae-about-coercive-federal-spending>.
- ***The Once and Future Challenges of American Federalism***, in Alberto López Basaguren and Leire Escajedo San-

Epifanio, eds., *THE WAYS OF FEDERALISM IN WESTERN COUNTRIES AND THE HORIZONS OF TERRITORIAL AUTONOMY IN SPAIN*, VOL. 1 (Springer, 2013) (book chapter analyzing current federalism controversies in the U.S. through the *FEDERALISM AND THE TUG OF WAR WITHIN* framework). Recommended by Professor Lawrence Solum on the Legal Theory Blog on June 14, 2012.

- ***Negotiating Federalism Past the Zero-Sum Game***, 38 ADMINISTRATIVE AND REGULATORY LAW NEWS 4, Fall 2012, (invited essay reviewing how state-federal bargaining will be impacted by the Supreme Court's spending power analysis in its 2012 Affordable Care Act decision) (also reprinting *Spending Power Bargaining After Sebelius*).
- ***In Tribute to Judge James R. Browning: The Center of His Circle***, 73 MONTANA L. REV. 14 (2012) (invited short essay honoring the legacy of James Browning, former Chief Judge of the U.S. Court of Appeals for the Ninth Circuit).
- ***Negotiating Federalism***, 52 B.C. L. REV. 1 (2011) (article exploring the role of state-federal bargaining in allocating authority, shepherding collaboration, and interpreting federalism in contexts of jurisdictional overlap). Noted by Professor Lawrence Solum on the Legal Theory Blog on April 7, 2010.
- ***Intergovernmental Bargaining and Climate Federalism***, United Nations Institute for Training and Research research paper, September, 2010 (web-published essay applying the negotiated federalism model in the specific context of multilevel climate governance), extrapolated from *Negotiating Federalism*.
- ***Federalism at the Cathedral: Property Rules, Liability Rules, and Inalienability Rules in Tenth Amendment Infrastructure***, 81 U. COLO. L. REV. 1 (2010) (article critiquing the theoretical basis for, and practical implications of, the Court's creation in *New York v. United States* of an inalienability rule for Tenth Amendment entitlements). Cited in PERCIVAL, ET. AL., *ENVIRONMENTAL REGULATION: LAW, SCIENCE, AND POLICY* (Aspen, 6th ed., 2009). Also cited By Professor Benjamin Barros on the Property Prof Blog on March 4, 2009.
- ***How the New Federalism Failed Katrina Victims***, in Robin Malloy & John Lovett, eds., *LAW AND RECOVERY FROM DISASTER: HURRICANE KATRINA* (Ashgate Press, 2009) (book chapter addressing the relationship between federalism and the Katrina aftermath), drawn from *Federalism and the Tug of War Within*, 66 MD. L. REV. 503 (2007). Cited on the Legal Theory Blog (7/12/10), Law Matters Blog (7/12/10), and Poverty Law Blog (7/23/10).
- ***Reporting on Palin: Negotiations in Political Theater***, HARVARD NEGOTIATION LAW REVIEW ONLINE, October 2, 2008 (essay using negotiation theory as a lens for analyzing a campaign's efforts to manipulate its media coverage).
- ***Federalism and the Tug of War Within: Seeking Checks and Balance in the Interjurisdictional Gray Area***, 66 MARYLAND L. REV. 503 (2007) (article exploring how tension between underlying federalism principles shaped the progression of federalism theory over the 20th century, culminating in the New Federalism's difficulty accounting for interjurisdictional problems). Excerpted in STONE, SEIDMANN, SUNSTEIN, TUSHNET, & KARLAN, *CONSTITUTIONAL LAW* (Aspen, 6th ed., 2009) and FARBER, CHEN, & VERCHICK, *DISASTER LAW AND POLICY* (Aspen, 2010). Cited in the 2010 HARVARD LAW REVIEW "Foreword," Heather Gerken, *Federalism All the Way Down*, 124 HARV. L. REV. 4, 20-21, nn. 50 & 58 (as scholarship developing the kinds of "new conceptual tools" needed in the federalism discourse).
- ***Palazzolo, The Public Trust, and the Property Owner's Reasonable Expectations: Takings and the South Carolina Marsh Island Bridge Debate***, 15 S.E. ENVTL. L. J. 121 (2006) (invited article reviewing implications of the *Palazzolo v. RI* aftermath for takings claims relating to public trust tidelands and wetlands). *Republished in* PROPERTY: A LEGAL PARADIGM (Amicus Books, 2009); ENVIRONMENT AND THE PUBLIC TRUST DOCTRINE (Amicus Books, 2010).
- ***New Orleans, The Chesapeake, and the Future of Environmental Assessment: Overcoming the Natural Resources Law of Unintended Consequences***, 40 U. RICH. L. REV. 981 (2006) (invited lead article in symposium; tracing flood control and wetlands protection policies that led to New Orleans' post-Katrina flooding and Chesapeake Bay wetlands loss, and proposing a network-based model of assessment to forestall future unintended consequences). Selected as one

of the 20 best environmental law articles of 2006 by LAND USE & ENVIRONMENTAL LAW REVIEW faculty panel.

- ***Building the Emotionally Learned Negotiator***, 22 NEGOTIATION J. 209 (2006) (invited essay reviewing three recent books on emotion in negotiation, situating each work within a proposed theory of practice for learned negotiators). Quoted on second edition jacket of FISHER & SHAPIRO, *BEYOND REASON* (Viking, 2005).
- ***The Discourse Beneath: Emotional Epistemology in Legal Deliberation and Negotiation***, 10 HARV. NEGOT. L. REV. 231 (2005) (article exploring how the cognitive processing of emotionally resonant data facilitates inductive reasoning and how the subterranean exchange of emotional information between participants facilitates negotiation). Excerpted in BROOKS & MADDEN, *RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR TRANSFORMING LEGAL PRACTICE* (Carolina Academic Press, 2009).
- ***Zoning, Taking, & Dealing: The Problems and Promise of Bargaining in Land Use Planning***, 7 HARV. NEGOT. L. REV. 337 (2002) (article analyzing the theoretical disconnect between the Supreme Court's anti-bargaining takings jurisprudence and optimal land use law). Republished in *LAND USE AND PLANNING HANDBOOK* (West, 2003 ed.).
- ***Public Trust & Distrust: Theoretical Implications of the Public Trust Doctrine for Natural Resource Management***, 31 ENVTL. L. 477 (2001) (essay contrasting the public trust with other theoretical frameworks for natural resource management and environmental protection). Cited by the Supreme Court of Israel in *Carmel Beach Vacation & Tourism, Inc. v. Israeli Env'tl. Protection Agency*. (2002). Included in Federalist Society CLE materials, July, 2005. Cited by the Israeli Supreme Court in *Carmel Beach Recreation. & Tourism Inc. v. Adam Teva V'Din (Israel Union for Env'tl. Def.)*, Civil Appeal No. 1054/1998 (2002).
- ***ADR, the Judiciary, & Justice: Coming to Terms with the Alternatives***, 113 HARV. L. REV. 1851 (2000) (student note reviewing developments in alternative dispute resolution and related due process issues).

OTHER PUBLICATIONS

- **"Florida's Campus Survey on Ideological Diversity is a Wrong Turn for Free Discourse,"** TAMPA BAY TIMES (July 21, 2022) with Amanda Phalin (arguing that learners, lawmakers, and citizens all want the same things—to be free, share ideas, agree and disagree, and explore new ways of thinking without fear—but the survey threatens to politicize higher ed at exactly the moment we must reinforce common ground); available at <https://t.co/iWZYb9sYOG>.
- **"Free Speech, on Campus, Requires Space to Speak Freely,"** TALLAHASSEE DEMOCRAT (April 14, 2021) (explaining statewide faculty concern over inadvertent legislative curbs to free speech and academic freedom), available at <https://www.tallahassee.com/story/opinion/2021/04/14/students-wont-participate-if-they-know-they-can-secretly-record/7190564002/>.
- **"Lessons from the Coronavirus Pandemic for Environmental Governance,"** SEEING THE WOODS: A BLOG BY THE RACHEL CARSON CENTER, May 31, 2020 (essay distilling lessons from the U.S. response to the pandemic for leaders everywhere about how—and how not—to manage complex interjurisdictional challenges, like the environment, which unfold without regard for political boundaries). Available at <https://seeingthewoods.org/2020/05/31/lessons-from-the-coronavirus-pandemic-for-environmental-governance/>; later republished on the ENVIRONMENTAL LAW PROFS BLOG (https://lawprofessors.typepad.com/environmental_law/) and THE ENVIRONMENTAL DISPUTE RESOLUTION blog (<https://law.utah.edu/lessons-from-the-coronavirus-pandemic-for-environmental-governance/>).
- **"Memo to Environmentalists: Brace for the Three Ps,"** ENVIRONMENTAL LAW PROFS BLOG, Nov. 15, 2018 (essay, from *Environmental Law, Disrupted*, advising environmental advocates to (1) resist federal preemption of state regulation, (2) scrutinize the use of property rights to block future regulation, and (3) think creatively about how to accomplish the goals of national-level policy without the benefit of federal authority). Available at https://lawprofessors.typepad.com/environmental_law/2018/11/memo-to-environmentalists-brace-for-the-three-

ps.html.

