

WILLIAM WADE BUZBEE

Emory Law School
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LEGAL EMPLOYMENT

EMORY UNIVERSITY SCHOOL OF LAW (August 1993 to present).

Professor of Law (fall 2000 to the present); Director of Emory Environmental and Natural Resources Law Program (fall 1999 to the present); Director of Emory Center on Federalism and Intersystemic Governance (fall 2007 to the present); Associate Professor of Law with tenure (fall 1998 to summer 2000); Associate Professor of Law (1996 to summer 1998); Assistant Professor of Law (1993-95). Courses: environmental law, administrative law, land use, legislation and regulation, legal methods and property. Seminars: federalism and devolution, urban environmental law, regulatory reform, the art of regulatory war.

UNIVERSITY OF ILLINOIS SCHOOL OF LAW, Visiting Professor of Law (spring 2008), short course on Regulatory Federalism Debates.

CORNELL LAW SCHOOL, Visiting Professor of Law (fall 2006), short course on Environmental Federalism and Regulatory Design.

COLUMBIA-AMSTERDAM-LEIDEN PROGRAM AMERICAN LAW (summer 2007, summer 2005, summer 2003), course on American Institutions of Public Law—Statutes and Regulations.

COLUMBIA LAW SCHOOL, Visiting Professor of Law (spring 2003), first year course, Foundations of the Regulatory State.

PATTERSON, BELKNAP, WEBB & TYLER (October 1988 - May 1993).

Associate. Environmental, land use, intellectual property and commercial litigation work, counseling, handling regulatory proceedings and litigating on behalf of private and public sector clients under federal, state and local laws. Also worked on numerous *pro bono* matters such as litigating civil rights case against all white real estate advertising; assisting ACLU on potential amicus brief concerning Kettleman City dispute over local government's refusal to translate for Hispanic community hearings and documents about proposed siting of hazardous waste incinerator; assisting Human Rights Watch investigation of harassment of Asian dissident in U.S.; assisting community group concerning breach of municipal agreement to place park on top of sewage plant.

NATURAL RESOURCES DEFENSE COUNCIL, INC. (1987 - 1988).

Attorney-Fellow. State and federal litigation and administrative proceedings involving Clean Air Act, solid waste issues, toxic and hazardous substance laws; attorney and witness in administrative proceedings; contributed to NRDC reports and research projects; drafted memoranda for state and federal lobbying efforts.

UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT (1986 - 1987).

Federal Law Clerk for Judge Jose A. Cabranes (currently on the Second Circuit Court of Appeals). Full range of clerkship duties -- assisted with opinions, motion rulings, jury charges, preparation for hearings and trials.

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, J.D., May 1986.

Columbia Law Review, Administrative Board, Notes and Comments Editor.

Harlan Fiske Stone Scholar.

Elected representative of Columbia Public Interest Law Foundation.

John Woodruff Simpson Law Fellow.

Jaffin Human Rights Intern, placed with Southern Poverty Law Center, Montgomery, AL.

AMHERST COLLEGE, B.A., Magna Cum Laude, 1983.

Awarded Densmore Barry Collins Prize for Political Science Thesis, "Asbestos and the American Political Economy."

Political Science major and Environmental Science concentration.

Received Faculty Fellowship Committee Rhodes Scholarship endorsement.

PUBLICATIONS

BOOKS

Preemption Choice: The Theory, Law & Reality of Federalism's Core Question (William W. Buzbee, editor) (Cambridge University Press 2009), author of Introduction, Chapter 5 ("Federal Floors, Ceilings, and the Benefits of Federalism's Institutional Diversity"), Conclusion.

Environmental Protection: Law and Policy (6th ed. Wolters Kluwer 2011) and Teachers' Manual (with co-authors Robert Glicksman, David Markell, Daniel Mandelker, Daniel Bodansky).

Environmental Protection: Law and Policy (5th ed. Aspen 2007) and Teachers' Manual (with co-authors Robert Glicksman, David Markell, Daniel Mandelker, Daniel Tarlock).

Fighting Westway: The Environment, Citizens, and the Art of Regulatory War

(manuscript near completion; under review at a university press).

ARTICLES

State Greenhouse Gas Regulation, Federal Climate Change Legislation, and the Preemption Sword, 1 San Diego J. of Climate and Energy Law 23 (2010) (expanded version of paper given at 2009 Conference on “Federal Preemption or State Prerogative: California in the Face of National Climate Policy”).

Clean Air Act Dynamism and Disappointments: Lessons for Climate Legislation to Prompt Innovation and Discourage Inertia, 32 Wash. U. J. of Law and Pol’y 33 (2010) (expanded version of paper given at 2009 Symposium on “New Directions in Environmental Law”).

The Scope of Congressional Authority to Protect the Environment: Comments and Colloquy, 40 Environmental Law Rep. News and Analysis 10977 (2010).

Preemption Hard Look Review, Regulatory Interaction, and the Quest for Stewardship and Intergenerational Equity, 77 Geo. Wash. L. Rev. 1521 (2009).

Adjudicatory Triggers of Enhanced Ambient Environment Information, 83 Indiana Law Journal 583 (2008) (based on paper from Indiana Law School 2006 conference on “Missing Information: Environmental Data Gaps in Conservation and Chemical Regulation”).

Asymmetrical Regulation: Risk, Preemption, and the Floor/Ceiling Distinction, 82 N.Y.U. Law Review 1547 (2007).

Interaction’s Promise: Preemption Policy Shifts, Risk Regulation, and Experimentalism Lessons, 57 Emory Law Journal 145 (2007) (expanded version of paper given at 2007 Thayer Symposium on “The New Federalism: Plural Governance in a Decentered World”).

