

# ERIN RYAN

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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.  
**Natural Resources Law:** Public lands, forest resources, fisheries, energy resources, renewables, nuclear, climate change.  
**Water Law:** Appropriative & riparian rights, regulatory permit systems, groundwater, access rights, federal rights, CWA.  
**Negotiation:** Negotiation theory, intergovernmental bargaining, emotionality, land use negotiations, media negotiations.  
**Constitutional Law:** Federalism, interjurisdictional governance, Tenth Amendment, takings, environmental federalism.  
**China:** Chinese environmental law, central-provincial relations, rule-of-law development, history, culture, and politics.

## COURSES

- Property Law 4 credits
- Natural Resources Law Survey 3 credits
- Living Natural Resources Law & Policy Seminar 2 credits
- Water Law Survey 3 credits
- Water Law & Policy Seminar 2 credits
- Negotiation & Settlement Workshop 4 credits
- Negotiation Short Course 2 credits

## ACADEMIC APPOINTMENTS

**Florida State University, College of Law, Tallahassee, FL** 2015–present  
*Professor* (2015-2016); *Elizabeth C. & Clyde W. Atkinson Professor of Law* (2016-present). Faculty Senate Steering Committee, Faculty Senate, Office of Faculty Development and Advancement Committee, Bar Success Committee Chair, Promotion & Tenure Committee, Env'tl. Programs Committee. Oxford University Summer Program Faculty, 2017.

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

**Lewis & Clark Law School, Portland, OR** 2011 – 2015  
*Associate Professor.* Scholarship Working Group Chair, Global Law Committee, Environment & Natural Resources Committee, Judicial Clerkships Committee, Diversity 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.

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

**University of California, Hastings College of the Law, San Francisco, CA** Spring, 2004  
*Adjunct Professor*. Taught Negotiation & Settlement workshop to second and third year law students.

## **RESEARCH FELLOWSHIPS**

**Rachel Carson Center for Environment and Society, Munich, GERMANY** Summer, 2019  
Participation in collaborative scholarly exchange at an international interdisciplinary environmental research center, a joint 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**

- **Association for Law, Property, and Society**, Board of Directors, 2016-2019; Chair of Mentoring Program, 2014-present. Help manage international network of property scholars, with special responsibility for mentoring and outreach.
- **Tallahassee Gifted Network**, Executive Board, 2018-present. Organize educational forums and networking events, participate in legislative affairs and securing grants to improve educational opportunities for Florida gifted students.
- **Florida Supreme Court Qualified Arbitrator**, as of 2016.
- **ENVIRONMENTAL LAW PROFS BLOG**. Contributing Editor, December, 2011 – June, 2013.
- **Ocean University of China**, Qingdao, CHINA, February-June, 2012. Advised 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 involving 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**

- **THE PUBLIC TRUST DOCTRINE, PRIVATE RIGHTS IN WATER, AND THE MONO LAKE STORY**, Cambridge University Press, forthcoming 2021 (chronicling how a century of water exports to Los Angeles from remote wildlands inspired groundbreaking public trust litigation at Mono Lake that continues to influence the development of environmental law around the United States and the world).
- **FEDERALISM AND THE TUG OF WAR WITHIN**, Oxford University Press, 2012 (analyzing federalism as a project for balancing tension among the underlying principles of good governance and for negotiating 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 391494; //works.bepress.com/erin\_ryan/)

- *Federalism as Legal Pluralism*, in THE OXFORD HANDBOOK ON LEGAL PLURALISM (Paul Berman, ed., 2019) (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 the “zero-sum” models preceding them).
- *Environmentalists: Brace for Preemption, Propertization, and Problems of Political Scale*, in ENVIRONMENTAL LAW, DISRUPTED (Jessica Owley & Keith Hirokawa, eds., forthcoming 2019) (book chapter expanding advice that environmental advocates (1) resist federal preemption of local regulation, (2) scrutinize the use of property rights to block future regulation, and (3) seek out alternatives for achieving national-level policy without federal authority).
- *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. \_\_ (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* case and *Juliana v. U.S.*).
- *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 issues in fisheries governance).
- ***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*). Noted on the Legal Theory Blog on April 8, 2016.
- ***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).
- ***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, 3<sup>rd</sup> 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 ENVIRONMENTAL LAW AND POLICY FORUM 184 (2014) (article reviewing how enforcement hurdles have undermined the success of Chinese environmental law and proposing a modest but politically feasible reform measure).
- ***When Socrates Meets Confucius: Teaching Creative and Critical Thinking Across Cultures Through Multilevel***

*Socratic Method*, 92 NEB. L. REV. 289 (2013) (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 presentation at “The Rule of Law with Chinese Characteristics in Transition,” Hong Kong Univ., June 5, 2013.

- ***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](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, 6<sup>th</sup> 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 20<sup>th</sup> century, culminating in the New Federalism’s difficulty accounting for interjurisdictional problems). Excerpted in STONE, SEIDMANN, SUNSTEIN, TUSHNET, & KARLAN, CONSTITUTIONAL LAW (Aspen, 6<sup>th</sup> 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. Rhode Island* 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). Included in Federalist Society CLE materials, July, 2005.
- ***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

- **“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](https://lawprofessors.typepad.com/environmental_law/2018/11/memo-to-environmentalists-brace-for-the-three-ps.html).
- **“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>.
- **“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](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](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](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](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](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](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](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](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

- 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 *15<sup>th</sup> 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 21<sup>st</sup> 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: Environmental Enforcement, Property, and the Rule of Law in China**, at the *Assn. for Law, Property, and 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).
- 10<sup>th</sup> 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).
  - 26<sup>th</sup> 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

- **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.
- **PUMPER MAGAZINE.** Phone interview with reporter David Steinkraus on March 6, 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.** Phone interview with reporter Tom McLaughlin on January 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 August 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 BNA.** 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 Nogueras 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 outreach programs, facilitated incident management, researched issues of race and higher education. Counseled other universities on initiating like programs.

## **GREATER ACADEMIC SERVICE**

- **Association for Law, Property, and Society**, Board (2016-2019); Mentoring Committee Chair (2014-present).
- **Faculty Referee** for the YALE LAW JOURNAL, *Federalism by Contract* (2019).
- **Faculty Referee** 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 Referee** for the YALE LAW JOURNAL, *Consent Procedures and American Federalism* (2014).
- **Faculty Referee** 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 Referee** 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 Referee** 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).