- **“The Clean Power Plan, The Supreme Court, and Irreparable Harm,”** AMERICAN CONSTITUTION SOCIETY BLOG, Feb. 16, 2016; THE HUFFINGTON POST, Feb. 18, 2016; ENVTL. LAW PROF BLOG, Feb. 18, 2016 (essay discussing the Supreme Court’s controversial pre-litigation stay of President Obama’s climate governance initiative and its impact on the Paris accords). Available at http://www.huffingtonpost.com/erin-ryan/the-clean-power-plan-the-_b_9259858.html.
- **HARVARD NEGOTIATION & MEDIATION PROGRAM NEWSLETTER.** Vol. 8, Issue 1, March 13, 2015, *Alumna Spotlight: Erin Ryan, 01*, at <http://blogs.law.harvard.edu/hnmcp/newsletters/alumna-spotlight-erin-ryan-01/>.
- **“The Paper Tiger Gets Teeth: Developments in Chinese Environmental Law,”** LAW.COM NETWORK, April 28, 2014; THE HUFFINGTON POST, April 30, 2014 (essay discussing groundbreaking amendments to the Chinese Environmental Protection Law, and its relationship to the development of rule-of-law ideals in China). Available at http://www.huffingtonpost.com/erin-ryan/chinese-environmental-law_b_5234210.html.
- **“The Great American Gun Violence Lottery,”** AMERICAN CONSTITUTION SOCIETY BLOG, Dec. 17, 2013; THE HUFFINGTON POST, Dec. 20, 2013 (essay comparing the experience of gun violence in America to the dystopian game of chance in Shirley Jackson’s *The Lottery* and urging an available, common-sense middle ground on gun policy). Available at http://www.huffingtonpost.com/erin-ryan/the-great-american-gun-vi_b_4482059.html.
- **“Why Equal Protection Trumps Federalism in the Same-Sex Marriage Cases,”** THE HUFFINGTON POST, April 17, 2013 (op-ed drawn from the original ACS/OREGONIAN essay below). Available at http://www.huffingtonpost.com/erin-ryan/gay-marriage-states-rights_b_3100985.html.
- **“Why Equal Protection Trumps Federalism in the Same-Sex Marriage Cases: A Federalism Scholar’s Take on Why Federalism Isn’t the Issue,”** AMERICAN CONSTITUTION SOCIETY BLOG, March 29, 2013; THE OREGONIAN, April 8, 2013 (essay showing why the equal protection issues should trump by reference not only to the supremacy of federal civil rights but to the underlying rights-protective function of structural federalism). Available at <http://www.acslaw.org/acsblog/why-equal-protection-trumps-federalism-in-the-same-sex-marriage-cases>; http://www.oregonlive.com/opinion/index.ssf/2013/04/why_equal_protection_trumps_fe.html.
- **“Spending Power Bargaining After *Sebelius*,”** OUP BLOG, July 3, 2012 (essay commenting on the spending power implications of Chief Justice Robert’s opinion in the Supreme Court’s Affordable Care Act decision). Available at <http://blog.oup.com/2012/07/spending-power-bargaining-after-obamacare/>. (Versions of the same essay were later published on the AMERICAN CONSTITUTION SOCIETY BLOG and the ENVIRONMENTAL LAW PROFS BLOG.)
- **“Obamacare and Federal Authority,”** THE OREGONIAN, June 27, 2012, at B-6 (op-ed discussing the core federalism issues in the Supreme Court’s Affordable Care controversies). Linked to online guest column, *“Obamacare, Federalism, in Supreme Court Tug of War,”* republishing original REG BLOG essay at http://www.oregonlive.com/opinion/index.ssf/2012/06/obamacare_federalism_in_a_supr.html.
- **“Health Care Reform and Federalism’s Tug of War Within,”** REG BLOG, AMERICAN CONSTITUTION SOCIETY BLOG, June 21, 2012 (essay explaining the battle over the Affordable Care Act in terms of the classic American federalism debates, and proposing a better way of analyzing this and all federalism issues). Available at <http://www.law.upenn.edu/blogs/regblog/2012/06/21-ryan-federalism.html>. (Republished on OXFORD BLOG, June 28.)
- **“Environmental Experiences in China,”** Nine-part series on the ENVIRONMENTAL LAW PROFS BLOG, 2012 (reporting on the challenges of Chinese environmental regulation from a first-person, public health perspective). Available at http://lawprofessors.typepad.com/environmental_law/2013/04/china-environmental-experiences-table-of-contents.html.
- **“Do One Thing for Sustainability,”** HAMPTON ROADS SMART REGION BLOG, March 19, 2010 (guest blog explaining

the William & Mary “Do One Thing for Sustainability (‘DOT’) Initiative). Available at <http://smartregion.org/2010/03/do-one-thing-for-sustainability/>.

- **“Beyond I-Got-Mine-Jack Health Care,”** versions in the VIRGINIAN-PILOT (VA), September 21, 2009 at 9, the STAR LEDGER (NJ), September 22, 2009 at 13, and the American Constitution Society blog at William & Mary Law School, Sep. 23, 2009 (op-ed urging those worried that health care reform will lead to rationing not to forsake the victims of the rationing we already have). Available at <http://acs.blogs.wm.edu/2009/09/29/i-got-mine-jack-health-care/>.
- **“Breaking Ground on the New Green Deal,”** AMERICAN CONSTITUTION SOCIETY AT WILLIAM & MARY SCHOOL OF LAW, Guest Blog, February 14, 2009 (op-ed urging reluctant members of Congress to act on stimulus proposals to invest in a renewable energy economy). Available at <http://acs.blogs.wm.edu/2009/02/14/breaking-ground-on-the-new-green-deal/>. Republished October 1, 2009, by the Hampton Roads Partnership Blog.
- **“A Swing State Voter’s Epiphany,”** CHICAGO TRIBUNE, November 6, 2008, at C-43 (op-ed forecasting redemption for the fractured American electorate based on deep election-day kindnesses in politically divided southeastern Virginia). Republished November 7, 2008, by the Hampton Roads Partnership Blog at: <http://smartregion.org/2008/11/the-american-way-a-swing-state-epiphany/>.
- **“Protecting Even ‘Incendiary’ Speech from Censorship,”** CHRONICLE OF HIGHER EDUCATION, March 18, 2005 (letter to the editor arguing that “the answer to disquieting speech is more speech” in response to controversy over Professor Ward Churchill’s post-9/11 remarks). Available at <http://chronicle.com/weekly/v51/i28/28b01701.htm>.
- **“New Housing Laws Favor Developers,”** WESTERN CITY, Vol. LXXXIX, No. 3 (March 2003), at 14 (article critiquing incentives for localities by new limits on judicial discretion in applying land use fee-shifting statutes). Quoted at length in the California State Senate’s June 23, 2003 Bill Analysis for proposed SB 619, a bill seeking substantial reform of state law to expedite the development of affordable housing in California. (Bill Analysis at ftp://leginfo.public.ca.gov/pub/03-04/bill/sen/sb_0601-0650/sb_619_cfa_20030630_121633_asm_comm.html.)
- **Commentary: *Vedanta Society of Southern Cal. v. California Quartet*** (limiting “private attorney general” fee-shifting under California Environmental Quality Act), 2003 CAL. ENVTL. L. REPORTER 16 (Jan. 2003).
- **Commentary: *Environmental Defense Center v. EPA*** (affirming in part and remanding in part EPA’s Clean Water Act stormwater regulations), 2003 CAL. ENVTL. L. REPORTER 122 (March 2003).
- **“The Once and Future Farm: Keeping Farms in Vermont,”** CONSERVATION MATTERS, Vol. VI, No. 3 (Fall 1999), at 32 (article contrasting environmentally unsound “factory” farming practices with stewardship approach of small farms, and proposing an economically sustainable intergenerational transfer program to forestall further decline).
- **THE WORCESTER REPORT**, The Better Homes Foundation, 1992 (monograph analyzing MA housing crisis).

SELECTED LECTURES, PRESENTATIONS, & WORKSHOPS

- Univ. Basque Country, Bilbao, SPAIN: **COVID, Federalism, and Pandemonium in Florida: Implications for Multi-Level Governance in the U.S. and Beyond** (keynote lecture at Multilevel Governance in the Post-Pandemic Era: New Dynamics, New Challenges, Dec. 11, 2025).
- Univ. Kansas, Lawrence, KS: **LAW FOR THE LAND: The Public Trust Doctrine, Mono Lake, and A Quiet Revolution in Environmental Rights** (public lecture, Oct. 30, 2025, featured [online](#) as part of the Big 12 Law Schools Signature Lecture Series).
- Univ. Oregon, Eugene, OR: **LAW FOR THE LAND: The Public Trust Doctrine, Mono Lake, and A Quiet**

Revolution in Environmental Rights (guest lecture, Oct. 2, 2025).