Access to the Courts After Massachusetts v. EPA: Who Has Been Left Standing, 37 Env’tl. L. Reporter 10692 (2007) (edited version of comments and debate at Environmental Law Institute, Washington D.C., May 2007).

The Regulatory Fragmentation Continuum, Westway, and the Challenges of Regional Growth, 21 Journal of Law and Politics 323 (2005) (based on January 2005 conference paper at University of Virginia and Journal of Law and Politics symposium on “Local Government Law”) (republished in *Land Use and Environment Law Review* compilation of the top ten environmental or land use law articles from 2005-06).

- Contextual Environmental Federalism*, 14 N.Y.U. Environmental Law Journal 108 (2005) (based on March 2005 paper at N.Y.U. Law School and Environmental Law Journal Symposium on “State Roles in U.S. Environmental Law and Policy”).
- Unidimensional Federalism: Power and Perspective in Commerce Clause Litigation*, 88 Cornell Law Review 1199 (2003) (with co-author Robert A. Schapiro).
- Urban Form, Health, and the Law’s Limits*, Vol. 93, Issue 9 American Journal of Public Health 1395 (September 2003) (peer review journal solicited article).
- Recognizing the Regulatory Commons: A Theory of Regulatory Gaps*, 89 Iowa Law Review 1 (2003) (republished in *Land Use and Environment Law Review* compilation of the top ten environmental or land use law articles of 2003-04).
- Accountability Conceptions and Federalism Tales: Disney’s Wonderful World?*, 100 Michigan Law Review 1290 (2002) (reviewing Richard Foglesong, *Married to the Mouse: Walt Disney World and Orlando* (Yale University Press 2001)).
- Legislative Record Review*, 54 Stanford Law Review 87 (2001) (with co-author Robert A. Schapiro).
- Smart Growth Micro-Incentives and the Tree-Cut Tax Case*, 17 Georgia State Law Review 999 (2001) (based on paper delivered at Georgia State Law School’s Annual Law Review Symposium, “Spr’all Come On In,” February 1, 2001).
- Standing and the Statutory Universe*, 11 Duke Environmental Law and Policy Forum 247 (2001) (solicited article for March 2000 Duke Law symposium on “Citizen Suits and the Future of Standing in the 21st Century: From *Lujan* to *Laidlaw* and Beyond”).
- The One-Congress Fiction in Statutory Interpretation*, 149 University of Pennsylvania Law Review 171 (2000).
- Sprawl’s Political-Economy and the Case for a Metropolitan Green Space Initiative*, 32 The Urban Lawyer 367 (2000) (published proceedings of January 2000 papers given at AALS Annual Meeting, State and Local Government Section, Panel on “The City in the 21st Century”).
- Sprawl’s Dynamics: A Comparative Institutional Analysis Critique*, 35 Wake Forest Law Review 509 (2000) (solicited article for symposium on “Smart Growth”).
- Urban Sprawl, Federalism and the Problem of Institutional Complexity*, 68 Fordham Law

Review 57 (October 1999) (republished by *Land Use and Environment Law Review* in compilation of the best ten environmental and land use law articles published during 1998-99).

Expanding the Zone, Tilting the Field: Zone of Interests and Article III Standing After Bennett v. Spear, 49 Admin. L. Rev. 763 (fall 1997).

Brownfields, Environmental Federalism and Institutional Determinism, 21 Wm. & Mary Env'tl. L. & Pol'y Rev. 1 (1997) (symposium issue) (selected by *Land Use and Environment Law Review* as one of best thirty environmental and land use law articles published during 1996-97).

CERCLA's New Safe Harbors for Banks, Lenders and Fiduciaries, 26 Env'tl. L. Rep. 10656 (December 1996).

Regulatory Reform or Statutory Muddle: The 'Legislative Mirage' of Single-Statute Regulatory Reform, 5 N.Y.U. Env'tl. L. J. 298 (1996) (symposium issue).

Remembering Repose: Voluntary Contamination Cleanup Approvals, Incentives and the Costs of Interminable Liability, 80 Minn. L. Rev. 35 (November 1995) (selected by *Land Use and Environment Law Review* as one of best thirty environmental and land use law articles published during 1995-96).

Parent or Successor Corporation Environmental Liability, 19 Real Estate L. J. 300 (spring 1991) (co-author Mary M. Luria).

Not-for-Profits and the Perils of Donations of Real Estate Contaminated with Hazardous Materials, *The Philanthropy Monthly* 5 (March 1991) (co-author Patricia M. Dineen).

Administrative Agency Intracircuit Nonacquiescence, 85 Colum. L. Rev. 582 (April 1985).

CHAPTERS AND OTHER CONTRIBUTIONS TO BOOKS

The Story of Laidlaw, Standing and Citizen Enforcement, in ENVIRONMENTAL STORIES 201 (Richard Lazarus and Oliver Houck, editors) (Foundation Press 2005).

Regulatory Underkill in an Era of Anti-Environmental Majorities, in STRATEGIES FOR ENVIRONMENTAL SUCCESS IN AN UNCERTAIN JUDICIAL CLIMATE 141 (Michael Allan Wolf, editor) (Environmental Law Institute 2005) (collecting papers from University of Florida College of Law and Environmental Law Institute November 2004 conference).

CENTER FOR PROGRESSIVE REGULATION, *THE NEW PROGRESSIVE AGENDA* (Carolina Academic Press 2004) (contributing author).

Urban Sprawl and Legal Reform, in *SPRAWL CITY: RACE, POLITICS AND PLANNING IN ATLANTA* (Robert D. Bullard, Glenn S. Johnson and Angel O. Torres, editors) (Island Press 2000).

Chapters 1 and 2, *Nature and Effects of the Brownfields Problem*, and *Perspectives and Goals of the Parties to the Brownfields Transaction*, in *BROWNFIELDS LAW AND PRACTICE* (Michael Gerrard, editor) (Matthew Bender Publisher 1998) (named best law book of 1998 by the Association of American Publishers).

CONTRIBUTIONS TO REPORTS, WEB SITES AND NEWS OUTLETS

Scholar, Teacher, Public Policy Player: The Balancing Act of Modern Legal Scholar, 13 *The Academic Exchange* 4 (Spring 2011).

Williamson v. Mazda: A Sound and Clear Preemption Decision, blog analysis posted on web site of the Center for Progressive Reform (Feb. 23, 2011).

Strengthening Liberal Arts for Emory's Future, Academic Leadership Program White Paper (Dec. 2010) (with co-authors Peter Hoyng, Marsha Lewis, Mark Sanders, and Leslie Taylor).

Climate Legislation Federalism Choices: Reflections after Murkowski, Brown, and in Anticipation of the Forthcoming Kerry-Graham-Lieberman Bill, blog analysis posted on web site of the Center for Progressive Reform (April 1, 2010).

Boxer-Kerry Climate Legislation: Measures to Address Error and Illegality, blog analysis posted on web site of the Center for Progressive Reform (October 5, 2009).

"Fifty FDAs": An Argument for Federal Preemption of State Tort Law That is Less Than Meets the Eye, Center for Progressive Reform White Paper #911 (with William Funk, Thomas McGarity, Sidney Shapiro, James Goodwin and Matthew Shudtz) (October 2009).

Congress's Authority to Correct the Courts' Preemption Decisions, Center for Progressive Reform White Paper Report #905 (with William Funk, Thomas McGarity, Sidney Shapiro, and Matthew Shudtz) (July 2009).

Waxman-Markey Climate Legislation: Federalism Battles, blog analysis posted on web site of the Center for Progressive Reform (April 10, 2009).

The Supreme Court's Decision on Standing in Summers v. Earth Island Institute, blog analysis posted on web site of the Center for Progressive Reform (March 10, 2009).

The Truth About Torts: Rethinking Regulatory Preemption and its Impact on Public Health, Center for Progressive Reform White Paper (with William Funk, Thomas McGarity, Nina Mendelson, Sidney Shapiro, David Vladeck, and Matthew Shudtz) (March 2009).

CPR Scholar/Authors Discuss Their New Books on Federal Preemption, blog discussion with Professor Thomas McGarity posted on the Center for Progressive Reform web site (January and February 2009)

Tough Caps Would Likely Curb Pollution and Cool Warming, Op-Ed, Atlanta Journal-Constitution (May 5, 2009) at A10 (with Victor Flatt).

Climate Bill Good First Step in Long and Arduous Trip, Op-Ed, Houston Chronicle (April 24, 2009) (with Victor Flatt).

Let California Experiment, Op-Ed, Atlanta Journal-Constitution (Dec. 28, 2007) A15.

Regulatory Underkill, "perspective" posted on web site of the Center for Progressive Reform (2006).

Boston Bound: A Comparison of Boston's Legal Powers With Those of Six Other Major American Cities, report to Boston Foundation (written by Gerald Frug and David Barron, with research report contributions on individual cities by Keith Aoki, Richard Briffault, William Buzbee, Richard Thompson Ford, Laurie Reynolds, and Richard Schragger) (2005, officially made public in 2006).

Derailing Regulatory Initiatives: The Tools and Process of Regulatory Underkill, Center for Progressive Regulation White Paper (with Robert Glicksman, Sidney Shapiro and Karen Sokol) (2005).

SPEECHES, TESTIMONY, LECTURES AND CONFERENCE PAPERS

Climate as an Innovation Imperative: Federalism, Institutional Pluralism, and Incentive Effects, Colloquium presentation at Vanderbilt Law School (March 31, 2011).

Environmental Law Careers, Panel Organized by Emory College Pre-Law Advisor (March 28, 2011).

Participant as Mock-congressman for Congressional Mock Hearing over Harris Neck, Emory Law School, coordinated by Prof. Kathleen Cleaver (March 23, 2011).

An Incentive-Based Clean Energy Economy: Federalism Challenges, Florida State Law School Symposium on the “Energy-Land Use Nexus” (Feb. 25, 2011).

Preemption’s Architecture, Emory Law School Throver Symposium Panel on “When Federal Judges and State and Local Politics Collide” (Feb. 10, 2011).

Textualism’s Neutrality Veneer, 2011 American Association of Law Schools (AALS) Annual Meeting, panel on “Justice Scalia’s Twenty-five Years on the Court: How Much Work Does Statutory Language Do?”, San Francisco (Jan. 8, 2011).

The Problem of Judicial Factual Fiat, Brooklyn Law School Conference, “Statutory Interpretation: How Much Work Does Language Do?,” New York City (Nov. 15, 2011).

The Mid-Term Elections and Legislative and Regulatory Policy Change, Emory Alumni Association “Faculty Within Reach” Panel, New York City (Oct. 13, 2010).

The BP Oil Spill: Causes, Responses, and Proposals, Emory University Interdisciplinary Green Lunch (Sept. 27, 2010)

Climate as an Innovation Imperative: Federalism, Institutional Pluralism, and Incentive Effects, Paper for Yale Law School/UNITAR Global Conference on Environmental Governance and Democracy, “Strengthening Institutions to Address Climate Change and Advance a Green Economy,” Yale University (Sept. 17-19, 2010).