- Lewis & Clark Law School, Portland, OR: **LAW FOR THE LAND: The Public Trust Doctrine, Mono Lake, and A Quiet Revolution in Environmental Rights** (guest lecture, Sep. 30, 2025).
- Ocean University of China, Qingdao, CHINA: **LAW FOR THE LAND: The Public Trust Doctrine, Mono Lake, and A Quiet Revolution in Environmental Rights** (guest lecture, Sep. 9, 2025).
- Qingdao University of Science and Technology, Qingdao, CHINA: **LAW FOR THE LAND: The Public Trust Doctrine, Mono Lake, and A Quiet Revolution in Environmental Rights** (guest lecture, Sep. 9, 2025).
- Shandong University School of Law, Qingdao, CHINA: **LAW FOR THE LAND: The Public Trust Doctrine, Mono Lake, and A Quiet Revolution in Environmental Rights** (guest lecture, Sep. 7, 2025).
- Coastal Communities Caucus Legislative Briefing, Washington, DC (by Zoom): **American Coastal Success and the Public Trust Doctrine** (lead panelist in briefing for congressional representatives and staff, Aug. 26, 2025).
- National Sea Grant Law Center and Coastal States Organization, Washington, DC: **Public Trust Principles and Environmental Rights** (panelist at *Leading the Way: Developing the Next Generation of Practice Resources for an Evolving Public Trust Doctrine*, Jun. 10, 2025).
- Oregon Bar Assn. (by Zoom): **The Public Trust Doctrine, Mono Lake, and A Quiet Revolution in Environmental Rights** (guest lecture for Earth Day CLE programming, Apr. 23, 2025).
- Harvard University Alumni Panel (by Zoom): **How the Rules Are Changing in the Administrative State: A View from Experts in Markets, the Environment, and the Public Health Sector** (panelist, Mar. 19, 2025).
- Univ. Georgia, Athens, GA: **Public Trust Principles and Environmental Rights** (speaker, Feb. 7, 2025).
- Florida State Univ. (by Zoom): **The Four Horsemen of the New Separation of Powers: The Environmental Law Implications of *Loper Bright*, *West Virginia*, *Sackett*, and *Corner Post***, at *Judicial Review of Agency Statutory Interpretation after Loper Bright* (panelist, Jan. 29, 2025).
- American Assn. of Law Schools 2025 Annual Meeting, Washington, DC: **Water, Woe, and Wizardry in the Era of Climate Change**, *Natural Resources Law Section Panel* (moderator and discussant, Jan. 10, 2025).
- American Assn. of Law Schools 2025 Annual Meeting, Washington, DC: **Teaching Climate in Environmental Law and Beyond**, *Environmental Law Section Panel* (panelist, Jan. 10, 2025).
- Florida State Univ., Tallahassee FL: **The Takingsification of Environmental Law**, at *The Fifteenth Annual Constitutional Law Colloquium* (panelist, Nov. 15, 2024).
- Univ. of Minnesota, Minneapolis, MN: **Environmental Regulation After *West Virginia v. EPA*, *Sackett v. EPA*, and *Loper Bright Enterprises v. Raimondo*: Challenges & Solutions Across Sectors** (panelist, Oct. 18, 2024).
- Univ. CA-Davis, Davis, CA: **Beyond Mono Lake: The Evolving Public Trust Doctrine**, at *Salt Lakes in Crisis: Legal Responses to Ecological Catastrophes* (panelist, Sep. 20, 2024).
- The Nature Conservancy Global Webinar: **After *Chevron*: Understanding the Implications of *Loper-Bright* and *Corner Post* for Environmental Advocacy** (guest speaker, July 23, 2024).

- FSU Media Briefing Panel (by Zoom): **Hurricane Season 2024: Scientific, Meteorological, Legal, and Land Use Implications**, sponsored by the FSU Office of Communications for all regional media outlets (May 16, 2024).
- Arizona State University, Phoenix, AZ: **Privatization, Public Commons, and Takingsification in Environmental Law**, at *Annual Sustainability Conference of American Legal Educators* (May 10, 2024).
- Pace University, Widener University, New York University, et al.; New York, NY: **The U.S. Constitution and Climate Change**, at *Climate Constitutionalism Conference* (panelist, March 29, 2024).
- Florida State University, Tallahassee, FL: **Sackett v. EPA: Implications for the Future**, debate cosponsored by the FSU Federalist and Environmental Law Societies (with Professor Jonathan Adler, March 5, 2024).
- Widener University, Wilmington, DE (by Zoom): **The Public Trust Doctrine and Environmental Rights**, guest lecture for Prof. James May's Environmental Constitutionalism class (Feb. 26, 2024).
- University of Pennsylvania, Philadelphia, PA: **The Constitutional Right to a Clean Environment**, at *The University of Pennsylvania Journal of Constitutional Law 2024 Symposium* (panelist, Jan. 20, 2024).
- American Assn. of Law Schools 2024 Annual Meeting, Washington, DC: **Super-wicked Problems: Managing Natural Resources Across Institutions and Scales**, at *Natural Resources Law Section* (panelist, Jan. 3, 2024).
- University of Southampton, Southampton, ENGLAND: **How the Successes and Failures of the Clean Water Act Fueled the Rise of the Public Trust Doctrine and Rights of Nature Movement**, at *Assn. for Law, Property, and Society Annual Meeting* (panel presentation, May 12, 2023).
- AALS Environmental Law Section (by Zoom): **Beyond Mono Lake: The Evolving Public Trust Doctrine**, at *Environmental Works in Progress Series* (paper workshop, Mar. 23, 2023).
- University of Florida, Gainesville, FL: **New Directions in Environmental Rights: The Public Trust Doctrine and Rights of Nature Movement**, at *The Future of Moral and Legal Status of Florida's Wildlife and Natural Resources* (panel presentation, Feb. 2, 2023).
- Emory University, Atlanta, GA (by Zoom): **Privatization, Public Commons, and Takingsification in Environmental Law**, at Center for Federalism and Intersystemic Governance Conference on State Constitutions (panel presentation, July 28, 2022).
- New York University-Athens, Athens, GREECE: **Ecology and Civilization in China**, at *Uniting Ecology and Civilization* (international conference co-sponsored with eARThumanities NYU-Abu Dhabi; the Rachel Carson Center, Munich; and the Center for Ecological History at Renmin University, Beijing, May 27, 2022).
- Assn. for Law, Property, and Society (by Zoom): **Privatization, Public Commons, and Takingsification in Environmental Law**, at *Annual Meeting 2022* (panel presentation, May 20, 2022).
- Arizona State University, Phoenix, AZ: **How the Successes and Failures of the Clean Water Act Fueled the Rise of the Public Trust Doctrine and Rights of Nature Movement**, at *Seventh Annual Sustainability Conference of American Legal Educators* (panel on tribal legal developments, May 13, 2022).
- Case Western Reserve School of Law, Cleveland, OH: **How the Successes and Failures of the Clean Water Act Fueled the Rise of the Public Trust Doctrine and Rights of Nature Movement**, at *The Clean Water Act at 50: An Interdisciplinary Symposium* (panel, April 8, 2022).