Opportunity Costs and Sustainable Commerce, Comments on Peter Appel, Sustainable Commerce, Corporate Governance, and the International Market, Emory-UGA Works-in-Progress Conference (July 13, 2010).

United States Environmental Law Enforcement and Litigation: Making Credible Environmental Commitments to Address Climate Change, Oil Spills, Air Pollution, and Other Environmental Threats, Clifford Chance International Economic Law Doctorate Forum Lecture at UIBE Law School, Beijing China (June 23, 2010).

Climate Legislation Preemption Concerns Under the Kerry-Lieberman Bill, Webinar Flash Briefing: Impact of APA on State and Regional Programs, sponsored by Climate Action Reserve Center for Climate Action (June 2, 2010).

The Art of Regulatory War and the Westway Project, Administrative Law Discussion Forum, Quebec City (May 24-25, 2010).

Climate Bill Federalism: Kerry-Lieberman and the Rationale for Retaining State and Local Climate Authority, Seminar for Environmental Groups and State and Local Governments, National Wildlife Federation Office, Washington DC (May 13, 2010).

Discussion co-leader, Center for Progressive Reform Roundtable Regarding Whitepaper Analysis of Federalism Issues in Climate Bills, meeting of Center for Progressive Reform, Washington DC (May 13, 2010).

Climate as an Innovation Imperative: Federalism, Institutional Pluralism, and Incentive Effects, presented at Society for Environmental Law & Economics Meeting, held at Emory University (March 26-27, 2010).

Reflections on Cobell: Understanding the Law-Politics Overlap in Regulatory Wars, respondent to presentation of Elliott Levitas, “Cobell v. Salazar: Ensuring Justice for Native Americans” (March 23, 2010).

Justifying Environmental Laws: Judicial Quasi-Constitutional Resistance Norms and the Battle Over Factual and Historical Primacy, Berkeley Law School, Georgetown University Law Center and Environmental Law Institution co-sponsored conference on “Environmental Protection in the Balance: Citizens, Courts and the Constitution,” panel on “Scope of Congressional Power to Protect the Environment” (February 26, 2010).

The History and Evolution of Carbon Markets: Instrument Choices, Tradeoffs, and Pending Legislation, “Carbon Credits” seminar organized by several Atlanta Law Firms and the Seminar Group, Atlanta GA (February 16, 2010).

Comments on Paper of Professor Nourse and Synopsis of “Reconstructing Statutory Purpose” Project, Wisconsin Law School Conference on “Statutory Interpretation and the New Legal Realism,” Madison, Wisconsin (October 29-30, 2009).

Climate Change Legislation and Regulatory Failure Risks and Antidotes, ABA Administrative and Regulatory Law Section Meeting, Washington DC (October 23, 2009).

Understanding the Substance and Structures of Environmental Law, Rollins School of Public Health (October 6, 2009).

Climate Change Legislation and the Federalism Question, Emory Environmental Studies Seminar (September 17, 2009).

Climate Change Legislation: Choices and Debates, Climate Change Panel at ABA Section of Environment, Energy and Resources, Key Environmental Issues in Region 4, Atlanta, GA (May 7, 2009).

Climate Change, Federalism, and Overlap’s Implications, Climate Change Policy Panel, Emory Center on Federalism and Intersystemic Governance Roundtable Conference on “Layering Governance: Multi-Level Regulation Under Bush and Beyond,” Atlanta GA

(May 1-2, 2009).

Speaker on panel on “Federal Constitutional Powers to Protect the Environment,” Environmental Law Institute and Berkeley Law School Conference: Environmental Protection in the Balance: Citizens, Courts, and the Constitution, Washington DC (rescheduled for Feb. 26, 2010)

Framing the Rationales for Non-Preemptive Climate Regulatory Regimes: Speaker on “Climate Change Preemption,” Center for Progressive Reform Conference, Washington DC, (March 25, 2009).

Clean Air Act Dynamism: Lessons for Prompting Innovation and Discouraging Inertia, Washington University Journal of Law and Policy “Symposium on New Directions in Environmental Law,” St. Louis, MO (March 19-21, 2009).

Closing conference speaker, Fordham Urban Law Journal Conference on “The Future of Public Rights Litigation,” Fordham Law School, NYC, NY (March 12, 2009).

Federal Climate Change Legislation and the Inevitability and Desirability of Ongoing State Roles, Panel on “A Presumption against Preemption in Climate Law?,” University of San Diego Climate and Energy Law Symposium on “Federal Preemption or State Prerogative: California in the Face of National Climate Policy,” San Diego, CA (February 20, 2009).

Re-Checking the Executive, Panel on “Institutional Design and the Internal Separation of Powers” Emory Law Journal Throner Symposium on “Executive Power: New Directions for the New Presidency?” Atlanta GA (February 12, 2009).

Reflections on the ADAA Amendments of 2008, one of three speakers at informal lunch colloquium on the 2008 ADAA Amendments, Emory Law School, Atlanta GA (November 13, 2008).

Guest Lecture on “Trust and Distrust in Protecting the Environment,” Religion 354 Class on Ethics, Emory University (November 11, 2008).

Transformational Law and the Green Building Imperative, Virginia Environmental Law Journal Symposium on “Defining Green Building: Emerging Standards at the Intersection Between Sustainable Development and the Law,” Charlottesville, VA (October 31, 2008).

Preemption Hard Look, Regulatory Interaction, and the Quest for Intergenerational Equity, Commentator on others’ papers and provided own comments on panel on “Does the Earth Belong to the Living? Property and Environmental Law Perspectives on the

Rights of Future Generations,” George Washington University Law Review Symposium on “What Does Our Legal System Owe Future Generations? New Analyses of Intergenerational Justice for a New Century,” Washington DC (October 23-24, 2008).