- AALS Environmental Law Section (by Zoom): **Privatization, Public Commons, and Takingsification in Environmental Law**, at *Environmental Works in Progress Series* (paper workshop, Feb. 10, 2022).
- Tulane University School of Law, New Orleans, LA: **Saving Mono Lake: Public Commons, Private Rights, and the Evolution of the American Public Trust Doctrine** (faculty workshop, Nov. 30, 2021).
- University of Utah School of Law, Salt Lake City, UT (by Zoom): **Saving Mono Lake: Public Commons, Private Rights, and the Evolution of the American Public Trust Doctrine** (faculty workshop, Oct. 6, 2021).
- University of Sydney, Sydney, AUSTRALIA (by Zoom): **The Public Trust Doctrine, Property, and Society**, at *Property Law and Society: Routledge Handbook Authors' Conference* (presentation, June 30, 2021).
- Law & Society, 2021 Annual Meeting (by Zoom): **Federalism as Legal Pluralism**, at *Global Legal Pluralism: Perspectives on International, Transnational, and Multilevel Governance* (panel presentation, May 28, 2021).
- George Mason University Law School, Amelia Island, FL: **The Public Nuisance Project**, at *The Law and Economics Center Annual Research Roundtable* (commentator and discussant, May 16-19, 2021).
- Arizona State University, Phoenix, AZ (by Zoom): **The Public Trust Doctrine and Rights of Nature Movement**, at *Sixth Annual Sustainability Conference of American Legal Educators* (panel, May 14, 2021; shifted online).
- Florida Bar Association (by Zoom): **Navigating Gender Bias in Employment Negotiations**, at *Know Your Worth: A CLE for Women Lawyers* (guest lecture, Feb. 15, 2020, for public release in Spring 2021).
- American Association of Law Schools 2021 Annual Meeting (by Zoom): **The Twin Environmental Law Problems of Preemption and Political Scale**, at *State and Local Government Law and Environmental Sustainability* (panel, Jan. 6, 2021).
- University of Sydney, Sydney, AUSTRALIA (by Zoom): **The Public Trust Doctrine, Property, and Society**, at *Property Law and Society: Routledge Handbook Authors' Workshop* (workshop, Dec. 9, 2020, shifted online).
- University of Utah, Salt Lake City, UT (by Zoom): **The Public Trust Doctrine and Rights of Nature Movement**, at *Water Law Works in Progress Conference* (workshop, Dec. 4, 2020, shifted online by pandemic).
- Cardozo Law School, New York, NY (by Zoom): **The Atmospheric Trust, Juliana, and Fundamental Climate Rights**, at *Fault Lines in the Constitution: A Reemerging Debate Over the Need for Affirmative Social Rights in the U.S. Constitution* (panel presentation, Sep. 25, 2020; shifted online in light of the coronavirus pandemic).
- Cambridge Negotiation Institute, Cambridge, MA (by Zoom): **Dispute Resolution in the Era of Climate Crisis**, (webinar panel, September 10, 2020).
- Renmin University, Beijing, CHINA: **Ecology and Civilization in China**, at *Uniting Ecology and Civilization: Histories, Theories, Futures* (international workshop, June, 2020; cancelled for coronavirus pandemic).
- Tulane University, New Orleans, LA: **The Public Trust Doctrine and Rights of Nature Movement**, at *Assn. for Law, Property, and Society Annual Meeting* (panel presentation, May 29, 2020; canceled for coronavirus).
- University of Wisconsin, Madison, WI: **Rationing Federalism vs. Negotiating Federalism: Mud and Crystals in the Context of Dual Sovereignty**, at *Rationing the Constitution: How Judicial Capacity Shapes Supreme Decision-Making* (panel presentation, October 25, 2019).

- Ludwig Maximilian University, Munich, GERMANY: **The Public Trust Doctrine, Private Rights in Water, and the Mono Lake Story**, Rachel Carson Center Lecture Series (July 10, 2019).
- Ludwig Maximilian University, Munich, GERMANY: **Breathing Air with Heft: An Experiential Report on Environmental Law and Public Health in China**, Rachel Carson Center Lecture Series (July 1, 2019).
- Arizona State University, Phoenix, AZ: **Breathing Air with Heft: An Experiential Report on Environmental Law and Public Health in China**, at *Fifth Annual Sustainability Conference of American Legal Educators* (panel presentation, May 10, 2019).
- William & Mary Law School, Williamsburg, VA: **Environmental Federalism and Mining Regulation**, at *W&M Environmental Law & Policy Review Spring Symposium* (opening plenary, March 29, 2019).
- William & Mary Law School, Williamsburg, VA: **Chinese Environmental Regulation at a Crossroads**, at *W&M Environmental Law & Policy Review Spring Symposium* (panel presentation, March 29, 2019).
- University of Iowa, Iowa City: **Saving Mono Lake: Public Commons, Private Rights, and the Evolution of the American Public Trust Doctrine** (faculty workshop, Dec. 3, 2018).
- Bar Ilan University, Tel Aviv, ISRAEL: **The Public Trust Doctrine, Private Rights in Water, and the Mono Lake Story** (guest lecture and public workshop, November 7, 2018).
- William & Mary Law School, Williamsburg, VA: **The Original Background Principle?: Public Commons, Private Property, and the Public Trust Doctrine at Mono Lake**, at *15th Annual Brigham Kanner Property Rights Conference: Background Principles of Common Law and Constitutional Property* (Oct. 5, 2018).
- University of Arizona, Tucson, AZ: **Saving Mono Lake: Public Commons, Private Rights, and the Evolution of the American Public Trust Doctrine** (faculty workshop, Sep. 6, 2018).
- Environmental Law Collaborative, Essex, MA: **Federal Environmental and Natural Resources Law: Where Do We Go From Here?**, at *Reframing Environmental Law in the Post-2020 World* (collaborator, July 25, 2018).
- Cambridge University, Cambridge, ENGLAND: **Public Commons, Private Rights, and the Evolution of the American Public Trust Doctrine**, at *Regulatory Issues in Property Law* (panel presentation, May 25, 2018).
- Maastricht University, Maastricht, NETHERLANDS: **The Public Trust and Distrust: Beyond Mono Lake**, at *Assn. for Law, Property, and Society Annual Meeting* (panel presentation, May 31, 2018).
- Arizona State University, Phoenix, AZ: **Saving Mono Lake: The Public Trust Doctrine at a Crossroads**, at *Fourth Annual Sustainability Conference of American Legal Educators* (panel presentation, May 11, 2018).
- Florida State University, Tallahassee, FL: **Debating the Fundamentals of the Fundamental Right to a Sustainable Environment: Juliana v. United States**, broadcast scholarly conversation with Mary Wood, James Huffman, and Richard Frank about a controversial public trust and fundamental rights case (moderator & participant, April 13, 2018).
- George Washington University, Washington, DC: **Saving Mono Lake: The Public Trust Doctrine at a Crossroads**, at *The Public Trust Doctrine in the 21st Century* (opening presentation, March 15, 2018).
- Queen Mary University, London, ENGLAND: **Dynamic Federalism as Legal Pluralism**, at *Conference for the Oxford Research Handbook on Global Legal Pluralism* (roundtable, November 16, 2017).

- Florida International University, Miami, FL: **Negotiating Environmental Federalism with the Trump Administration**, at *Environmental Federalism in the Trump Era* (panel presentation, October 20, 2017).
- Law Teacher's Institute, Rocky Mountain Mineral Law Foundation, Banff, Alberta, CANADA: **Chinese Environmental Governance**, at *Cross-Border Perspectives on Environmental Governance* (panel, June 1, 2017).
- University of Michigan, Ann Arbor, MI: **The Public Trust Doctrine, Private Water Allocation, and Mono Lake**, at *Association for Law, Property, and Society Annual Meeting* (panel presentation, May 19, 2017).
- Arizona State University, Phoenix, AZ: **Negotiating Environmental Federalism**, at *Third Annual Sustainability Conference of American Legal Educators* (panel presentation, May 12, 2017).
- University of Wisconsin, Madison, WI: **Negotiating Environmental Federalism**, at *Reflections on Executive Power and the Administrative State* (panel presentation, April 14, 2017).
- Texas A&M Law School, Fort Worth, TX: **The Public Trust Doctrine, Private Water Allocation, and Mono Lake**, at *Texas A&M Property Law Roundtable* (panel presentation, Feb. 3, 2017).
- Florida State University, Tallahassee, FL: **Fishery Management Without Courts: A Response to Professor Robin Craig**, at *Environmental Law Without Courts* (conference presentation, Sep. 16, 2016).
- Ocean University of China, Qingdao, CHINA: **Multilevel Environmental Governance in the United States**, (guest lecture, June 17, 2016).
- Tsinghua Univ., Beijing, CHINA: **Multilevel Environmental Governance in the United States**, at *Pathways to a Clean Environment: Law, Enforcement, and the Public in China and the U.S.* (panel presentation, June 14, 2016).
- Queen's University, Belfast, Northern Ireland, U.K.: **Secession and Federalism in the U.S.: Tools for Managing Regional Conflict in a Pluralistic Society**, at the *Assn. for Law, Property, and Society Annual Meeting* (panel presentation, May 20, 2016).
- Lewis & Clark Law School, Portland, OR: **Federalism, Regulatory Architecture, and the Waters of the United States**, at *The Waters of the United States Symposium* (panel presentation, April 8, 2016).
- Univ. of Chicago, Chicago IL: **U.S. Environmental Federalism's Tug of War Within**, at *Chinese and American Environmental Governance Compared: System, Capacity, & Performance (Part I)* (presentation, March 4, 2016).
- Federalist Society of Florida, Orlando, FL: **Environmental Federalism's Tug of War Within** (panel presentation, January 23, 2016).
- Univ. of The Basque Country, Bilbao, SPAIN: **Federalism and Secession in the U.S.**, at *Claims for Secession and Federalism: The Spanish Case in Light of Federal Experience* (keynote address, Nov. 25, 2015).
- Univ. of Kansas, Lawrence, KS: **Environmental Federalism's Tug of War Within** (workshop, Sep. 25, 2015).
- George Washington Univ., Washington, DC: **Environmental Federalism's Tug of War Within**, at *The Law and Policy of Environmental Federalism: A Comparative Analysis* (book symposium presentation, April 24, 2015).
- Lewis & Clark Law School, Portland, OR: **The Public Trust Doctrine, Private Water Allocation, and Mono Lake: The Historic Saga of National Audubon Society v. Superior Court**, at *Developments in the Public Trust* (presentation, April 10, 2015).