Moderator, Climate Change Dinner, author Jay Hakes discussion of book, “Our Energy Future,” Emory University, Atlanta, GA (September 22, 2008).

Moderator, Panel on Environmental Justice and Human Rights, Emory Public Interest Law Conference (October 18, 2008).

Congressional Testimony Regarding the Clean Water Restoration Act of 2007. United States House of Representatives, Hearing Before the Committee on Transportation and Infrastructure (April 16, 2008).

Greenhouse Gas Offsets and Federalism in a Second-Best World. Conference talk at a conference held at Harvard Law School and co-sponsored by Harvard and Duke Law Schools (April 11, 2008).

Preemption Choice in Federal Climate Change Regulation. Colloquium Presentation at University of Illinois Law School (March 26, 2008).

Science and the Challenges of Certainty in the Law. Closing Throwing Symposium comments (February 21, 2008).

Preemption’s Competing Norms and Lenses. AALS Annual Conference, Section on Administrative Law, Panel on “The Administrative State and the Supremacy Clause: Federal Agency Preemption of Tort Law” (January 4, 2008).

Congressional Testimony Regarding the Clean Water Act Following the Recent Supreme Court Decisions in Solid Waste Agency of Northern Cook County and Rapanos-Carabell, United States Senate, Hearing Before the Committee on Environment and Public Works (December 13, 2007).

Westway, the City, and the Art of Regulatory War, Michigan Legal Theory Workshop (November 1, 2007).

Massachusetts v. EPA and the Dynamics and Structures of Environmental Law. Lecture to Environmental Studies Seminar students, faculty and others interested for open university lecture (November 15, 2007).

Regulation and the Innovation-Certainty Tradeoff: Regulatory Progress and Resistance. Lecture and discussion facilitation in presentation to the Conference Board, an annual gathering of top corporate counsel and environmental, safety and health counsel and other

academics interested in related issues (October 24, 2007).

Climate Change and Regulatory Choice After Massachusetts v. EPA. Lecture at Common Ground 07 Conference, Atlanta, Georgia (September 7, 2007).

Massachusetts v. EPA and the Statutorily Constrained Executive and Judiciary. Opening comments and debate at Environmental Law Institute Panel on “Access to the Courts After Massachusetts v. EPA: Who Has Been Left Standing,” Washington D.C. (May 3, 2007).

Citizens, NGOs, and Climate Change. Guest Lecture, Political Science 285, Public Policy and Nongovernmental Organizations (Professors Marion Creekmore and Steven Hochman) (April 18, 2007).

Climate Change and Regulatory Choice. Comments as panelist concerning “Global Warming Solutions,” as part of conference entitled Powershift 2007: A National Tour on Energy Security and Global Warming (sponsored by 2020 Vision), Emory University (April 14, 2007).

The Stewardship Imperative—Reflections on Law, Politics, and the Search for a Distinctive Political Identity. Comments to meeting of the Emory Democrats (March 28, 2007).

Moderator, Panel on “Clean and Safe Drinking Water,” Conference on World Law and World Health, Emory University (March 24, 2007).

Climate Change Law and Politics: A Perfect Regulatory Storm? Lecture to the Climate Change Dinner Series (interdisciplinary gatherings of students and faculty) (March 21, 2007).

Two Innovations: Preemption Policy Shifts, Risk Regulation, and Experimentalism’s Uncertain Promise. Panelist comments at 2007 Emory Law School Thrower Symposium on “The New Federalism: Plural Governance in a Decentered World,” panel on “Innovations in Federalism” (February 23, 2007).

Asymmetrical Regulation: Risk, Preemption, and the Floor/Ceiling Distinction. Colloquium at Arizona School of Law (February 1, 2007).

The Environment and the New Roberts-Alito Supreme Court: Reflections on Rapanos and Massachusetts v. EPA. Seminar Lecture at Troutman Sanders, sponsored by Emory Law School (January 22, 2007).

Discussant on Governance as Sets of Arrangements. Conference on “A Global Look at

Urban and Regional Governance: The State-Market-Civic Nexus,” sponsored by the Halle Institute and the Emory University Department of Political Science (January 19, 2007).

Choices and Strategies in the Wake of Rapanos. Comments and Discussion with Panel on “Muddying the Waters: The Downstream Effect of the Supreme Court’s Attempt to Define the Scope of the Clean Water Act,” ABA Joint CLE Seminar on Litigation, sponsored by the Environmental, Mass Torts and Products Liability Committees, Snowbird, Utah (panelists included federal judges Rosemary Barkett and Charles Wilson, and Supreme Court *Rapanos* litigator Timothy Stoepker) (January 13, 2007).

Massachusetts v. EPA and the Standing Stakes. Comments as part of Environmental Law Institute and ABA Section of Environment, Energy, and Resources Panel Discussion on “Access to Courts after Massachusetts v. EPA: Who Will be Left Standing?, Washington D.C. (other panelists included Jeffrey B. Clark, a Kirkland & Ellis partner who while at DOJ argued this case before the DC Circuit, and Scott L. Nelson of the Public Citizen Litigation Group) (December 13, 2006).

Asymmetrical Regulation: Risk, Preemption, and the One-Way Ratchet. Discussed preliminary draft of paper as part of Conference on “Federalism in Overlapping Territory,” Duke Law School, sponsored by Duke Program in Public Law, the American Constitution Society, and the Center for Progressive Reform (November 10, 2006).