- The National Association of Attorneys General, Indianapolis, IN: **Environmental Federalism's Tug of War Within**, at the *2015 NAAG Midwestern Region Meeting* (presentation, April 1, 2015).
- UCLA, Los Angeles, CA: **Environmental Federalism's Tug of War Within** (guest seminar for Professor Ann Carlson's Energy and Climate Change Seminar, January 22, 2015).
- Univ. of St. Louis, St. Louis, MO: **Comments on Professor Heather Gerken's "Federalism and Nationalism: Time for a Détente?"**, at the *2014 Childress Lecture and Symposium* (presentation, Oct. 24, 2014).
- Univ. of Montana, Missoula, MT: **The Future of Federalism: What Will Be Retained, and What Surrendered?**, at the *2014 Honorable James R. Browning Symposium* (presentation, Oct. 3, 2014).
- UC-Davis, Davis, CA: **The Public Trust Doctrine, Water Allocation, and the Mono Lake Backstory** (guest lecture for Professor Rick Frank's Public Trust Doctrine Seminar, September 17, 2014).
- Univ. of British Columbia, Vancouver, BC, CANADA: **The Elaborate Paper Tiger: Env'tl. Enforcement, Property, and the Rule of Law in China**, at the *Assn. for Law, Property, & Society* (presentation, May 3, 2014).
- Yale University, New Haven, CT: **The Spending Power and Environmental Law After *Sebelius*** (guest seminar for Professor Heather Gerken's Advanced Federalism Seminar, April 4, 2014).
- University of Denver, Denver, CO: **The Spending Power and Environmental Law After *Sebelius*** (guest lecture for Professor Justin Pidot's Advanced Environmental Law Seminar, March 24, 2014).
- Columbia University, New York, NY: **The Spending Power and Environmental Law After *Sebelius*** (workshop for Professors Gillian Metzger and Jessica Bulman-Pozen's Advanced Federalism Seminar, March 14, 2014).
- The Federalist Society, Washington, DC: **Cooperative vs. Competitive Federalism**, at the *2013 National Lawyer's Convention* (panelist, November 14, 2013).
- University of Colorado, Boulder, CO: **Environmental Law After *Sebelius*: The New Spending Power Doctrine and Environmental Federalism**, at *Federalism All the Way Down* (presentation, November 7, 2013).
- National Law School of India University, Bangalore, INDIA: **American Federalism and the Tug of War Within** (lecture, June 5, 2013).
- National Law University-Delhi, INDIA: **Growing the American Public Trust Doctrine: The Story of the Mono Lake Case**, at *Realizing the Goal of Water for Life: Lessons from Around the World* (presentation, May 30, 2013).
- Univ. of Minnesota, Minneapolis, MN: **Wifi Without Potable Water: Water Management in Urban China**, at the *Assn. for Law, Property, and Society* (presentation, April 26, 2013).
- Univ. of Minnesota, Minneapolis, MN: **Breathing Air With Heft: Coal, Cars, and the Staggering Problem of Air Pollution in China**, at *Legal and Policy Pathways for Energy Innovation* (presentation, April 24, 2013).
- 10th Annual Western Regional International Health Conference, Oregon Health and Science University, Portland, OR: **Wifi Without Potable Water: Environmental Regulation and Public Health in Urban China**, at *Global Health in Changing Environments* (presentation, April 6, 2013).
- Oregon League of Women Voters, Portland, OR: **Cooperative Federalism: Can Governments Work Together?**

(presentation, October 9, 2012).

- University of San Diego, San Diego, CA: **Federalism and Secession** (roundtable, September 28-30, 2012).
- Sichuan Univ., Chengdu, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, June 15, 2012).
- Sichuan Univ., Chengdu, CHINA: **Overview of the U.S. Legal System** (guest seminar, June 14, 2012).
- Higher Education Creativity Conference, Chengdu, CHINA: **Adapting Socrates: Teaching Critical & Creative Thought in the Chinese Context**, Arizona State Univ.-Sichuan Univ. conference (presentation, June 13, 2012).
- Shandong Univ. of Finance & Economics, Jinan, CHINA: **U.S. Land Use Law: Theories and Practices** (lecture, June 2, 2012).
- Shandong Univ. Law School, Jinan, CHINA: **Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation** (guest seminar, June 1, 2012).
- Xinjiang Normal Univ., Urumqi, CHINA: **Federalism and the Tug of War Within** (lecture, May 22, 2012).
- Xinjiang Normal Univ., Urumqi, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, May 23, 2012).
- Vietnam Academy of Social Sciences, Institute for State and Law, Hanoi, VIETNAM: **Overview of the U.S. Legal System** (guest seminar, May 10, 2012).
- Vietnam Academy of Social Sciences, Institute for State and Law, Hanoi, VIETNAM: **The American Public Trust Doctrine: Balancing Economic Development with Environmental Protection** (lecture, May 10, 2012).
- Sun Yat Sen Univ. Business School, Guangzhou, CHINA: **Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation** (guest seminar, April 28, 2012).
- Jinnan Univ. School of Management, Guangzhou, CHINA: **Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation** (guest seminar, April 28, 2012).
- Sun Yat Sen Univ. Law School, Guangzhou, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, April 26, 2012).
- Da Cheng Law Firm, Guangzhou, CHINA: **Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation** (guest seminar, April 27, 2012).
- American Consulate Public Affairs Center, Guangzhou, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, April 26, 2012).
- Tsinghua Univ. Law School, Beijing, CHINA: **Federalism and the Tug of War Within** (lecture, April 12, 2012).
- Tsinghua Univ., Beijing, CHINA: **U.S. Land Use Law: Theories & Practices** (guest seminar, April 11, 2012).
- Peking Univ. Law School, Beijing, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, April 10, 2012).

- Tsinghua Univ. Law School, Beijing, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, April 9, 2012).
- Nagoya Univ., Nagoya, JAPAN, Campus Asia Endowed Lecture: **Economic Development and Environmental Protection under the Public Trust: An American Story with Implications for Asia** (lecture, March 30, 2012).
- All China Environment Federation, Beijing, CHINA, participant: **State of the Field** (roundtable, March 12, 2012).
- China Univ. of Political Science and Law, Beijing, CHINA: **Federalism and the Tug of War Within** (lecture, March 10, 2012).
- China Univ. of Political Science and Law, Beijing, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, March 9, 2012).
- Wuhan Univ. Law School, Wuhan, CHINA: **Negotiating Environmental Governance within the American Federal System** (lecture, March 2, 2012).
- Wuhan Univ. Law School, Wuhan, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, March 1, 2012).
- Northeastern Univ. Law School, Shenyang, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, December 16, 2011).
- Renmin Univ. Law School, Beijing, CHINA: **The Public Trust Doctrine from Los Angeles to Yosemite: Balancing Economic Development with Environmental Protection** (lecture, December 11, 2011).
- Asian Law School Deans Association, Beijing, CHINA: **Third Annual Meeting** (participant, December 9, 2011).
- Renmin Univ. Law School, Beijing, CHINA: **Introduction to Interest-Based Bargaining: A Problem Solving Approach to Negotiation** (guest seminar, December 9, 2011).
- China Univ. of Petroleum, Huangdao, CHINA: **Mono Lake and the Unfolding Public Trust Doctrine in Environmental Law** (lecture, November 17, 2011).
- Shandong Univ. of Technology, Huangdao, CHINA: **Mono Lake and the Unfolding Public Trust Doctrine in Environmental Law** (lecture, November 17, 2011).
- Ocean University of China, Qingdao, Shandong Province, CHINA: **Federalism and the Tug of War Within: Negotiating Environmental Governance** (lecture, November 4, 2011).
- University of the Basque Country, Bilbao, SPAIN: **The Once and Future Challenges of American Federalism, at *The Ways of Federalism and the Horizons of Spanish State Autonomy*** (Keynote Address, Oct. 19, 2011).
- Ninth Circuit Judicial Conference, Carlsbad, CA: **Negotiated Governance in American Federalism** (panel presentation, August 16, 2011).
- AALS 2011 Midyear Meeting, Washington, DC: **Federalism and the Tug of War Within** (June 21, 2011).
- VA Mediation Network, Richmond, VA: **The Emotionally Learned Negotiator** (presentation, March 20, 2011).
- Georgetown Univ., Wash., DC: **Federalism and the Tug of War Within: Perspectives from Land Use and**

Environmental Law, at *Assn. for Law, Property, and Society* (presentation, March 5, 2011).

- University of Texas, School of Law, Austin, TX: **Federalism and the Tug of War Within**, at *Conference on Federalism and Its Future* (book presentation with discussant, February 12, 2011).
- United Nations Institute for Training & Research, New Haven, CT: **Intergovernmental Bargaining and Climate Federalism**, *Second Global Conference on Environmental Governance and Democracy* (co-sponsored with Yale Law School and the Yale School of Forestry, Center for Env'tl. Law and Policy) (presentation, Sep. 18, 2010).
- Southeast Association of Law Schools, Palm Beach, FL: **What the Constitution Tells Us About Environmental Law, and What Environmental Law Tells Us About the Constitution** (presentation, July 29, 2010).
- AALS 2010 Midyear Conference on Property Law, New York, NY: **From Penn Central to Balanced Federalism: Federalism and the Tug of War Within** (works-in-progress workshop, June 12, 2010).
- AALS 2010 Midyear Conference on Property Law, New York, NY: **Intergovernmental Bargaining in the Shadow of Climate Nuisance** (presentation, June 11, 2010).
- Washington & Lee School of Law, Lexington, VA: **Climate Federalism and Renewable Portfolio Standards**, at *The Intersection of Renewable Energy Development and Geoengineering* (presentation, March 19, 2010).
- Georgetown University, Washington, DC: **Federalism at the Cathedral: Property Rules, Liability Rules, and Inalienability Rules in Tenth Amendment Infrastructure**, at *Assn. for Law, Property, & Society* (March 6, 2010).
- Georgetown University, Washington, DC: **Negotiating Climate Change Federalism**, at *Assn. for Law, Property, & Society* (presentation, March 5, 2010).
- American University, Washington School of Law, Washington, DC: **Negotiating Federalism** (Distinguished Speaker Series, commentary by Professor Jonathan Siegel, George Washington Univ., March 5, 2010).
- United States Forest Service, Office for Ecosystem Services and Markets Seminar, Washington, DC: **Climate Change Federalism** (guest lecture and seminar, December 8, 2009).
- Institute for Bill of Rights Law, William & Mary Law School, Williamsburg, VA: **Environmental Federalism and Intergovernmental Bargaining** (guest lecture, October 29, 2009).
- Southeast Association of Law Schools, West Palm Beach, FL: **Bridging the Gap: Seamlessly Integrating Doctrinal and Skills Learning** (presentation, August 5, 2009).
- Sustainable Businesses Series, Mason School of Business, The College of William & Mary, Williamsburg, VA: **Sustainable Natural Resource Management: Fisheries** (guest lecture and seminar, March 3, 2009).
- Brigham-Kanner Property Rights Conference, William & Mary Property Rights Project, Williamsburg, VA: **How Will Global Warming Change the Climate for Property Rights?** (moderator and panelist, October 18, 2008).
- Harvard Law School Program on Negotiation, Cambridge MA: **Dispute Systems Design at the Birth of a Nation**, at *Dispute Systems Design Across Contexts and Continents* (moderator, March 8, 2008).
- 26th Annual International Submerged Lands Management Conference, Williamsburg, VA: **Mono Lake and The New Public Trust** (guest lecture, October 29, 2008).

- Southeast Association of Law Schools, Amelia Island, FL: **Building the Emotionally Learned Negotiator** (presentation, August 1, 2007).
- Univ. of Colorado, Boulder, CO: **Federalism Meets the Cathedral: Property, Liability, and Inalienability Rules in Contemporary Federalism Jurisprudence**, *Property Works-in-Progress Conference* (presentation, June 14, 2007).
- Institute for Property, Community, & Social Entrepreneurship, Washington, DC: **Federalism and the Tug of War Within: Seeking Checks and Balance in the Interjurisdictional Gray Area** (presentation, November 10, 2006).
- Harvard Law School Reunion, Cambridge, MA: **Transitions: To Academic Law** (panelist, October 28, 2006).
- Univ. of Richmond, Richmond, VA: **New Orleans, The Chesapeake, and the Future of Environmental Assessment: Overcoming the Natural Resources Law of Unintended Consequences**, at the *Allen Chair Symposium on the Future of Chesapeake Bay* (presentation, October 20, 2006).
- Public Commons Project, College of William & Mary, Williamsburg, VA: **Public Trust and Distrust: The Theoretical Implications of the Public Trust Doctrine for Natural Resource Management** (October 9, 2006).
- Univ. of South Carolina, Columbia, SC: **Palazzolo, The Public Trust, and The Property Owner's Reasonable Expectations**, at *Symposium on the Anniversary of Lucas v. S.C. Coastal Comm'n* (presentation, September 7, 2006).
- Southeast Association of Law Schools, Palm Beach, FL: **Federalism and the Tug of War Within** (July 22, 2006).
- Institute for Bill of Rights Law, William & Mary Law School, Williamsburg, VA: **How the New Federalism Failed Katrina Victims** (guest lecture, April 18, 2006).
- Biology Department Seminar, The College of William & Mary, Williamsburg, VA: **Understanding the ESA: Takes, Turns, and the Pivotal Case of Tellico Dam** (guest seminar, November 22, 2006).
- William & Mary Law School, Williamsburg, VA: **The Natural Resources Law of Unintended Consequences: How Mississippi Flood Control Helped Flood New Orleans**, at *Environmental Risks and the Regulatory Climate After Katrina* (presentation, October 19, 2005).
- Southeast Association of Law Schools, Hilton Head, SC: **Interjurisdictional Regulatory Problems and the New Federalism** (presentation, July 17, 2005).

MEDIA CONTACTS AND APPEARANCES

- **NEW YORK TIMES.** Telephone interview with reporter Mitch Smith on July 10, 2025, about controversial federal enforcement options in public lands management disputes over private ranching activity on BLM and USFS lands.
- **WUFT NEWS.** Telephone interview with reporter Rose Schnabel on Mar. 11, 2025, about interstate water conflicts and Georgia's new agricultural permits after winning the ACF Rivers case at the Supreme Court.
- **POLITICO/E&E NEWS.** Telephone interview with reporter Daniel Cusick on Feb. 27, 2025, about the property and environmental law implications of public disputes over beach renourishment projects on Florida's gulf coast.
- **LAW 360.** Telephone interview with reporter Kat Greene on Sep. 16, 2024, about the *Juliana vs. United States* appeal to the U.S. Supreme Court, the unusual procedural features of the case, and potential impacts of the appeal.

- **U.S. NEWS & WORLD REPORT.** Zoom interview with reporter Haley Bartel on June 19, 2024, about why students should pursue careers in environmental law, how to begin, how to succeed, and how to maximize the experience.
- **NOTUS.** Telephone interview with reporter Claire Heddels on June 3, 2024 about the impacts on environmental law if the Supreme Court eliminates or weakens administrative deference as expected in its *Loper Bright* decision.
- **SPH RADIO NEWS “BREAKFAST SHOW” (SINGAPORE).** Telephone interview with anchor Lynlee Foo on July 3, 2023 about the U.N. “High Seas” treaty for the Conservation of Marine Biodiversity Beyond National Jurisdiction.
- **FLORIDA SPORTSMAN.** Telephone interview with reporter Natalie van Hoose on Dec. 7, 2022 about the proposed Florida Right to Clean Water constitutional amendment, a rights of nature initiative creating rights in waterways.
- **BLOOMBERG NEWS.** Telephone interview with reporter Bobby Magill on Oct. 27, 2022 about climate change and water supply issues in the southeastern U.S. and interstate conflicts such as the Apalachicola-Chattahoochee-Flint.
- **THE AMERICAN PROSPECT.** Telephone interview with reporter Gabrielle Gurley on August 18, 2022 about the FL v. GA interstate water conflict that reached the Supreme Court and the looming water crisis in the eastern US.
- **THE PROBLEM WITH JON STEWART.** Research expert consultation May-June, 2022 on the relationship between environmental regulation and interstate business competition, seeking examples from air, water, and land use law.
- **TAMPA BAY TIMES.** Telephone interview with reporter Zachary Sampson on June 22, 2022 about the significance of the upcoming SCOTUS decision in *West VA vs. EPA*, regarding Clean Air Act authority to regulate GHGs.
- **CNN.** Telephone interview with reporter Steven Contorno on Nov. 15, 2021 about state legislation impacting academic freedom and freedom of speech in Florida’s public universities and higher education generally.
- **TAMPA BAY TIMES.** Telephone interview with reporter Divya Kumar on Nov. 3, 2021 about statewide faculty leaders’ reactions to threats to academic freedom, prompted by moves to curtail faculty civic participation at UF.
- **TAMPA BAY TIMES.** Email interview with reporter Divya Kumar on April 14, 2021 about proposed Florida legislation exempting early stages of university presidential searches from “Sunshine” public disclosure laws.
- **INSIDE HIGHER ED.** Email interview with reporter Colleen Flaherty on April 13, 2021 about new Florida laws requiring annual viewpoint diversity surveys at state institutions and entitling students to record lecture classes.
- **ABC-7 TELEVISION NEWS (Sarasota).** Television interview with Evening News anchor Jacqueline Matter on April 14, 2021 about ongoing developments at the Piney Point phosphorus mine discharging waste to Tampa Bay.
- **ABC-7 TELEVISION NEWS (Sarasota).** Television interview with Weekend anchor Seshmi Hayes on April 11, 2021 about a Florida phosphorus mine containment failure, evacuation order, and environmental harm.
- **AMERICAN INDEPENDENT.** Telephone interview with reporter Donna Provencher on April 8, 2021 about pending Florida legislation addressing issues of academic freedom, ideological diversity, and freedom of speech.
- **TAMPA BAY TIMES.** Telephone interview with reporter Divya Kumar on March 17, 2021 about proposed Florida legislation addressing issues of academic freedom, ideological diversity, and freedom of speech.
- **DRILLED NEWS.** Telephone interview with reporter Andrew Blok on Dec. 4, 2020 about Michigan’s revocation of a 1953 Enbridge oil pipeline easement for violating the public trust doctrine and threatening the Great Lakes.