Asymmetrical Regulation: Risk, Preemption, and the One-Way Ratchet. Colloquium presentation, Cornell Law School (October 20, 2006).

The Rapanos Battles. Comments as part of panel on “Federalism, the Environment, and the New Roberts-Alito Supreme Court,” Emory Public Interest Committee (EPIC) Conference (other panelists included Reed Hopper, *Rapanos* Supreme Court litigator, Jon Devine, wetlands attorney with NRDC, and Bill Sapp, US EPA regional wetlands chief) (October 7, 2006).

Congressional Testimony Regarding the Stakes and Implications of the Rapanos Decision. United States Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water (August 1, 2006).

Parsing the Rapanos/Carabell Decision: Federalism, the Environment, and the New Roberts/Alito Supreme Court. Summer colloquium presentation, Emory Law School (June 21, 2006).

Westway, the City, and the Law. Presentation to Emory University Emeritus College breakfast regarding this ongoing book project (June 13, 2006).

Participant. Emory “Measuring the Law” roundtable gathering of law and political science professors (June 9, 2006).

Rapanos and Carabell–Supreme Court Decision Analysis. Contributor to post-decision blog of attorneys, clients and scholars analyzing the Supreme Court *Rapanos* and *Carabell* decision (linked to co-authoring of an amicus brief for a bipartisan group of four former US EPA Administrators); also interviewed by numerous media outlets, appeared on Bloomberg TV and was quoted in the National Law Journal (June 2006).

Westway, the City, and the Law. Colloquium presentation of selected chapters for Emory Law School Faculty Colloquium (April 17, 2006).

Supreme Court Environmental Strategizing and America’s Waters: Reflections on Rapanos and Carabell. Open university lecture sponsored by the Emory Law School Environmental Law Society (April 10, 2006).

Adjudicatory Triggers of Enhanced Ambient Environment Information. Paper given at Indiana University School of Law conference on “Missing Information: Environmental Data Gaps in Conservation and Chemical Regulation” (March 24, 2006).

Uncertainty, Interpretive Technique, and Anti-Regulatory Ends: The New Certainty Hurdles. Panelist and closing roundtable discussant, Fordham Law School and Fordham Urban Law Journal conference on “The Contemporary Regulatory State,” (February 23, 2006).

Rapanos and Carabell–Supreme Court Argument Analysis. Analyzed the Supreme Court *Rapanos* and *Carabell* cases and arguments for televised roundtable press event (other analysts included former US EPA Administrators Russell Train and Carol Browner, Professor Kim Connolly, and Joan Mulhern of the National Wildlife Federation) (February 21, 2006).

Interpretive Technique and Environmental Federalism’s Dynamism. Paper given as part of panel on “Environmental Federalism” at Emory Law School Thrower Symposium on “Interactive Federalism” (February 16, 2006).

Kelo, Eminent Domain, and Political Opportunism Risks. Lecture as one of five panelists featured at Federal Bar Association Vance Forum on “The Eminent Domain Debate: Kelo v. New London and Legislative Responses” (February 13, 2006).

Three Facets of Lawyers’ Ethics. Lecture as one of four panelists at Ethics Center dinner meeting on “Professionalism and Ethics” (February 1, 2006).

Westway: History of an Environmental Battle. Lecture to students and faculty as part of

the Faculty-in Residence Dinner Seminar Series on “Livable Cities,” Emory University Clairmont Campus (January 30, 2006).

Understanding American Public Law: Statutes, Regulations and the Administrative State. Lecture for Emory foreign LLM students (November 3, 2006).

Contextual Environmental Federalism. Presenter, Panel on “Federalism Dynamics,” NYU Law School and NYU Environmental Law Journal Symposium on “State Roles in U.S. Environmental Law and Policy” (March 25, 2005).

The Regulatory Fragmentation Continuum, Westway, and the Challenges of Regional Growth. Presenter, Panel on “The Regional Solution,” University of Virginia Law School and Journal of Law and Politics Symposium on Local Government Law (January 28-29, 2005).

Regulatory Underkill in an Era of Anti-Environmental Majorities. Paper at conference entitled “Alternative Grounds: Defending the Environment in an Unwelcome Judicial Climate,” sponsored by the University of Florida College of Law and Environmental Law Institute (November 12, 2004).

Emergency Health Actions and Compensable Takings Claims. Paper at conference on “The Public Health and Law in the 21st Century,” panel on “Private Property in Public Health Emergencies” (June 15, 2004) (published in summary form in 32 J. of Law, Medicine & Ethics 81 (Winter 2004)).

Economic Incentives in the Sprawlitics Matrix. Conference paper presentation on panel as part of Temple University Law School Symposium on “Saving Spaces: Smart Growth and Beyond,” (February 26, 2004).

University Environmentalism and Regulatory Choice. Green Lunch lecture (interdisciplinary meeting of Emory scholars) (February 16, 2004).

The Federalism Precipice and the Rediscovery of Deference. Respondent to Dr. Michael Greve paper on “The Term the Constitution Died,” sponsored by the Federalist Society, Emory Law School (November 2003).

Westway and the Challenges of Regulatory Fragmentation. Paper at Georgetown University Law Center Environmental Research Workshop (November 2003) and Florida State School of Law (October 2004).

The “Done Deal” and Environmental Analysis Values. Paper presentation as part of New York University Law School and New York University Environmental Law Journal Conference on “New Approaches to Environmental Review,” as part of panel on

“Environmental Review at the State and Local Level: The Reconstruction of Lower Manhattan” (April 2003).