- **FLORIDA RECORD.** Email interview with reporter Michael Carroll for an August 21, 2020 article about the FSU campaign to rename a university building honoring a FL Supreme Court justice who had championed segregation.
- **PUMPER MAGAZINE.** Interviews with reporter David Steinkraus on March 6 & Oct. 3, 2019 about the Supreme Court's potential extension of Clean Water Act liability to groundwater pollution in *Hawaii Wildlife Fund v. Maui*.
- **NORTHWEST FLORIDA DAILY NEWS.** Email consult with Executive Editor Jason Blakeny on April 8, 2019 about the relationship between homeowner association private land use controls and eminent domain for beach access.
- **NORTHWEST FLORIDA DAILY NEWS.** Phone interview with reporter Tom McLaughlin on Jan. 9, 2019 about customary use and eminent domain options for public beach access after Florida legislators limited access rights.
- **ARS TECHNICA.** Email interview with science writer Cathleen O'Grady on Aug. 22, 2018 assessing an empirical study evaluating legal trends, strategies, and outcomes in U.S. climate litigation in state and federal courts.
- **UNDARK.** Email interview with science writer Charles Schmidt on July 1, 2017 about the scientific ramifications for water resource management if EPA adopts the narrow definition of navigability proposed by the late J. Scalia.
- **PORTLAND MONTHLY.** Telephone interview with reporter Zachary Dundas on May 3, 2017 about the politics and constitutionality of subnational climate governance initiatives under consideration among west coast states.
- **FLORIDA PUBLIC RADIO/WFSU.** Radio interview with reporter Kate Payne on March 1, 2017 about President Trump's move to roll back the EPA and Army Corps' 'Waters of the U.S. Rule,' and its implications for Florida.
- **BLOOMBERG NEWS.** Interview with reporter Rebecca Kern on Dec. 18, 2016 about the legality and feasibility of proposals by Trump advisors to combine the Environmental Protection Agency with the Department of Energy.
- **CAPITOL UPDATE.** Televised interview with reporter Krysta Brown on Nov. 1, 2016 about the Florida-Georgia-Alabama interstate water dispute and the use of Special Masters in Supreme Court adjudication.
- **THE HILL.** Interview with reporter Devin Henry on Oct. 28, 2016 about proposals by presidential candidate Donald Trump and congressional Republicans to defund climate-related earth science research by NASA.
- **XINHUA NEWS AGENCY, INTERNATIONAL NEWS DEPT., BEIJING.** Interview with reporter Allen Liu on June 15, 2016 about needed regulatory responses to the wave of Beijing children sickened by toxic playground equipment.
- **POWER MAGAZINE.** Email consultation with reporter Sonal Patel on May 17, 2016 about the legal and political implications of the D.C. Circuit's decision to take the Clean Power Plan case en banc, bypassing the usual panel.
- **BLOOMBERG BNA.** Interviews with reporter Anthony Adragna on March 2-3, 2016 about the mechanics and constitutionality of promises by Republican presidential candidates to abolish the EPA and Department of Energy.
- **CQ RESEARCHER.** Interview with reporter Barbara Mantel on Feb. 11, 2016 about the Malheur Refuge standoff, a recent Utah bill for cession of federal lands, and legal arguments for transfer of federal lands to state ownership.
- **RISE.** Interview with reporter Allyn Farach on Jan. 14, 2016 about the occupation of the Malheur National Wildlife Refuge in Oregon and the occupiers' demands that federal lands be transferred to county management.
- **FOREIGN POLICY.** Interview with reporter Alexa Olesen on June 17, 2015 about the new Chinese Minister of Environment Chen Jining's first 100 days in office, and the overall prospects for environmental reform in China.

- **HIGH COUNTRY NEWS.** Interview with reporter Madeline Nash on June 12, 2015 about the significance of the historic *National Audubon Society* (“Mono Lake”) public trust doctrine decision in light of the California drought.
- **ASSOCIATED PRESS.** Interview with reporters Michelle Rindels and Riley Snyder on April 2, 2015 about a proposed Nevada bill that would appropriate most federal land within the state for re-allocation to private use.
- **THOMSON-REUTERS, BEIJING.** Email consultation with reporter David Stanway on March 1, 2015 about the appointment of Tsinghua Univ. President Chen Jining as Minister of the Chinese Ministry of the Environment.
- **GREENWIRE.** Interviews with reporter Jeremy Jacobs on January 30, 2015 about possible constitutional violations in EPA’s enforcement of new ground level ozone and greenhouse gas requirements under the Clean Air Act.
- **CLIMATE DAILY NEWS.** Interviews with reporter Dawn Reeves on November 17 & 21, 2014 about state plans to block Clean Air Act State Implementation Plans in a dispute with EPA over new greenhouse gas regulations.
- **OREGONIAN.** Email consultations with reporter Nick Budnick on July 24, 25, & 30, 2014 about how Oregon will be affected by the split circuit rulings on whether people insured in federal exchange may access ACA subsidies.
- **OREGONIAN.** Telephonic interview with reporter Nick Budnick on July 22, 2014 about conflicting federal court rulings interpreting how Affordable Care Act subsidies should be administered in states using a federal exchange.
- **OREGONIAN.** Telephonic interview with reporter Noelle Crombie on May 20, 2014 about jurisdictional conflicts between state and county governments over the siting of medical marijuana dispensaries.
- **KOIN-CBS TELEVISION NEWS.** Telephone interview with reporter Jessica Morkert on May 19, 2014 about the procedural issues complicating National Organization for Marriage’s appeal in Oregon’s same sex marriage case.
- **KGW-NBC TELEVISION NEWS.** Televised interview with reporter Katherine Cook on May 19, 2014 about the changes in law and practice that will follow the federal judicial invalidation of Oregon’s same sex marriage ban.
- **THE LARS LARSON NORTHWEST RADIO SHOW.** Live interview with Lars Larson on May 19, 2014 about the federal district court’s invalidation of Oregon’s state constitutional ban on same sex marriages.
- **KOIN-CBS TELEVISION NEWS.** Televised interview with reporter Lisa Balick on May 19, 2014 about when federal judges should void state ballot initiatives, following invalidation of Oregon’s same sex marriage ban.
- **KGW-NBC TELEVISION NEWS.** Televised interview with reporter Wayne Havrelly on May 18, 2014 about a federal court’s pending decision on whether Oregon’s same sex marriage ban violates the U.S. Constitution.
- **THOMSON-REUTERS, BEIJING.** Email interview by reporter David Stanway on April 23, 2014 about historic new amendments to China’s Environmental Protection Law.
- **OREGON PUBLIC BROADCASTING.** Telephonic interview with reporter David Noguerras on March 25, 2014 about Supreme Court arguments in a case about constitutionally prohibited viewpoint discrimination and public protests.
- **OREGON PUBLIC BROADCASTING.** Telephonic interview with reporter Jordana Gustafson on December 27, 2013 about Oregon same-sex marriage advocates’ twin ballot initiative and litigation strategies to change state law.
- **OREGON PUBLIC BROADCASTING.** Telephonic interview with reporter Jordana Gustafson on December 23, 2013 about the implications of a Utah federal court decision upholding same-sex marriage rights under federal law.