Constitutional Standing Doctrine and Environmental Enforcement, Constitutional Standing Doctrine and Environmental Enforcement, Federal Judicial Center and Georgetown University Law Center two day session, Environmental Law Seminar for Federal Judges (attended by approximately 70 federal district court and court of appeals judges) (May 2003).

Recognizing the Regulatory Commons: A Theory of Regulatory Gaps. Colloquium presentation to Columbia Law School faculty as part of the 2002-03 Columbia Law School Faculty Lunch Series (March 2003).

The Transition from Public Interest to Teaching. Panel participant at Columbia Law School session for students considering becoming professors (March 2003).

Introductory Comments and Moderator. Panel on Environmental Justice and the Law, sponsored by the Columbia Law School Environmental Law Society, Columbia Law School (February 2003).

Environmental Law in the Public Health Arena. Lecture to public health students about environmental law and administrative law design in the setting of public health policy (November 2002).

An Interdisciplinary Roundtable Iraq Conflict Discussion. One of five university faculty offering comments and responding to questions and comments on the Iraq conflict (October 2002).

The Supreme Court and Messy Politics. Lecture to Emory Alumni Association (September 2002).

Urban Sprawl in our Complex Legal System. Lecture for Emory Senior University class on Looming Urban Problems (October 2002).

Sprawl Policymaking and the Urban Deforestation Problem. Emory Environmental Studies Department Lecture Series (March 2001).

Smart Growth Micro-Incentives and the Tree-Cut Tax Case. Panelist at Georgia State Law School and Andrew Young School of Policy Studies Conference, “Spr’all Come On In: Local and Comparative Perspectives on Managing Atlanta’s Growth” (February 2001).

Invited respondent, for principal paper of Professor Jonathan Z. Cannon on “EPA and

Congress,” for roundtable conference on “United States Environmental Protection Agency After Thirty Years,” sponsored by Duke Law School (December 2000).

Is Sprawl Inevitable? Panelist for Northwestern University Environmental Council 2000 Workshop on “Urban Sustainability, Urban Redevelopment, and Environmental Democracy” (May 2000).

Smart Growth Choices and Tradeoffs. Closing speaker for State Legislative Leaders Foundation Conference on “Smart Growth” (May 2000).

Standing and the Statutory Universe, paper delivered at Duke Law School Conference on “Citizen Suits and the Future of Standing in the 21st Century: From Lujan to Laidlaw and Beyond” (March 2000).

Sprawl’s Political Economy and the Legal Policy Menu. Lecture at Mercer Law School, with web broadcast by CALI and subsequent web discussion (March 2000).

Analyzing Environmental Problems: Goals, Institutions and Complexity in Regulatory Design. Lecture to Emory Faculty Environmental Interest Group (faculty gathering of scholars who teach and research topics related to environmental policy) (February 2000).

Standing Law After Laidlaw and Akins. Lecture to Environmental Public Interest Forum (gathering of Atlanta area public interest environmental lawyers) (February 2000).

Sprawl and the Political-Economy of Municipal Park Creation. Paper as part of panel on “The City in the 21st Century,” State and Local Government Section, American Association of Law Schools Annual Conference (January 2000).

The One-Congress Fiction in Statutory Interpretation. Paper at Georgetown University Law Center, Environmental Research Workshop Speaker Series (Judge Stephen Williams, D.C. Circuit, provided comments on the paper) (October 1999).

Standing to Protect Environmental Amenities: The New Hurdles. Paper at University of Georgia Red Clay Conference (Spring 1999).

Environmental Policy Forum on Standing. Roundtable participant at Georgetown University Law Center, Environmental Policy Project (December 1998).

A Civil Action and the Legal Terrain. Guest lecturer for Emory School of Medicine Course, “White Coats, Green Books: The Literature of Health and the Environment” (February 1999).

Environmental Law at Emory and the New Turner Environmental Law Clinic.

Comments at Emory Law Alumni Breakfast at 1998 State Bar Association Meeting.

Environmental Law at Emory and the Nature of Environmental Law. Luncheon speaker at event sponsored by the Emory Environmental Law Society (annually since fall of 1998).

Environmental Justice: From Rhetoric to Legal Reform. Luncheon speaker for The Justice Group at Emory Law School (fall 1998).

Urban Sprawl and Legal Reform. Turner Foundation Summit on Sprawl, (December 1998).

Environmental Law Violations and Concepts of Harm after Magnesium Elektron. Guest Lecturer, Emory Human and Natural Ecology Program Advanced Seminar (fall 1998).

What's Ethics Got to do With It? Ethical Dilemmas for the Environmental Lawyer. Panel Chair and Participant Conference on Key Environmental Issues in U.S. EPA Region IV, sponsored by American Bar Association Section on Natural Resources, Energy and Environmental Law (November 1998).

Brownfields Liability, Repose and Federal-State Tensions: In Support of Delegated Program Structures. Principal Speaker (preceding panel offering comments), University of Kentucky Conference on Brownfields (spring 1998).

Cleaning Up Our Communities: Tools for Environmental Health Assessment. Moderator and Panelist (panel sponsored by Environmental Law Institute and Emory Law School) (March 1998).

Metastatutes, Devolution, and the Undercutting of Aspirational Environmental Law. Faculty Colloquium Speaker, Hofstra Law School (October 1997).

Participant. Turner Foundation Sprawl Mini Summit (August 1997).

Environmental Protection, Regulatory Reform and Cost-Benefit Analysis. Guest Lecturer, Emory Human and Natural Ecology Program Advanced Seminar (fall 1996 and spring 1997).

Brownfields and Environmental Federalism. Conference Speaker, William and Mary Conference on Environmental Federalism (October 1996).

Environmental Legislative Proposals of the 104th Congress: Understanding the Proposals' Substance, Process and Structure. Emory University Environmental Forum (spring 1996).

Participant. Emory Faculty Ethics Institute on the "Virtues" (May 1996).

Endangered Species Habitat Protection and the Underlying Political and Legal Terrain. Emory Human and Natural Ecology Program Advanced Seminar (fall 1995).

Remembering Repose: Voluntary Contamination Cleanup Approvals, Incentives, and the Costs of Interminable Liability Under Federal Hazardous Substance Laws. Faculty colloquium speaker, Emory Law School (spring 1995).

Moderator/Introductory remarks. Panel on Endangered Species Protection and Private Property Rights, co-sponsored by Emory Environmental Law Society and the Human and Natural Ecology Program, panel consisting of representatives of federal agencies, a public interest environmental group, an economist, and industry (spring 1995).

Moderator/Introductory remarks. Panel on Asian American Political Activism, sponsored by Emory Law School Asian American Law Students Association (spring 1994).

Respondent. In response to presentation of "free market environmentalist" Terry Anderson, at invitation of Emory Law School Federalist Society (winter 1994).

Citizen Suit Environmental Standing and Changing Concepts of the Separation of Powers. Guest lecture, Emory Human and Natural Ecology Program Advanced Seminar, (1993-95).

Legal Certainty, Administrative Discretion, and the Superfund Reauthorization Debate. University of Georgia Red Clay Conference on Environmental Law, Panel on Hazardous Waste Issues (spring 1994).

Participant. NYU Law School Conference on Superfund Reauthorization: Theoretical and Empirical Issues (fall 1993).

HONORS

Three-time selection for republication of articles as among the top ten environmental and land use articles published the previous year (articles noted above)

Winner of the Emory Williams Distinguished Teaching Award for Emory University School of Law, 2007-08 school year.

Selected for participation in Emory University Academic Leadership Program (2009-10).

SERVICE AND COMMUNITY ACTIVITIES

Founding Member Scholar, Center for Progressive Reform (2002 to the present).

Co-author, Supreme Court *amicus curiae* brief on behalf of a bipartisan group of four former United States Environmental Protection Agency Administrators in

Rapanos et al. v. United States.

Georgia Center for Law in the Public Interest, Board Member (1993-2007), Chair, Committee on Litigation (1995-2006), Board Vice President (1997-2006), Grant Committee (1993-95), Member of Executive Board (1995-2006).
Member, Legal Advisory Committee, Upper Chattahoochee Riverkeeper (1995-1998).

UNIVERSITY COMMITTEES, APPOINTMENTS AND ACTIVITIES

Member and Chair, Turner Environmental Law Clinic Advisory Board (1998 to present).
Chair, Founder, and author of Grant Requests, Emory Law School Environmental Law Clinic Steering Committee and Search Committee for Turner Environmental Fellow (fall 1997 to present)(to date have received grants and gifts commitments totaling approximately \$2 million from Turner Foundation and other foundations and individuals for the Environmental Law Clinic that commenced operations in fall 1998).

Faculty Advisor, *Emory Law Journal* (2010-1, 2008-10).

Faculty Counselor, Emory University Trustees Investment Committee (2009-12).

Chair, Ad-Hoc Emory University Faculty Council Committee on University Grievance Procedures (2011-12).

Member, Emory University Faculty Council (2005 to present).

Chair, Faculty Colloquium Committee, Emory Law School (2002-04), committee member (2006-07, 2004-05, 1995-96).

Appointments Committee, Emory Law School (2005-present, 1998-2001).

Skills and Experiential Learning Committee, Emory Law School (2011-12).

Student Career and Professional Development Committee (2011-12).

Curriculum Committee, Emory Law School (1996-1998).

Academic Standings Committee, Emory Law School (1993-1997).

Member, Emory University Ethics Center Advisory Board (fall 2000 to 2009).

Chair, Emory University Senate Committee on the Environment (1995-1997), member (1997-99, 1993-95); liaison to campus planners (1997-98).

Member, Internal Review Committee (1998-99) (advising central University Administration regarding evaluation of Emory Law School and visit of law school deans).

Member, Undergraduate Environmental Studies Committee (1996-1997) (studying and advising university on components of an enhanced environmental studies program; preparing vision statement for search for head of environmental studies program).

Faculty Representative, Emory Child Advocacy Project (1995-1999).

Clerkship Committee, Emory Law School (1993-96).

Advisor to Emory Law School Environmental Law Society (ongoing informal role, 1993-present).

Advisor to Emory Law School Asian American Law Students Association (1993-1999).

Advisor to 1994 Emory National Moot Court Team (1994 case on environmental issues).

Member, Emory Law School Public Interest Law Working Group (group of faculty, students and staff developing strategies to strengthen and better publicize Emory's

public interest law offerings) (2003 to present).

Climate Change Dinner Series (helped conceive, organize, and obtain university funding for interdisciplinary dinners involving students and faculty examining various facets of climate change challenges; also presented at a 2007 dinner) (2006-08).

Emory Democratic Forum (interdisciplinary faculty meetings and dinners to discuss how to foster political discussion on campus, as well as model civil, political discourse) (2005-06).

BAR AFFILIATIONS

Vice-Chair, Environmental Law and Natural Resources Committee of the American Bar Association Section on Administrative Law & Regulatory Practice (fall 2000 to present); member, Land Use and State and Local Government Law Sections and member, New York State Bar Environmental Law Section.

Admitted to the New York (state and federal), Massachusetts, and District of Columbia bars (active membership in New York).

OTHER INTERESTS

Kayaking, guitar, bass, mandolin, trumpet, and soccer.