- **OREGONIAN.** Telephonic interview with reporter Fenit Nirappil on October 30, 2013 about land use planning controversy over regulatory approval for proposed Walmart developments in the greater Portland area.
- **KOIN-CBS TELEVISION NEWS.** Televised interview with anchor Ken Boddie on June 26, 2013 about the Supreme Court's same-sex marriage decisions in the Defense of Marriage Act and California Prop 8 cases.
- **KGW-NBC TELEVISION NEWS.** Televised interview with reporter Kyle Iboshi on June 26, 2013 about the Supreme Court's same-sex marriage decisions in the Defense of Marriage Act and California Prop 8 cases.
- **THE LARS LARSON NORTHWEST RADIO SHOW.** Live interview with Lars Larson on June 26, 2013 about the Supreme Court's same-sex marriage decisions in the Defense of Marriage Act and California Prop 8 cases.
- **KXL NEWS RADIO, PORTLAND.** Radio interview with reporter Lacey Evans on June 26, 2013 about the Supreme Court's same-sex marriage decisions in the Defense of Marriage Act and California Prop 8 cases.
- **ASSOCIATED PRESS.** Telephonic interview with reporter Nigel Duara on June 26, 2013 about the Supreme Court's same-sex marriage decisions in the Defense of Marriage Act and California Prop 8 cases.
- **RADIO DWARKA, NEW DELHI, INDIA.** Radio interview on May 31, 2013 about water issues in India and the International Conference on Realizing the Goal of Water for Life at the National Law University at Delhi.
- **KXL NEWS RADIO, PORTLAND.** Radio interview with Lacey Evans on March 27, 2013 about the federalism and same-sex marriage issues in the Defense of Marriage Act and California Prop 8 cases before the Supreme Court.
- **KGW-NBC TELEVISION NEWS, "LIVE AT 7".** Live "Hotbox" interview with anchor Stephanie Stricklen on March 26, 2013 about the same-sex marriage and federalism issues appearing before the Supreme Court this week.
- **THE LARS LARSON NATIONAL RADIO SHOW.** Live interview on March 25, 2013 about the federalism and same-sex marriage issues in the Defense of Marriage Act and California Prop 8 cases before the Supreme Court.
- **KEX NEWS RADIO, PORTLAND.** Radio interview with Jim McLaren on March 25, 2013 about the federalism and same-sex marriage issues in the Defense of Marriage Act and California Prop 8 cases before the Supreme Court.
- **THE LONDON FINANCIAL TIMES.** Consulted on four occasions and quoted on July 18, 2010 by Michael Peele, Legal Correspondent for the London FINANCIAL TIMES, about the B.P. oil spill disaster and resulting litigation.
- **VCU STUDY ON UNIVERSITY SUSTAINABILITY.** Video interview with Virginia Commonwealth University researcher Renee Perron for a multimedia report on university sustainability programs on March 31, 2010.
- **NATIONAL PUBLIC RADIO.** Radio interview with Cathy Lewis on WHRV *Hearsay* program about the Do One Thing for Sustainability Initiative, February 23, 2010.
- **PBS NEWSHOUR/CHRISTIAN SCIENCE MONITOR "Patchwork Nation" Project.** Quoted by Anna Shoup, correspondent for the PBS/CSM Patchwork Nation project, for Hampton Roads insight on national issues such as climate change (October 2, 2009) and post-election politics (July 2, 2009).
- **WATCHDOGS AND LAPDOGS.** Online interview with media criticism webzine for a story about press coverage of Governor Sarah Palin's vice presidential campaign following my *Reporting on Palin* essay, November 6, 2008.

OTHER EXPERIENCE**Shute, Mihaly & Weinberger**, San Francisco, CA

Sept. 2002 – May 2004

Environmental Fellow. Associate at hybrid public-interest private law firm specializing in environmental, land use, and local government law. Assisted representation of California's South Coast Air Quality Management District before U.S. Supreme Court (defending low-emission vehicle fleet purchasing regulations against preemption challenge). Other clients included the Tahoe Regional Planning Agency, Sacramento Area Flood Control Agency, Alameda County Waste Mgmt. Authority, El Dorado County Planning Comm'n, City of Saratoga, Sierra Club, and Mono Lake Committee.

The Honorable James R. Browning,**U.S. Court of Appeals for the Ninth Circuit**, San Francisco, CA

Sept. 2001 – Sept. 2002

Judicial Law Clerk. Law clerk to Chief Judge Emeritus James R. Browning.

U.S. Department of State, Office of the Legal Advisor (L/OES), Washington, DC

July 2000 – Sept. 2000

Law Clerk. Represented State Dept. in interagency conference on implementing the methyl bromide ban of the Montreal Protocol and Clean Air Act. Analyzed U.S.-Israeli Free Trade Agreement records to help prepare delegation negotiating like treaty with Jordan. Researched implications of National Security Act for State Department recruiting.

Jenner & Block, Washington, DC

June 2000 – July 2000

Summer Associate. Analyzed Florida constitutional and redistricting law for Census 2000 voting rights project. Researched Gramm-Leach-Bliley Act privacy protections for patrons of financial services institutions.

Harvard Law School, Cambridge, MA

Fall 2000

Teaching Assistant to Professor Anne-Marie Slaughter. "Perspectives on American Law," required course for international LL.M. students introducing different features of American constitutional, regulatory, and common law.

Conservation Law Foundation, Vermont Advocacy Center, Montpelier, VT

June 1999 – Aug. 1999

Summer Associate. Developed small farm advocacy project (proposing intergenerational transfer programs to combat farm loss, riparian buffers to protect water quality, and economic strategies for remaining viable against larger competitors). Researched anti-sprawl legal strategies. Testified before Vermont legislative committees.

Mono Basin National Forest Scenic Area, USDA Forest Service, Lee Vining, CA

Aug. 1996 – May 1998

Interpretive Ranger and Internet Project Coordinator. Conducted environmental education programs for student groups and general public. Designed multimedia exhibits and authored interpretive print materials. Managed computer systems and visitor center bookstore. Received National Interpretive Media Award for MBNFSA web site, 1997.

New York University, Office of the Dean, New York, NY

Dec. 1994 – Aug. 1996

Assistant to the Dean of Libraries and NYU Press. Responded to issues of intellectual freedom and new technologies. Administered academic services and faculty recruiting. Provided Internet trainings; designed online library exhibits.

Wesleyan University, Middletown, CT

Sept. 1992 – Oct. 1994

Translator and Cataloger of Chinese Materials, Music Library (May 1993 – Oct. 1994). Translated Chinese and other collection holdings. *Teaching Assistant, Music Department.* Choir (1992-93); Steelband (1993-94).

Better Homes Foundation, Newton Centre, MA

Sept. 1991 – Sept. 1992

Public Policy Researcher. Researched public policy, demographic, domestic violence, and childcare issues for family homelessness foundation. Participated in NIMH-sponsored population study of housing crisis in Worcester, MA.

Harvard University, Office of Race Relations and Minority Affairs, Cambridge, MA

Oct. 1991 – Sept. 1992

Assistant to Dean for Race Relations & Minority Affairs. Administered DEI outreach programs, facilitated incident management, researched issues of race and higher education. Counseled other universities on initiating DEI programs.

GREATER ACADEMIC SERVICE

- **Co-Editor**, SSRN Sustainability Law and Policy eJournal (2020 - present) (with J.B. Ruhl and Robin Craig).
- **AALS Section on Natural Resources Law**, Executive Board, Secretary, Chair Elect, Chair, Past Chair (2021-25).
- **Member**, Rocky Mountain Mineral Law Foundation Natural Resources Law Teachers Committee (2020-24).
- **Peer Review** for PUBLIUS: THE JOURNAL OF FEDERALISM, *Federalism by Extortion* (2025).
- **Faculty Review** for the YALE LAW JOURNAL, *Agonistic Federalism* (2025).
- **Peer Review** for MCGILL LAW JOURNAL (Canada), *Weaponizing Federalism to Deny Pluralism* (2025).
- **Faculty Review** for the YALE LAW JOURNAL, *Elastic Federalism* (2024).
- **Faculty Review** for the HARVARD LAW REVIEW, *Federalism Big Data* (2021).
- **Faculty Review** for the YALE LAW JOURNAL, *The Public Trust in Data* (2021).
- **Peer Review** for TRANSNATIONAL LEGAL THEORY JOURNAL, *Toward Global Public Trust Doctrines* (2020).
- **Faculty Review** for the STANFORD LAW REVIEW, *Federalism and Dormant Legal Pluralism* (2020).
- **Faculty Review** for the YALE LAW JOURNAL, *Suspect Spheres, Not Enumerated Powers* (2020).
- **Faculty Review** for the STANFORD LAW REVIEW, *The Scope of the Conditional Spending Power* (2020).
- **Faculty Review** for the YALE LAW JOURNAL, *Federalism by Contract* (2019).
- **Faculty Review** for the YALE LAW JOURNAL, *The Statutory Separation of Powers* (2019).
- **Peer Review** for PUBLIUS: THE JOURNAL OF FEDERALISM, *Intergovernmental Negotiation in Medicaid* (2016).
- **Faculty Endorsement**, Lexington Books/Rowman & Littlefield, *MEDIATION, CONCILIATION, & EMOTIONS* (2016).
- **Faculty Review** for the YALE LAW JOURNAL, *Consent Procedures and American Federalism* (2014).
- **Faculty Review** for the HARVARD LAW REVIEW, *Consent Procedures and American Federalism* (2014).
- **Peer Review** for URBAN AFFAIRS REVIEW, *Evaluating the Merits of Ad Hoc Zoning Decisions* (2014).
- **Faculty Review** for the YALE LAW JOURNAL, *The Return of Non-Congruent Equal Protection* (2014).
- **Peer Review** for PUBLIUS: THE JOURNAL OF FEDERALISM, *Federalism as a Weapon* (2013).
- **Faculty Review** for the HARVARD LAW REVIEW, *Partisan Federalism* (2013).
- **AALS Section on Property**, Executive Board Member (2010-11).
- **AALS Section on Natural Resources Law**, Executive Board Member (2010-11).
- **Harvard Environmental Law Society**, Alumni Board Member (2006-2011).